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Northern Ireland Assembly

Tuesday 14 January 2014

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

Members observed two minutes' silence.

Ministerial Statements

Autism: Cross-departmental Strategy

Mr Poots (The Minister of Health, Social Services and Public Safety): I wish to make the following statement to the Assembly to formally launch the autism strategy 2013-2020 and accompanying action plan 2013-16. The all-party group on autism brought forward the Autism Bill, supported by parents and carers under the umbrella of Autism NI, which the House passed on 15 March 2011. The development of the autism strategy, which was led by my Department, as required by the Autism Act (Northern Ireland) 2011, is the first of its kind. It is a cross-departmental strategy addressing the whole-life needs of people, families and carers living with autism in Northern Ireland. The Act requires my Department, as well as leading on the development, to lead on the implementation, monitoring and reporting of the autism strategy, with other Departments obliged to cooperate. The work began in autumn 2011 and has culminated in the autism strategy and action plan, which I and my Executive colleagues approved for publication on 28 November 2013.

The successful development of the strategy and action plan can be attributed to the effective work of the multi-agency, multidisciplinary project board, coupled with the proactive input of the autism community throughout Northern Ireland. From the very earliest stages of development, the autism strategy project board engaged with and ensured the involvement of people, families and carers living with autism, as well as representatives from all Departments, Health and Social Care organisations and the community and voluntary sectors.

To inform the content of the strategy, a number of pre-consultation events were held across Northern Ireland in which people were encouraged to highlight individual and/or local

community issues about services or gaps in provision for families living with autism.

I recognise and commend the effective role that the voluntary sector played in facilitating those events. Most importantly, we engaged with children, young people and adults with autism, as well as parents and carers, and that engagement was repeated when the draft autism strategy and action plan were issued for formal consultation. The public consultation engagement events were well attended, and those, along with questionnaire responses and submissions from a range of organisations, offered the opportunity for those closest to autism to comment on the draft document.

Departments worked to address as many of the issues highlighted in the public consultation feedback and responses as possible to produce the final version of the strategy, which is being published today. The autism strategy 2013-2020 and action plan 2013-16 outline the Executive's commitment to improving services and support for people with autism and their families throughout their lives. These documents represent a major step in fulfilling the requirements of the Autism Act (Northern Ireland) 2011.

The prevalence of autism is a key element outlined within the strategy, and the document includes an assessment of the current position on data prevalence using data already held. New arrangements are being introduced in health and social care (HSC) trusts to monitor, record and collate autism-specific data in respect of children and adults living in Northern Ireland. A prevalence of autism subgroup is in place to take that forward. The strategy presents a high-level overview of the range of services and support available to people with autism and their families across a range of sectors and Departments. That will provide a baseline starting point for Departments when evaluating the strategy in the future.

I wish to recognise the substantial work that has been carried out along the way to where we are today by Health and Social Care, following the

independent review of autism services in 2008. That work included the launch of the regional autism spectrum disorder network (RASDN) in 2009, chaired by Dr Stephen Bergin. RASDN's achievements include the development of specialist children's autism services in every HSC trust and improved waiting times for diagnosis/initial assessment of children; the establishment of a regional autism spectrum disorder (ASD) coordinator post, with ASD coordinators and cross-agency operational groups in each HSC trust; the development and launch of 'The Six Steps of Autism Care' for children and young people in Northern Ireland and 'Autism: A Guide for Families' in October 2011; and the publication of the 'Autism Adult Care Pathway' in June 2012. These autism care pathways provide the basis upon which Departments can build and enhance a joined-up approach to autism service delivery.

This strategy sets out 11 key themes that are aligned to strategic priorities. They have been developed in accordance with articles of the United Nations Convention on the Rights of Persons with Disabilities and also form the basis of the action plan. The themes are awareness; accessibility; children, young people and family; health and well-being; education; transitions; employability; independence, choice and control; access to justice; being part of the community; and participation and active citizenship.

Some of the key deliverables from the strategy and action plan include: an autism awareness campaign, comprising a comprehensive training awareness programme for government front line staff and proposals for a wider public awareness campaign; planned improvements in accessibility to goods and services — for example, access to communication and information and to travel and transport services so that they better meet the needs of people with autism; support for families living with autism, including more access to information about support and services available within local communities; the establishment of a multi-agency autism advice service pilot in the Northern Health and Social Care Trust, which will be a signposting and referral service and, I am happy to tell you, is being launched in Ballymena this afternoon.

Within Health and Social Care, we will concentrate our efforts on developing our adult autism services in parallel with reviewing and, where necessary, reconfiguring children's autism services to meet increased demand. Within Education, the actions attributed to education sector bodies will assist in meeting the strategic priority of ensuring that children

and young people with autism receive a high-quality education that prepares them for life and work and enables them to fulfil their potential. Within Justice, a new autism guide for criminal justice professionals will be developed.

An overview of the implementation approach and structures is outlined in the strategy. An autism strategy regional multi-agency implementation team is to be established and will coordinate and manage the implementation of the strategy on a cross-departmental basis. The group will be chaired by the regional autism coordinator, when appointed. This is a post originally funded by my Department within the Health and Social Care Board in 2009 to lead and manage the service improvement and regional coordination of health and social care autism services. Still within the HSC Board, the role is now broadened to include the additional responsibility of leading the implementation team to progress the strategy and action plan. The new post is being advertised this month.

The regional implementation team will be supported at a local and community level by subgroups. They include five local autism forums, the prevalence of autism subgroup and the Northern Ireland autism strategy research advisory committee. It is planned that the local autism forums will evolve from the reconfiguration of the established regional ASD networks, which historically were led by Health and Social Care. They will be strengthened to include relevant representation from all the key sectors. Effectively, they will be operational hubs responsible for implementing the strategy locally.

It is vital that we retain the voice of people with autism, their families and carers on operational issues. The establishment of five local autism reference groups, which will work in tandem with the local autism forums, should assist in achieving that aim. A prevalence of autism subgroup has responsibility for overseeing the requirement in the Autism Act for all health and social care trusts to provide data on the prevalence of autism, and they will continue to do so throughout the lifetime of the strategy. The group is chaired by my Department.

In April 2012, I requested the establishment of a research advisory committee to assist Departments as required with research findings and best practice on autism, relevant to the needs of their policy areas. I invited Dr Arlene Cassidy, chief executive of Autism NI, to chair this committee.

In November 2013, in addition to approving the autism strategy and action plan, I asked my

Executive colleagues to commit their Departments to cooperate with the regional autism coordinator in the implementation of the strategy. I am encouraged that Executive colleagues have committed to the implementation approach and the monitoring and reporting structures and roles at strategic and operational levels. That will help to deliver the joined-up approach to autism services that the autism strategy sets out to achieve.

The regional coordinator will report to the interdepartmental senior officials group, which will report to me. As required by the Autism Act (Northern Ireland) 2011, I will lay a monitoring report on the implementation of the strategy before the Assembly at least every three years.

I know that you will agree and acknowledge that the plans envisaged in the autism strategy and initial action plan can be achieved only through the continuing commitment of Departments and other statutory bodies, working alongside people, families and carers living with autism, and in cooperation with the community and voluntary sector.

Within my Department, additional resources of £1.64 million recurrent from 2008-09 have been provided primarily for children's autism specialist services teams within health and social care trusts. Further investment of £250,000 in 2013-14 from the Health and Social Care Board has been made to commence development of adult autism services. Although it has not been possible to secure significant new or additional resources or investment in respect of the strategy and action plan, Departments and agencies are committed to making more effective use of available resources.

My Department has submitted a proposal to the Northern Ireland Executive advertising programme for 2014-15 to secure approval for funding to be set aside for a government advertising campaign with the aim of raising public awareness about autism. If approved, I will seek to have funding earmarked and provided for from within my Department's 2014-15 allocation. Providing the proposal is approved and the funding secured, the advertising will deliver an important element of an autism awareness campaign, as prescribed in the legislation.

I thank my ministerial colleagues for their cooperation to date and for the support that their officials continually provided to my Department throughout the development of the autism strategy.

10.45 am

My Executive colleagues and I remain committed to commissioning, developing and delivering services so that we can collectively maximise the potential, participation and inclusion of people with autism throughout their life and, at the same time, provide support and encouragement to them and their families.

I earlier acknowledged the vital role of the community and voluntary sector in the development of the autism strategy. Its continued collaborative input will be a key part of the strategy's implementation, too. By their nature, voluntary organisations constantly compete with one another to attract the support of members or participants, to generate income, to raise their public profile and to deliver a range of services and support, augmenting that which the statutory sector provides to their target populations. Autism is no exception, and there are a number of local organisations, branches and national bodies working with and for the autism community here.

As we move into the future, I very much hope that their energies and priorities are channelled even more towards cooperation and improving the lives of people with autism, their families and carers. As the development of the strategy has shown, working in tandem with the statutory sector, we can achieve so much more.

Mr Dunne: I thank the Minister for his statement, for his work on autism and for making it a priority in his Department. As the strategy is cross-departmental, will Executive Departments pool funding to implement it?

Mr Poots: I thank the Member for the question. Departments have recognised the need for greater collaboration across agencies to deliver services for people with autism and their families. In striving to achieve that, Departments will endeavour to make more effective use of existing resources, and if additional investment becomes available for autism services, Departments and their service commissioners may, if appropriate, consider the possibility of pooling resources to deliver the joined-up priorities identified in the initial action plan.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for the statement. I welcome the fact that Departments may pool resources, but given the importance of early intervention and multidisciplinary teams, with child psychologists, teachers, classroom

assistants, parents and the community working together, what steps does the Minister plan to take with his colleague in the Department of Education, John O'Dowd?

Mr Poots: There are a number of Departments involved in helping us bring the cross-departmental effect to autism care, and the Department of Education is a key one. Its role includes committing to meeting the needs of the most vulnerable children and young people in our society, including those with autism. That is a commitment that it has made. Since 2003-04, as the Member will know, an additional £17 million has been provided by the Department of Education to support various positive measures specific to autism. The establishment of the Middletown Centre for Autism in 2007 on a North/South basis provides support for children and young people with autism whose needs are more persistent, challenging and complex.

Of course, education does not stop at the age of 16. DEL also has an important employment role to play. That role includes supporting an increase in the number of people with autism entering all levels of employment and safeguarding the rights of people with autism already in work; increasing the opportunities for people with autism to attain skills and qualifications through access to appropriate training and lifelong learning opportunities; recognising that people with a barrier to participation such as autism can face multiple issues and therefore need additional personalised support; and supporting a social economy project to provide young people with ASD with two-year placements, where specialist staff can provide an all-encompassing and innovative pathway to employment.

Mr Beggs: I, too, thank the Minister for his statement. Key deliverables listed in the strategy and action plan include:

"An autism awareness campaign comprising a comprehensive training awareness programme for government frontline staff and ... a wider public awareness".

Will the Minister outline the extent of the training that will be provided for that and when he expects all front line staff to receive such training? He also mentioned a multi-agency autism advice service, which I welcome. However, when will every primary-school child be entitled to receive multi-agency support at every primary school, should it be needed?

Mr Poots: I thank the Member for the question. Where schoolchildren are concerned, we are

turning assessments around much more quickly than was ever the case before. We are seeking to ensure that children are assessed as quickly as possible — within a few months. That will greatly assist schools and other bodies in identifying needs.

We are establishing project teams that will have a responsibility for various areas to ensure that the appropriate training is applied. So, flowing from the Act in the first place, the strategy will create opportunities for that course of work to be done through the teams that are established under the strategy.

Mr McCarthy: I very much welcome the Minister's statement, and I speak as a member of the all-party Assembly group on autism. We have come a long way from the times when we were talking about a Bill for people with autism. Like the Minister, I express my delight at the strategy and at the work that so many voluntary groups have carried out to get us to where we are today. Will the Minister assure the Assembly that appropriate services will be made available as soon as a child is diagnosed with autism? As a public representative, I find that people do not know where to go to get support in the initial stage. If we can overcome that, and if the strategy is put in place, I think that we will have cracked a lot of the problems. However, it is about getting the initial services that are needed early.

Mr Poots: I do not deny that it can be hugely problematic for a parent who discovers that their child has autism to identify where to go next. Part of the awareness campaign will be about helping people to understand where they should go next. I should say that a total of 695 children were waiting for assessment in November 2013. Of those, 184 had been waiting in excess of 13 weeks and the rest for a shorter time. The board has made £305,000 available to help trusts to meet the target by March 2014 of having everyone seen within 13 weeks. However, it should be noted that there has been a rise in demand for autism services, so, given that rise, there remains a risk that the standard will be difficult to maintain. So, that is something that we have to keep a watching brief on.

I certainly think it important that, once people learn and it is confirmed that their child has autism, they need to know what the pathway is, as the Member quite rightly pointed out. A key HSC action in the autism action plan is to complete a regional validation exercise of children's and adults' autism care pathways by March 2014. When I receive and review those reports, and if various specific needs are

identified, we can consider what actions should be taken thereon. So, I think that it should be of some comfort that that pathway will be established, hopefully by March 2014. That is certainly what we are aiming for.

Mr D McIlveen: I, too, thank the Minister for his statement. He referred to a public awareness campaign that will be part of this launch and proposal. Will the Minister indicate how he plans to fund that public awareness campaign?

Mr Poots: As most Members will be aware, advertising is now dealt with centrally by the Northern Ireland Executive. We have to make a proposal to have funding approved through the Northern Ireland Executive's 2014-15 Government advertising programme. If we receive approval — and we are very hopeful that we will, given that it is part of the Act that we are to have that advertising campaign — I, as Minister of Health, will then have to consider whether we have sufficient funding in the Department to allocate to this element of the awareness campaign. Again, as it is part of the Act, it will be very difficult to resist. We are under considerable financial pressures. Nonetheless, this is very important to us. Therefore, we will be doing our best to ensure that we have a comprehensive advertising campaign that will adequately raise awareness of autism services.

Mr Craig: I welcome the Minister's statement. It is a big step forward in the implementation of the legislation. I also pay tribute to the all-party group that brought it forward. Who will be responsible for ensuring progress on the implementation of the strategy and the achievements made under it? Strategies are OK, but, if they are not implemented, they have no effect.

Mr Poots: I reinforce the Member's comments about the all-party working group. It might not have been quite "all-party" but all parties were welcome. Mr Bradley chaired it, and Mr McCarthy, Mr McCrea, Mr Easton and the Member who has just spoken were all key players in ensuring that the Autism Act 2011 was passed. Although there was resistance to it, it was the right thing to do given the number of young people with autism. Around 2·6% of boys have been diagnosed with autism. Fewer girls have been diagnosed but, nonetheless, a very significant number of young people have autism. It is an illness and a condition that we have been coming to terms with and trying to understand over the past 20 years. It is only in more recent years that we are really beginning

to understand it well and identify potential solutions to the many problems it throws up.

The Act stipulates that my Department will lead on implementation. In my statement, I outlined the role and remit of the regional autism coordinator and the other implementation and reporting structures. A regional multiagency implementation team, chaired by the regional autism coordinator, will direct, coordinate and manage the implementation of the strategy and action plan. However, each Department and its agencies will be responsible for implementing, whether on an individual or joint basis, the aspects of the strategy and action plan that are relevant to them. All Ministers will need to be held to account for their role in carrying out those activities.

Mr McKinney: I thank the Minister and apologise to the House for not being in the Chamber when the Minister began his remarks. I will focus on the role of the regional coordinator. Notwithstanding the Minister's comments about Executive colleagues and their departmental commitments, how will the role have real teeth in pushing the other Departments to make this an effective cross-departmental strategy in the spirit of the legislation given that it is funded solely by the DHSSPS?

Mr Poots: The teeth come from the Ministers. It is a matter for me to persuade other Ministers of their responsibilities on autism. I have not been pushing at a closed door; I have been pushing at an open door with my ministerial colleagues. If there are issues or problems in a Department in providing the services, it is a matter for the relevant Minister to ensure that things are changed and that the actions are carried out properly. If Members identify such issues, they should raise them with the relevant Minister, and it is for that Minister to ensure that the proposals and actions committed to are seen through.

11.00 am

Mrs Cameron: I also welcome the Minister's statement and add my apology for not being in at the start of it. What are the plans for the multiagency autism service pilot, or the one-stop shop, in the Northern Trust area?

Mr Poots: It is a very exciting development, and I am very pleased that the Northern Health and Social Care Trust is launching a pilot adult autism advisory service this afternoon in the Braid in Ballymena. It is a fluid pilot project and will evolve over time. It will learn as it goes

along. Officials from my Department will meet policy leads from the other UK jurisdictions in Scotland this Thursday to learn and share experiences specifically in that area, and, in addition to the Ballymena pilot lead, we will join officials for two site visits to one-stop shop models that exist in Edinburgh and Dunfermline.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. I begin by apologising to you, Mr Speaker, and the House for arriving shortly after the Minister began his statement.

I have been impressed by the commitment of the Minister, his officials and the voluntary sector to shaping the cross-departmental strategy on autism, and I thank the Minister for that commitment. Indeed, today, he ended on a very strong note when he looked to the future and said that he expected his colleagues, like himself, to:

"remain committed to commissioning, developing and delivering services so that we can collectively maximise the potential, participation and inclusion of people with autism throughout their life".

The Minister also referred to the discussion on pooling resources. In light of that, is the Minister now prepared to push his Executive colleagues to establish a cross-cutting budget to provide for the services and actions of the strategy?

Mr Poots: I thank the Member for his kind comments; I am always impressed by how we come together on issues such as this. On issues that affect vulnerable people, the Assembly very often steps up to the mark and demonstrates that we are an Assembly that cares about our public and wants to act in the best interests of the people we serve.

I outlined the role of the Department of Education and the Department for Employment and Learning, and, in responding to Mr Bradley's question, I should perhaps identify some of the roles of some of the other Departments. For example, the Department for Regional Development has a role in updating the guide 'Travel Safe' with help from the Autism Network NI. There will also be a new Translink access guide for disabled users and funding for the transport buddy scheme, which will use volunteers with autism.

The Department of Justice has a role in working with my Department on the Mental Capacity Bill, including actions in the justice system to

take account of people with hidden disability such as autism. It encourages reporting of disability hate crime and supports victims, including those with autism, and ensures that people with autism are treated equally by the law, have access to justice and can live safely in their own community. The DOJ autism working group, set up in 2012, has produced an autism guide for criminal justice professionals and a training model for criminal justice organisations.

The Department of Culture, Arts and Leisure, through promoting greater awareness about autism, seeks to improve access to culture, arts and leisure activities for people with autism and their carers to enable fuller participation in local activities and to enhance their quality of life. For example, the Armagh Planetarium has catered for groups with ASD and their families by providing bespoke shows. Museum staff are trained to support children with ASD during their visits, and operating hours can be adjusted for groups. Recently, libraries have been providing for people with special needs, including having speakers with information about autism. Northern Ireland Screen is updating its disability action plan, addressing a training programme and putting signage at offices to help persons with autism.

The Arts Council has committed itself to delivering bespoke autism and ASD awareness training to all staff.

The Department for Social Development provides supported independent living options for people with autism. Through its Supporting People programme, people with autism or people who have family members with autism will be able to apply for assistance to allow for adaptations to meet their needs. DSD provides advice and support to all disabled claimants, including those with autism, and it will address the impact of welfare reform on people with disabilities. The Office of the First Minister and deputy First Minister has responsibility for the themes and strategic priorities in the Executive's disability strategy, 'A strategy to improve the lives of people with disabilities 2012 - 2015', and a number of other policy development areas.

That gives you a flavour of the range of things that we are doing across Departments. Whether we can pool all that into one area that is related to autism or whether it is better kept a little more disparate, with each Department focusing on its own key areas but having that constant monitoring role that I have to provide to the Assembly every three years, remains to be seen. Let us move forward as proposed

here, and if it is not working correctly then we can readdress it and seek to change it. However, we will consider pooling money at a future point. At this point, we need to continue to make progress, while considering how we can do things better if we identify that that is the case.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I, too, thank the Minister for his statement, and I will follow the trend by apologising for being late for the beginning of his statement.

The public awareness campaign is very important because there is often a perception that only children are affected by autism and that they may grow out of it or whatever. Does the Minister agree that it is important for his colleagues in DSD and DEL to be very aware of that situation? Adults being migrated from incapacity benefit to employment and support allowance (ESA) who are going for work-focused interviews often find it very difficult to articulate their situation. Does the Minister agree that it is important for his colleagues in DSD and DEL to be very aware of that situation?

Mr Poots: I do not know whether Members all slept in this morning, whether we should blame Minister Kennedy for not having the roads well enough gritted or what the score is.

I accept what the Member says. It is important to recognise that autism is not something that ends at 18. For many people who are now adults, autism continues to be an issue and a problem for which they need support. In some instances people need care, and in many instances they need help. Department for Employment and Learning staff and, indeed, DSD's Social Security Agency staff provide an outreach officer for improving benefit uptakes. The Northern Health and Social Care Trust representatives and DEL, through the Northern Regional College, will provide careers advice or student finance input. Things are being done to ensure that that is the case. Some of them are in the very early developmental stages, and that is something that we will need to continue to work on to ensure that adults with autism receive the appropriate support. Often that will be within existing resources and structures but with a better knowledge of the needs of people with autism.

Mr I McCrea: I, too, welcome the statement. We have come a long way since we started even discussing the possibility of an autism Bill. Maybe it is not the Members who are late;

maybe, for a change, the Minister is early. We will not argue about which one is right or wrong on this occasion.

On a number of occasions in his statement the Minister referred to the regional coordinator, who will report to the interdepartmental senior officials group, which will, in turn, report to the Minister. The Minister will be aware that time and again in the all-party working group we hear of people who have slipped through the gaps. Unfortunately, that happens more often than not. Can the Minister assure the House and, indeed, people who have family members affected by autism that the work that he has referred to the House today will try to ensure that people who have been slipping through the gaps will be picked up and will not be allowed to slip any further?

Mr Poots: I cannot stand in the House and give a guarantee that that will happen in every instance, unfortunately. However, I think that, as a result of the launch of the strategy today, people will be much better informed in the future, and, consequently, considerably fewer people will slip through the gaps. That is very important. We will all have a role in that information flow. I expect that, even as MLAs, we will all have a role, because we will have people calling into our offices to find out information. It is important that we, as Members of the Assembly and as constituency representatives, fully understand the services that are available and ensure that those services are made available to members of the public who seek our help with family members who have autism. So we all have a role to play in ensuring that as few people as possible slip through the gap. This is a very important step in the right direction today.

Schools: Development Proposals and Area-based Planning in East Belfast

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. Le do chead, a Cheann Comhairle, ba mhaith liom ráiteas a dhéanamh ar mo chinntí ar na sé mholadh forbartha do sholáthar iarbhunscolaíochta neamhroghnaithí, agus iad don chuid is mó ag freastal ar oirthear Bhéal Feirste. With your permission, Mr Speaker, I wish to make a statement on my decision on the six development proposals for non-selective post-primary provision that are aimed largely at serving east Belfast. There has been significant interest in the proposals, and the proposed changes are of such significance for the east Belfast area that I felt it was important that I formally report my decisions to the

Assembly. The purpose of the statement is, therefore, to inform you of my decisions and the reasoning behind those decisions and to outline the next phase of area planning in that area.

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

As Members may be aware, the Belfast Education and Library Board and the South Eastern Education and Library Board published six development proposals affecting seven post-primary schools in the east of the city and Holywood. The purpose of the proposals is to reshape controlled secondary and controlled integrated provision, largely for the east Belfast area, to meet changing demographics and the future needs of the area.

The area covered by the proposals includes inner-city and suburban Belfast east of the Lagan from Newtownbreda to Holywood, as well as Dundonald. The area straddles the boundary of two separate administrative bodies, namely the Belfast and South Eastern Boards, but it forms a distinct planning area for the provision of post-primary non-selective education. There are 12,700 post-primary pupils currently attending schools in the greater east Belfast area. The proposals will directly impact on around 3,500 pupils attending the seven schools affected.

The significant issues raised in the proposals have clearly highlighted the need for area planning. In particular, it has become evident that managing authorities need to coordinate their activities and ensure that related and interdependent development proposals are brought forward at the same time. That will provide clarity for everyone on the proposals and the impacts and will enable a holistic consideration of the area solution and proposed changes.

In bringing forward the development proposals, the boards have rightly highlighted their responsibility to deal with immediate issues such as underachievement, raising standards and closing the gap, budgetary constraints, surplus places and poor accommodation. However, it is important that administrative boundaries do not impede coordinated planning for a distinctive geographical area such as east Belfast. At the centre of the process must be decision-making in the best educational interests of children and solutions that can be implemented in a manageable manner.

As Minister, I have the responsibility of scrutinising proposals presented to me from the perspective of the pupils and the communities that they are designed to serve. The proposals

put to me for consideration in this case are these: to amalgamate Newtownbreda and Knockbreda High Schools; to close Orangefield and Dundonald High Schools; and to increase the size of Ashfield Girls' and Boys' High Schools and Priory Integrated College in Holywood.

As I have already stated, the scale and impact of the proposed changes are significant. They reflect the need to restructure provision in the area to best meet the future educational needs of the population. I take this opportunity to commend the Belfast and South Eastern Boards for the work that they have undertaken to identify the issues and develop proposals for change. Both have recognised that change was necessary, because the young people of the area deserve to have high-quality education that will improve and enhance their life opportunities.

11.15 am

As I have said, east Belfast straddles the boundary between the Belfast and South Eastern Education and Library Board areas, and there is significant movement of pupils between the two planning authorities. This in itself presents a set of unique challenges for the two boards, challenges that would be easier to manage if there were a single planning authority as envisaged through the establishment of the Education and Skills Authority. In advance of ESA, it is my view that the only way forward is for the two boards to engage in high levels of collaboration and constructive coordination to ensure that proposals take account of the needs of all the young people in the area. When all is said and done, the proposals will set a pattern of education provision to serve this community for the foreseeable future and most certainly for at least the next 20 years. In assessing the proposals, I must have confidence that the changes represent the best solution for the pupils in the area and are coordinated, robust and future-proofed as far as possible. For a number of the proposals presented, the evidence for my decision was unequivocal. However, for others, I believe that further work is required, and, that being the case, I am not in a position to approve them at this time. I will ask the two planning authorities to jointly reconsider a number of issues and come back to me with more compelling evidence, and I will look at the new proposals with an open mind.

I turn to the decisions and, firstly, the amalgamation of Newtownbreda and Knockbreda High Schools. Enrolments at

Knockbreda have steadily declined from 574 in 2007-08 to 395 in 2012-13. This is significantly below the minimum enrolment threshold of 500 set out in the sustainable schools policy. The performance of both schools at GCSE level has been significantly below the average. However, there have been some signs of improvement in recent years. The amalgamation proposed will result in a school of around 1,000 pupils. I have decided to approve this proposal. I believe that it will provide the opportunity for the development of a viable and sustainable school. This will be a new school focused on improvement and addressing the issues faced by both schools in the past. Initially, this school will operate on a split site. When the time comes to consider a newbuild, I will require the South Eastern and Belfast Boards to work together to determine the most appropriate location for the new school to best serve the local population. Schools should be in the heart of the communities that they serve and be easily accessible for all pupils. The amalgamation will take place from September 2014 or as soon as possible thereafter, depending on the arrangements needed to give effect to this amalgamation. I want planning to start now to ensure a smooth transition to the new arrangements. My officials will work closely with the South Eastern Education and Library Board to ensure a managed transition.

My next decision relates to Orangefield High School. The sustainable schools policy is clear: the core issue for a school's sustainability must be the continuing provision of high-quality education for the pupils. As enrolments in a school fall, the number of challenges that it must overcome to provide a high-quality education rises. With only 92 pupils remaining in Orangefield High School, it has declined to such an extent that it is no longer feasible to delay its closure. Regrettably, this is an example of where it has been left too late to turn the situation around. Again regrettably, the only reasonable option available to me regarding the future of Orangefield High School is to approve its closure from 31 August 2014. In making this decision, I have advised the Belfast Board of the need for it to work closely with any schools that will receive Orangefield High School pupils to produce an action plan for improvement in outcomes in public examinations.

I turn now to the future of Dundonald High School. I have considered very carefully the proposal that the school should close and can see many reasons why this would be, as is the case in Orangefield, an appropriate course of action. However, I believe that a case exists to explore a very different solution for Dundonald

and its young people. Dundonald is a large urban area with a significant population of school-age children. There is no other inclusive post-primary school close by. From my engagement with local representatives, it is clear to me that it is a community whose young people need and should rightly expect to be able to access good-quality secondary education. It is equally clear that that has not been happening. The provision in Dundonald High School has, quite simply, not been good enough. Although the last follow-up inspection, which took place just a couple of months ago, highlighted some modest improvement, it painted a graphic picture of low attendance, low attainment and low aspirations. However, the school is in the right geographical location: the young people are there, and the community, like all communities, needs and deserves a good school. Therefore, on this occasion, I have decided not to accept the proposal for closure. Dundonald High School will remain open.

For the school to flourish and its young people to achieve to their full potential, however, it is clear that attitudes, expectations for pupils' attainment and provision will need to change. My Department and the South Eastern Education and Library Board will play their part in delivering the change that is necessary. That will not be easy — we will not be able to do it without the help of the community — but we are prepared to do our utmost. The South Eastern Board will use the opportunity presented by the current reconstitution exercise to reinvigorate the school's board of governors in the coming months, ensuring the appointment of people with the skills necessary to deliver progress on an extremely challenging agenda.

A recruitment process will commence shortly to appoint a permanent principal, a visionary leader capable of providing clear strategic direction who is accomplished at raising and sustaining achievement, can demonstrate a proven track record of supporting teaching and learning and sets high standards and expectations for all the young people. The South Eastern Board, supported by my Department, will put in place an intensive support programme designed to improve the quality of teaching and learning in the classroom, the quality of leadership and management at all levels and the educational experience of pupils. However, that alone will not be enough. For Dundonald High School and its young people to flourish, the support of the community and its elected representatives will be necessary. I have met many from the community who made the case for the school to remain and been impressed by their passion,

enthusiasm and determination. I have listened, but my decision does not mean that they have achieved their goal. That goal cannot be merely to sustain a school; rather, it has to be to sustain a good school, one that is characterised by excellent leadership, by high-quality teaching and learning, by high expectations for pupils' attainment and by the support that it receives from its community.

Therefore, to the people who called on me to keep Dundonald High School open, my message is simple: your campaign is not over; it has just begun. Show me and, more importantly, the young people in your area that you are serious about demanding a high-quality education and are determined to stamp out inadequacy and to raise achievement and expectations for your young people. Show that you value and believe in what the young people of Dundonald can achieve. My Department and the South Eastern Board will play their part, and you must play yours. This is the beginning of a journey, and I do not expect that it will be an easy road to travel.

The proposals for the expansion of Ashfield Boys' High School, Ashfield Girls' High School and Priory Integrated College are aimed at covering the northern end of east Belfast. However, I am not convinced that the proposal for Priory Integrated College provides part of the solution for the greater east Belfast area, as it largely serves the north Down area, so I will deal with it separately.

The proposed additional 490 pupils at the Ashfield schools represents a large increase and would have a significant impact on other schools in the area. Neither of the schools has spare places, although both were undersubscribed for year 8 first preferences in the current year, 2013-14, and some previous years. There is also a significant number of unfilled places in other controlled schools in the Belfast Board and South Eastern Board areas. The proposed sixth form increase at both schools amounts to 255 places, resulting in a combined sixth form capacity of 400 places. Such large increases in sixth form provision would also impact on other schools in the area.

I carefully considered the Ashfield proposals in the wider context of the whole east Belfast area. The area plans for both the Belfast and the South Eastern Boards indicate that expansion in several post-primary schools in the areas is anticipated. However, there is insufficient evidence that a proper, coordinated, strategic examination of sixth form provision that includes the grammar and integrated sectors has been undertaken. Taking that into

account, I have concluded that I am not in a position to approve the proposals at present. I want to see a coherent set of proposals from the boards that reflect the longer-term needs in the area, particularly for sixth form provision. I believe that the proposals as currently structured are premature, and further work is required to ascertain exactly what provision is needed to meet the needs of pupils in the area in years 8 to 12 and in sixth form. I need to have an understanding of the total area solution proposed before making decisions on individual proposals. I believe that the Ashfield schools have the confidence of the community that they serve, and I want to get it right so that that confidence remains. There will be change, just not at this time.

Finally, I considered the case for Priory College. As I have previously stated, on the basis of the demographic information presented, the school is not a natural provider for pupils from the east Belfast area. It has a catchment area that largely covers north Down, but its proximity to east Belfast means that decisions taken for either area will have ramifications for the other. So, it cannot be totally divorced from the overall pattern in the area.

The school contends that it is currently capped below the level set out in my Department's sustainable schools policy and should be afforded the opportunity to grow to that level. The proposal is to increase the enrolment at Priory College to 600, which would allow the school to grow to the sustainable schools policy's minimum enrolment for an 11-to-18 school. The actual enrolment figures point out that the school is currently undersubscribed in first preferences. There has been no substantive growth in overall enrolment in years 8 to 12. There were 425 pupils enrolled in 2008-09, compared with 430 in 2012-13. There has, however, been growth at sixth form.

As with my decisions on the Ashfield proposals, the issue of the number of sixth-form places in east Belfast and neighbouring areas needs to be considered strategically by the South Eastern and Belfast Boards. Provision at Priory may form part of that consideration. I looked closely at the issues raised in the proposal and took account of my duty to encourage and to facilitate integrated education. I want to give the school the opportunity to demonstrate that there is a need to provide for unmet demand for integrated education in the area. I have therefore decided to approve the proposal but with a modification. I am approving a modified enrolment of 500, with a year 8 admission number of 100. That will enable the school to

grow over time to a sustainable level, if the demand materialises.

Some will say that the school is capped below the sustainable schools level for an 11-to-18 school. To that I say this: I want to see a managed increase from year 8, which is why I am setting an admissions number of 100. That is necessary to preserve the balance between the lower school and the sixth form. If I see a marked increase in the lower school within three years and should the demand for places require any further increases, I will happily consider a further development proposal from the board at that stage. It will be for the South Eastern Board to keep the situation under review to ensure that the enrolment number is fit for purpose. I will watch with keen interest how the school develops.

I have outlined to you my response to the proposals that have been presented to me. I know that you will want time to consider this in more detail, so I will place on my Department's website a copy of the full submission on which my decisions were based.

Turning to the next phase for east Belfast, I have made it clear that area planning applies to all publicly funded schools. No sector can be planned for in isolation, and no publicly funded school can remain outside the process. In the case of east Belfast, I believe that an opportunity was missed when all publicly funded post-primary schools were not brought into the equation and subsequent planning process. In such a radical overhaul of school provision, I expect the planning authority to ensure that all school types have been factored in to its considerations. For that reason, I emphasise that I see these decisions as very much the first phase of reshaping provision in the area.

The next stage of planning for east Belfast will be led by the Belfast and South Eastern Boards, which will work closely with all other sectors and with my Department to ensure that there are adequate places for the area in years 8 to 12 and at post-16.

11.30 am

My officials will meet the boards to discuss the details of how they will progress my priorities for the next phase of the development of post-primary provision to serve the area. I want that done urgently to ensure that there are adequate places, in the right location, to meet future demand. On foot of that work, further development proposals will be published.

Although some schools may be disappointed by these decisions at this time, my decisions do not rule out further changes following additional analysis and consideration of all the options by the two relevant boards.

Although east Belfast is a unique area, I expect that the lessons learned from this area-specific work will inform the future area-planning work of all our education boards.

It is clear that area planning is complex, multifaceted, and requires coordination, discussion and pragmatism. The planning authorities need to bring forward interrelated and linked development proposals that clearly set out the overall proposals for any area for all concerned. All publicly funded schools must be accounted for in area planning. Only by doing that can we properly assess the impact on the lives of our young people.

Is soiléir ó na moltaí atá agam go bhfuil mé ag dúil le réitigh cheantair. I gcás nach mbím sásta go bhfuil na moltaí ag dul chun leasa na ndaltaí i gceist, beidh tuilleadh oibre de dhíth.

I have given a clear indication through this set of proposals that I expect area solutions. Where I am not satisfied that the proposals are in the best interest of the pupils concerned, I will require more work.

Tá na cinntí seo ró-thábhachtach le láimhseáil ar dhóigh ar bith eile. Is í an óige ár dtodhchaí. Tuilleán siad togha an oideachais, agus ba mhaith liom a bheith ró-shoiléir go bhfuil tús áite ag daltaí ní ag institiúidí.

These decisions are too important to do otherwise. Our young people are our future; they deserve the best possible education. I want to make it absolutely clear in finishing that pupils, not institutions, must come first.

Mr Storey (The Chairperson of the Committee for Education): I thank the Minister for his statement. I also thank him for the time he gave to me and the vice-Chair this morning to meet him and discuss the statement.

Following the confusion and the regrettable way in which the then proposed closure of the Orangefield High School was handled, I thank the Minister for coming to the House today and, at least, setting out a road map for the future. The Education Committee will be relieved that some clarity and certainty has been given and provided on the provision of controlled post-primary provision in east Belfast and south Belfast.

The delays and failure to consult effectively, the contradictory messages from one of the education and library boards, and the lack of coordination between the boards, which have characterised this process, are not acceptable. I know that the Minister is planning to revise the guidance on development proposals. Does the debacle in respect of Orangefield High School, and the poor coordination of sometimes conflicting proposals, prove that the development proposal process does not sit well with current area planning? Does the east Belfast experience show us that it is time for a more fundamental review of the way in which we consult on the reorganisation of our schools and bringing forward new development proposals?

Mr O'Dowd: I thank the Chair for his comments and question. I do not agree with his description of this as a debacle. Clearly, lessons have to be learned from it. When you are dealing with parents and pupils about educational future, you have to ensure that you are approaching them with correct and accurate information, that they are given that information in a way that they fully understand, and that they are aware of what steps will be taken next.

I want to thank the two boards. Yes, mistakes were made, but the two boards recognised that changes had to be made in this area, and they brought forward proposals. I called on them, during my statement and in engagements with them, to ensure that lessons were learned from this. The six development proposals should not have been brought forward as individual proposals; they should have been brought forward collectively, following intense engagement between the boards. However, lessons have been learned. As I said in my statement, although east Belfast is a unique geographical area, lessons can and will be learnt for other such significant development proposals that come forward in the future.

The Member alluded to the fact that I am reviewing guidance on development proposals. Development proposals are fit for purpose for area planning if the process is used properly, there is openness and transparency throughout and everyone is fully briefed on the way forward. Where lessons need to be learnt, I assure the Member that they will be learnt from the experience.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I, too, welcome this morning's statement. I welcome the announcement about Dundonald High School. The Minister is taking a chance and giving the people of Dundonald a chance. How can the

school and community best grasp the opportunity that has been given to them?

Mr O'Dowd: In my last meeting with staff and supporters of Dundonald High School in the school, my parting words to them as I left the meeting were that, if I agreed to keep the school open, their challenge was only starting. Today, their challenge starts. They deserve and require the support of my Department, the board, local elected representatives and the broader community to ensure that Dundonald High School not only stays open but does so as a very good school that each and every one of them can be extremely proud of. That can be achieved.

I deliberated long and hard about this decision. It is not a change of tack in how I view sustainable or unsustainable schools. I have always said in the Chamber that each school has its own characteristics and story to tell. I am not fixated on numbers regarding the sustainable schools policy. The people of Dundonald, the school and its elected representatives have convinced me to keep the school open. Now, they need to convince the community of Dundonald that they can and will build an excellent school in that area. They have the capacity to do so.

Mr McKinney: I thank the Minister. I will focus on the Newtownbreda-Knockbreda proposal. Some of the drivers are clearly around dwindling school population and performance. The Minister pointed out the falling roll at Knockbreda, but he did not reflect the growing population at Newtownbreda. He focused on the improvements in both schools. In that context, one might expect Newtownbreda to remain. Why, then, is he effectively and administratively recommending not the amalgamation but the closure of both and the replacement of both with a new school?

Mr O'Dowd: It is a procedural matter. It is how the proposals come forward to me from the board. It is only a procedural matter. This is about a new beginning for the pupils served by both those schools. I am not interested in the institution or its name. I said that all along. Indeed, in the closing remarks of my speech, I said that this is not about the institution; this is about the pupils our education system is there to serve. If we bring together those two schools under a new beginning, we are delivering a new beginning for the pupils they serve in that community. We will provide a sustainable good school for the future.

I had to announce the closure of Orangefield today. If an intervention had been made in Orangefield several years ago and plans had been put in place for its sustainability, I would not have the unfortunate job of standing here today and closing the school. This is about long-term planning and sustainability and serving the needs of schools. I congratulate all those involved in providing education in institutions, but if an institution has to close, amalgamate or come together with another school to provide good education, that is the best way forward.

Mr Kinahan: I thank the Minister, and I welcome his decisions today. It shows that it is important to listen to the communities and that, particularly in Dundonald's case, the geographical and demographical needs in that area need to be listened to. He has done so. Will the Minister make sure that, in future, boards work more together, maybe instead of ESA? It seems to be a better way forward. Will he ensure that development proposals and decisions are properly and thoroughly worked through, almost to the point at which each child's future in which school is known?

Mr O'Dowd: It is crucial that boards work together in the absence of ESA. I do not believe that it is preferable to, or a better way forward than, ESA, but it is crucial that boards work closely together in its absence. Despite a number of hiccups in part of this process, the boards are now focused on working together. They clearly recognise the significant cross-fertilisation of pupils back and forth between the boards and the need to provide sustainable education; that one board cannot do it on its own; and that they have to plan together. That is moving forward.

As to listening to the views of the community in Dundonald, I was extremely impressed by the people who I met who were in support of Dundonald High School. That is not to say that I was not extremely impressed with schools that I have closed in the past. I have said to the Member previously that I often have to judge whether the intervention by a community support group, or its action, has been on time. It was just on time in Dundonald — just on time.

The motivation, energy and determination among the parents, community activists and senior teaching staff who I met was clear. They now have to sustain that, and there will be good days and bad days. They will need support through both critical and supportive actions and words from my Department, from me, from the board and from elected representatives. The hard work continues and intensifies from today.

I think that they have the potential to do it, but there are still a few hard days ahead for them.

Mrs Cochrane: I thank the Minister for bringing the statement to the House today. I know that it has been long awaited by pupils, staff and parents alike. I welcome the decision on Dundonald. If pupils are to realise their full potential, they need to attend the school, and we have seen a real improvement in that. There has been a better atmosphere over past months, and I pay tribute to the staff and community for that.

I have a question on the closure of Orangefield: given the Minister's decision not to increase the numbers in Ashfield at present, how can we ensure a smooth transition for those pupils from Orangefield, especially those who are currently in their exam years?

Mr O'Dowd: I have asked the boards to specifically engage with the parents and pupils who will be departing Orangefield to work with them in the provision of their new school. I have no authority to determine which school those pupils will attend: it is still down to parental preference and available spare capacity.

I do not believe that keeping Orangefield open would have benefited in any way the educational provision for those pupils that currently attend. A strategic intervention should have taken place at that school many years ago, but that was not the case. The best way forward, as regrettable as it is, is for those pupils to leave that school and attend other good schools in the area. As I said in my opening remarks, the boards will engage with parents and pupils on the best way forward for each individual pupil.

Mr Newton: I thank the Minister for his statement today. I particularly pay tribute to the fact that the next phase of planning for east Belfast has been mentioned. I think that the Minister has hit the nail on the head on many of the aspects that were creating a confused situation. Perhaps if we had taken the route suggested in the next phase, Orangefield, Knockbreda and Ashfield Boys' might be in a different situation today. For Knockbreda and Ashfield Boys', there is more work to be done in east Belfast.

Minister, you said:

"to the people who called on me to keep Dundonald High School open, my message

is simple: your campaign is not over; it has only just begun."

I think that the parents recognise that fact, but as the process of enhancing the permanent teaching staff goes on, investment in school buildings is also critical.

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

Mr Newton: When will the investment take place, along with the process to enhance the teaching staff and curriculum?

Mr O'Dowd: The board and my Department will assess any application for enhanced facilities at the school along with applications from elsewhere. In touring the school, you can see that it is a building from around the 1970s. The fabric of the school is not in a significantly poor condition. The history of the school is affecting the quality of education. Whether it was faults inside or outside the school, by the administrators or whoever else, those faults are to blame for the poor educational outcomes of the young people in that school. It is not the physical shape of the school nor its facilities.

11.45 am

I believe that we can and will enshrine a new beginning in the school. The reconstitution of the board of governors will be vital in that, and I encourage local elected representatives to identify key figures from the business community or with a community background etc and ask them to make themselves available for appointment to the board of governors. Those people will be a driving force behind the school. I also believe that we can identify a new strategic leader for the school. Those who have been in place have acted valiantly to keep the school going, and we now have to put in place a new leadership to bring the school to a new stage. If, when we have done all of that, or in conjunction with doing all of that, an application for infrastructure is made by the school, I will consider it.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I suppose that, in his response to Mr Newton, he answered some of my questions.

As he stated, this is the beginning of a new journey for pupils in that area. How will the changes improve educational outcomes for the pupils? What specific assistance will be given

to pupils and staff to ensure that the journey is a smooth one?

Mr O'Dowd: I have asked the board to work closely with my Department and the school to bring forward a support package for the school. At this stage, the key thing is the reconstitution of the board of governors. We need to bring in new members to strengthen the board of governors. We need people who are determined to ensure that only high-quality education will be accepted for the young people who attend that school. We need people with a range of skills and backgrounds to do that, and, as I said earlier, I encourage representatives from the area to identify people who are prepared to give up their time and dedicate it to the school. I believe that the appointment of a new principal will clearly signal a new beginning for the school — a visionary leader and someone who is prepared to make a personal mark and a mark on the education of the young people. If further financial support etc is required, I will consider that as part of the board's improvement plan for the school.

We will do all of that. However, if the community and local representatives do not continue their campaign of support and continue to work with the school, none of that will work. If there is all-round support, which, I have to say, will have to go on for a number of years to make a difference in the school, it has the potential to be a very good school and one that supports a community that deserves very good education. It may also be an exemplar for other schools that face similar problems.

As I said, each school tells its own story. This is not a change of direction or policy; I have assessed all the issues around Dundonald and decided to go down this pathway. Other circumstances in other schools may mean that this is not the course of action for them.

Mr Douglas: I thank the Minister for his statement. As he said, there has been a tremendous amount of commitment, passion and support from the parents and the community. I thank the Minister for having an open-door policy in relation to Dundonald High School in particular.

Given the way that these things tend to pan out, there could be many difficulties with the rejuvenation of Dundonald High School. Will he give us a commitment that his door will remain open and that we can come to him and get help and support to encourage the rejuvenation of that school?

Mr O'Dowd: Yes, I have a continued role to play, as does my Department and the board. I am always keen for elected representatives to come into my office and discuss the educational well-being of their constituents. I think that that process has worked well with Dundonald and that it has been very informative.

From the outside, I understand that the community involved may have been suspicious of a Sinn Féin Minister or felt that I had ulterior motives and that I would act differently with that school than I would elsewhere.

At times, political parties have a responsibility to prove that the perceptions of citizens who would not normally be dealing with them are not always right. I want to ensure that communities, regardless of where they are, including Protestant working class communities, have access to high-quality education. If we have to go the extra mile to do that, let us do it.

Mr Copeland: Minister, thank you. Credit where credit is due. I will keep my comments largely to the schools in east Belfast: the two Ashfield campuses, Orangefield and Dundonald.

Mr Deputy Speaker: I remind the Member that he must ask a question, please.

Mr Copeland: The future of Dundonald remains in the balance, given that there are targets and other things to be achieved. Whilst I accept that Dundonald must meet certain criteria and progress and that you have undertaken to assist them in that, will that assistance be formal? In other words, will the school be given a set of things that it must achieve within certain time frames, and will it be given understanding and credit when it does so and a bit of leeway with the slippage that always occurs with such things?

Mr O'Dowd: The future of Dundonald High School rests with the community that it serves. I have confidence that that community has the ability and the willingness to make Dundonald a success story, but I do not underestimate the challenges that they face and nor should they.

The school remains subject to a formal intervention process, which means that support is already in place. We are going to intensify that support. The education board will work closely and intensely with them. If that has to be initially on a day-to-day basis, that will be the case.

Let us not underestimate the reconfiguration of the board of governors and the potential that has. We are looking for the best of the best to be members of the board of governors of that school. That is the sort of support we need. I appeal to the business community and trade union leaders who may be listening to this to step up to the challenge and make themselves available. Educationalists who have retired, or whatever it may be, and believe they have a role to play should come forward and take a look at this.

When the advertisement goes out for the principal's post, I appeal for experienced educationalists to look at it favourably and ask themselves whether they can make the difference in Dundonald and make a significant mark in education in that community.

The board will be working with the school and my Department and I will be working with the board and the school to introduce support mechanisms to the school. If financial measures are needed, I will look at them and judge each on its own merits. The school and the community will have additional support mechanisms in place to assist the school in its journey.

Mr Spratt: I thank the Minister for his statement to the House this morning. Far be it from me to throw a spanner in the works, but it affects not only east Belfast but south Belfast, given that Newtownbreda has pupils from Sandy Row, Belvoir and the Village.

Given that the amalgamated school will have 1,000 pupils, will the Minister give some guarantees on future capital funding, and will he discuss the long-term future of a sustainable school in south Belfast? Will he meet with me and my colleagues to discuss the long-term plan for a school in this area?

Mr O'Dowd: I thank the Member for his question. I am acutely aware of where the population for the new school flows from and the historical reasons for that, including a number of amalgamations and closures.

I am more than happy to meet with the Member to discuss the issue further. This is a sustainable school. I said in my statement that we are looking at planning 20 years into the future. We have made an intervention on time for both schools and for the education of the community in that area. We can move forward confidently with a sustainable school. In terms of capital investment, I have to take each application on its merits. We have a significant backlog in building programmes that we are

trying to work our way through. I want to see infrastructure follow on from amalgamations etc but I cannot commit directly to that now. However, I commit to the Member that I will engage with him and discuss how we will reach that point.

Mr Dunne: I thank the Minister for his statement, particularly as it concerns Holywood Priory. I welcome the increase in enrolment there to 500, although it is somewhat conditional.

Does the Minister now recognise the need for a newbuild in Holywood? I record my thanks to him for coming fairly recently to look at the Holywood situation and to see at first hand the need for investment. Does he recognise now that we need new buildings in Holywood? Priory is suffering. It is a substandard building in very poor condition, as are the primary and nursery schools. Is that the first step for getting a newbuild? Does the Minister recognise that it is very difficult to attract pupils to a building that is dilapidated and crumbling? In the case of Priory, such conditions make life most difficult for them.

Mr O'Dowd: I thank the Member for his question. I am considering requests from the various managing authorities for the next building programme. I have reached no decisions. I am acutely aware of conditions at Priory, which the Member and I visited. We need to make a decision on its future one way or the other, because it is the key to other developments in the area. There is almost a domino effect involved. I assure the Member that I am considering the proposal as part of other proposals that have come in from the managing authorities, and I will make a statement in due course on the next phase of the capital building programme.

Mr Allister: These schools are well outside my constituency, but I have been in receipt of representations from parents in Dundonald and about Ashfield. I very much welcome the Dundonald decision, but I am disappointed about Ashfield. Ashfield is fully subscribed. Orangefield is now going to close, yet the Minister gives no increase to the Ashfield schools, whereas to Priory, which has been stagnating in numbers for five years, he gives an increase. Is he not being unfair to the controlled sector?

Mr O'Dowd: If I were to make a decision on the Ashfield schools now, I would be being unfair to the controlled sector, because it would not be part of a thought-through process with sufficient

research or information available to make an informed decision. I could make a decision about the Ashfield schools, which are sustainable, good schools that will be part of our education fabric into the future. However, that decision could have an impact on other controlled schools in that area. I think that it would be foolish to do that, because you do then end up with the Orangefields and other problems. Let us do this in a planned, organised way. I said in my statement that expansion will not take place now but in the future. I have a statutory duty to the integrated sector to promote and facilitate integrated education. I was conscious of that when I allowed Priory to expand. I have allowed the school to expand in a managed way.

On pupils leaving Orangefield, I said that I wanted the boards to engage with parents and pupils over how we manage pupil transfer to whichever schools parents and pupils express a preference for. We will manage it in that way. If I have to use my power to give additional numbers to a school, I will do so. However, I will work with the boards on the matter to ensure that pupils transfer in a managed way.

Mr Lyttle: I welcome the statement, the recognition that the Minister has given to community support for Dundonald High School and the commitment that he has given to develop high-quality education in the area. I also welcome the modest increase in year 8 admission numbers, from 85 to 100, that he has granted Priory Integrated College. However, I suggest that he underestimates the current demand for places at the school, as does Mr Allister, and I disagree with the language that he used, which — inadvertently, I hope — diminishes the significance of the school to pupils and parents in east Belfast. I ask him to reassure the House by telling us just how much account he has taken of his statutory duty to encourage and facilitate integrated education in east Belfast and beyond.

12.00 noon

Mr O'Dowd: I could not hear the Member's full comments. Is he suggesting that I have undermined Priory School? I am not saying that he did, but if I picked up that he is suggesting that I am undermining Priory School, I can tell him that that is certainly not the case.

I want to see Priory flourish and expand. I said in my statement that it is the board's responsibility first and foremost to manage and monitor the numbers at the school. If it is the

case that the school continues to expand, even through year 8, there is nothing to stop the board from bringing forward a further development proposal to me. If the school's sixth form continues to expand, I can manage that from Department level and work with the school to do that.

However, if we were simply to accept the proposal on Priory that was initially published, we would find that, although the figures look good, you would end up with a school with a very large sixth form and that the numbers coming in through year 8 would not match the other end of the school. So, you would end up with a school that is unbalanced in its pupil demographics.

I am prepared to work with Priory, and I am prepared to ensure that it continues to deliver integrated education in the area. We will do that in a managed way with the school.

Executive Committee Business

Public Service Pensions Bill: Consideration Stage

Moved. — [Mr Hamilton (The Minister of Finance and Personnel).]

Mr Deputy 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 the provisional grouping of amendments selected list. There are three groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1 to 7 and amendment No 16, which deal with pension boards, types of scheme and valuations. The second debate will be on amendment Nos 8 to 12, which deal with the normal pension age for members of schemes set up under clause 10. The third debate will be on amendment Nos 13, 14, 15 and amendment Nos 17 to 21, which deal with Assembly control of secondary legislation, consultation requirements for pension scheme regulations and transitional provisions for existing schemes.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we will proceed.

No amendments have been tabled to clauses 1 to 4. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5 (Pension board)

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 7 and amendment No 16. Members will note that amendment No 2 is consequential to amendment No 1 and that amendment No 4 is consequential to amendment No 3.

Mr Hamilton (The Minister of Finance and Personnel): I beg to move amendment No 1:In

page 3, line 2, leave out from beginning to "workers)," in line 3 and insert

"(1) Subject to subsection (2), scheme regulations for a scheme under section 1".

The following amendments stood on the Marshalled List:

No 2: In page 3, line 6, leave out "must provide" and insert

"may make the provision required under subsection (1) above by providing".— [Mr Hamilton (The Minister of Finance and Personnel).]

No 3: In page 3, line 30, leave out "member representatives" and insert "trade union representatives".— *[Mr D Bradley.]*

No 4: In page 4, line 4, at end insert

"(10) In this Act a "trade union" has the meaning set out in Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992".— [Mr D Bradley.]

No 5: In clause 8, page 5, leave out lines 9 and 10.— *[Mr D Bradley.]*

No 6: In clause 8, page 5, line 26, leave out "negative resolution" and insert "the affirmative procedure (see section 34(1))".— *[Mr D Bradley.]*

No 7: In clause 9, page 6, line 11, leave out "5" and insert "10".— *[Mr D Bradley.]*

No 16: In clause 13, page 9, line 20, after "qualified" insert

"and must not be

(a) an employee of the responsible authority;

(b) the scheme manager;

(c) a scheme member; or

(d) an employee of the Department of Finance and Personnel".— [Mr McKay (The Chairperson of the Committee for Finance and Personnel).]

Clause 5 relates to the governance of the new public service pension schemes created under the Bill. It requires each pension scheme made under the powers in clause 1 to establish a pension board. The board's role is to assist the

scheme manager in securing effective and efficient governance and administration of the pension scheme and any statutory scheme connected with it. In particular, the pension board will be charged with helping the scheme manager to ensure that the scheme is administered to an appropriate standard and in compliance with statutory requirements.

Amendment Nos 1 and 2 deal specifically with the constitution of the pension board for the local government pension scheme in Northern Ireland. The early draft of clause 5 provided that only the Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) could act as the pension board for the local government pension scheme. Amendment Nos 1 and 2 will remove the requirement that NILGOSC must act as the pension board for that scheme and will specify that it may perform that function. The change was requested by the Department of the Environment. The amendment was developed and agreed in the course of the work of the public service pensions working group of officials from across the main public service pension schemes. The working group was established by my Department in 2013 to provide an interdepartmental forum to ensure that the provisions of the Bill adequately reflect policy requirements and local conditions for each of the schemes affected. The amendments achieve that by providing the same flexibilities for the local government pension scheme in Northern Ireland in the appointment of its pension board as exist for the other schemes created under the Bill.

The amendments are in line with the reform approach to deliver improvements in standards for scheme governance across all public service schemes and have been welcomed by the Department of the Environment and the Committee for Finance and Personnel during the scrutiny stage of the Bill. Therefore, I commend amendment Nos 1 and 2 to Members and seek their support.

I will now comment on the other amendments tabled in this group. I have already highlighted that the purpose of the reform is to deliver advances in standards for scheme governance for public service pension schemes.

Amendment Nos 3 and 4 severely restrict the scope of those improvements by limiting the provision for the representation of public service pension scheme members on pension boards to those who are members of trade unions and within the limited definition of trade unions proposed by Mr Bradley. The illogical and perverse effect would be that the interests of scheme members could not be represented

through the pension boards unless they are members of the particular trade unions on whose behalf Mr Bradley and Mr Rogers appear to have agreed to petition for in bringing forward these amendments.

It is wholly inappropriate to restrict scheme member representation to a defined trade union grouping in the primary legislation. The purpose of the provision is to provide employee representation. Trade unions are not employees. In fact, the danger of these amendments is that there is the potential that a scheme could be left in the scenario where a pension board cannot exist if it is not unionised, as the clause, if amended, would specify "trade union representatives". The amendments also have the potential to discriminate against provision of member representation for pensioner members and other interest groups, which scheme members are free and entitled to be part of, including, for example, the Civil Service Pensioners' Alliance (CSPA). That is an independent, non-party-political organisation with nearly 60,000 members across the United Kingdom. It has been campaigning on behalf of pensioners across the United Kingdom for over 60 years to protect and defend the value of members' pensions. The Civil Service Pensioners' Alliance is affiliated to the Public Service Pensioners' Council representing the interests of retired public servants.

The provisions for representation on the pension board in clause 5 are already suitably and adequately constructed to describe the overall requirement for schemes to appoint the necessary range of persons who will be representative of scheme members to the pension board, including those scheme members who choose to be members of trade unions.

The secondary legislation process provides scope for Departments with scheme responsibilities and the various scheme member representatives, including trade unions, to further refine the constitution of pension boards on the basis of the existing provision in this clause, which is rightly inclusive and sensible. Therefore, I ask Members to oppose amendment Nos 3 and 4.

Amendment No 5 seeks to amend clause 8 and provides another example of a short-sighted and restrictive approach, which some Members have allowed themselves to become lobbyists for, to the purpose and intent of the reforms. The intention of the clause is to establish adequate flexibilities in the primary legislation to ensure the maintenance of adequate scheme designs that are sustainable and continue to

deliver decent levels of income in retirement. This amendment would include an unnecessary restriction on the scope for future scheme designs to deliver these priorities, potentially to the detriment of future scheme members.

The broad power at clause 8 to create pension and benefit schemes of different designs is intentionally comprehensive, as it should be in primary legislation such as this. It includes capacity for defined contribution schemes and also allows appropriate scope, in principle, for positive advances in other scheme designs to be considered, should they arise in the future. The amendment would restrict the range of pension options already available to public service employees.

For individuals in a scheme such as the Civil Service partnership, they will, when the new career average revalued earnings schemes are introduced, have to join the new career average revalued earnings arrangements. The key point here is that the option for schemes to offer arrangements in the future, such as partnership, will be removed.

Defined contribution schemes already exist in the public service, such as the aforementioned Civil Service partnership scheme. It provides staff with choices for pension saving as an alternative to the main defined benefit scheme. A number of civil servants have elected to join this arrangement. By March 2012, there were 102 members in that Civil Service partnership scheme, which had been introduced in 2002. Its key attraction for members is that they do not pay employee contributions. However, this is only a stakeholder scheme with limited benefits. Nonetheless, the provisions for a scheme design at clause 8 therefore are designed to provide options, but there is no compulsion.

The policy intention of the Bill is that the new career average revalued earnings schemes, which are recommended by the Independent Public Service Pensions Commission as a replacement for final salary models, are designed to last for a generation at least. This is set out quite clearly at clause 22, which provides a commitment in primary legislation to protect elements of the career average revalued earnings scheme until 2040. The Bill includes effective protections for scheme members against the proposed introduction of any future scheme design that would compromise the 25-year commitment to the career average revalued earnings scheme design that I referred to.

Clause 22(2) states that the responsible authority must consult scheme members or their representatives with a view to reaching agreement with them and lay a report before the Assembly. This provides enhanced processes for the trade union side at consultation and for Assembly scrutiny, which will automatically be triggered to apply in the event of any proposal to change the career average revalued earnings scheme design. Changes to benefit accrual rates and members' contribution rates, which are outside the normal operation of the cost-cap mechanism, will be protected under the 25-year protected period.

It should be clear, therefore, because of the commitment to the Hutton principles for reform that this Bill is founded on, that there is no intention to provide defined contribution schemes or any other scheme design instead of the career average revalued earnings defined benefit schemes recommended in the independent commission's report. To some, that may appear to be a mixed message but, to be clear, there is no intention to provide defined benefits schemes at this time. I therefore ask Members to oppose amendment No 5.

Amendment No 6 seeks to amend the Assembly procedure for regulations to establish schemes, as detailed in clause 8. My response to the previous amendment should have demonstrated that the Bill incorporates sufficient protections to safeguard against the inappropriate use of the general power to make scheme designs, which clause 8 provides. The negative resolution procedure is entirely adequate here. Any proposed new design would be required to be implemented through scheme regulations, which are, as a matter of course, subject to the negative procedure and will require statutory consultation with member representatives under clause 21.

Again, it should be noted that any proposal for a change of scheme design of a kind that would propose to diverge from the career average revalued earnings model would engage the procedure, which I outlined, for protected elements at clause 22, and so require extended consultation with the trade unions with a view to reaching agreement on the proposal and would require a report to be laid in the Assembly. The negative resolution procedure allows appropriate Assembly scrutiny of the provisions of scheme regulations and the opportunity to debate those regulations, if the Assembly so wishes.

As the SDLP tabled amendment No 6, it may be of interest to it and other Members if I cite some examples of legislation brought forward

by SDLP Ministers that include provision for negative resolution.

They include the Marine Act (Northern Ireland) 2013, section 43 of which states that regulations under the Act are subject to negative resolution; the Housing (Amendment) Act (Northern Ireland) 2010, which was brought to the House by the then Minister, Margaret Ritchie, in which article 6 had regulations that were subject to negative resolution; and, most significantly, the Pensions Act (Northern Ireland) 2008 and the Pensions (No. 2) Act (Northern Ireland) 2008, which were also brought forward by Margaret Ritchie when she was Social Development Minister. Sections 10 and 13 of the Pensions Act (Northern Ireland) 2008 are subject to negative resolution.

12.15 pm

I should point out that the protocol for negative resolution was never changed for state pensions legislation made by DSD while the Department had an SDLP Minister. Indeed, the accepted practice has continued. Why does the SDLP now want a different approach for public service pensions in this Bill? It is rather inconsistent, to say the least.

Finally, any proposal for a change of scheme design outside of the career average revalued earnings model described in the Bill would engage the higher protections provided at clause 22 and require extended consultation with trade unions and a report to be laid before the Assembly. Once again, I ask Members to oppose amendment No 6.

I move on to amendment No 7, which is proposed to clause 9. The current provision for revaluation at clause 9 allows persons who have taken a break from pensionable service of up to five years to be treated, for pension revaluation purposes, as if they had remained in pensionable service in the scheme. The amendment seeks to double the five-year limit to 10 years. Five years is an appropriate level. It is in line with the general norm of terms for career breaks currently permitted in public service employment. A period of five years is considered reasonable, adequate and generous.

It is unfair to expect those who choose to stay in service or take standard-length breaks from service to foot the bill for those who choose extended breaks beyond the established norm and which this clause already makes adequate provision for. The secondary legislation provides scope for each relevant Minister to

consider what variations may be possible and appropriate for each of their schemes, and they must ensure that the variances are accounted for within their overall scheme cost envelope. I ask Members to oppose amendment No 7.

Amendment No 16 is proposed to clause 13. This amendment relates to provisions for cost controls for the local government pension scheme for Northern Ireland. It seeks to make it explicit in the clause that the person appointed to check the aims of the valuation process in that scheme is suitably independent. As drafted, the clause requires the person appointed to be appropriately qualified in auditing terms, and that should imply the necessary independence. I believe that the existing provision is adequate and that this amendment is not required. However, this is a relatively minor issue, and I will leave the efficacy of amendment No 16 to the judgement of Members.

In summary, I ask the Assembly to support amendment Nos 1 and 2 in this group and to oppose amendment Nos 3, 4, 5, 6 and 7.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. I would first like to take a degree of latitude as Chairperson to refer briefly to the Committee's scrutiny of the Public Service Pensions Bill.

I have no doubt that all Members will be keenly aware of the implications of their decisions today and at subsequent stages of the Bill. Indeed, the Bill will have an impact on upwards of 216,000 employees in the public services, which represents over 30% of the total workforce across the North. Those affected will include civil servants, local government officers, teachers, health service workers, prison officers, police officers and firefighters.

Given the scale of the proposed reforms, the Committee undertook scrutiny at three levels. These covered the policy intention of the reforms; the structural and operational aspects of the provisions in the Bill; and the technical drafting of the Bill. This detailed work, which was informed by stakeholder evidence that was collected in advance of the Bill's being introduced to the Assembly and at Committee Stage, resulted in a wide range of issues being raised with the Department of Finance and Personnel. In that regard, the Committee acknowledges the contribution of the stakeholders, including the various trade union representatives, in informing the Committee deliberations and the responsiveness of the Department in seeking to provide clarification,

explanation and assurances on issues arising from the evidence.

In its report on the Bill, the Committee agreed a number of key conclusions and policy recommendations aimed at providing sufficient safeguards and minimising, where possible, the impacts on our public sector workers. A key conclusion from the Committee's scrutiny noted the variability in the estimates of the financial penalty — between £262 million and £300 million per annum — that Treasury has confirmed will apply if the public sector pension reforms provided for in the Bill are delayed or not implemented in line with those in Britain. The Committee accepts that, given the existing financial framework for devolution, the direct reduction in the block grant as a result of not proceeding with the reforms would place a substantial pressure on the Executive's budget and, in particular, on the funding available for delivering priority front line public services in the North. That said, given the significance of the reforms in the context of the predominance of the public sector in the economy here, the Committee considers that, in expecting the Executive to follow parity on that devolved matter, the London Government should have provided a macroeconomic appraisal of the Hutton reforms at a local level. That would have ensured that decisions on the reforms could be taken on the basis of a more complete evidence base.

The Committee welcomes the amendments in group 1 to clause 5, which were indicated by the Department during Committee Stage. As the Committee did not consider amendment No 1 and the others tabled by the SDLP due to the timing, I cannot convey the Committee's position on them. However, I note that the issue addressed by amendment No 6, which is about negative resolution versus the affirmative procedure in clause 8(5), arose in the evidence to the Committee.

I will now turn to the Committee amendment to clause 13, which is listed in group 1 as amendment No 16. In the course of its deliberations, the Committee noted that clause 13 of the Bill specifies that employer contributions in defined benefits schemes with a pension fund, most notably the funded local government pension scheme (NI), are set at a level that is sufficient to ensure the solvency of the pension fund and the long-term cost-efficiency of the part of the scheme to which that fund relates. It also requires actuarial valuations of the fund and provides for the responsible authority to appoint a person to review whether such valuations are in accordance with the scheme regulations,

consistent with other valuations and whether an applicable rate of employer contributions was set. The clause requires that the person appointed must, in the view of the responsible authority, be appropriately qualified.

The Committee noted that the explanatory and financial memorandum accompanying the Bill refers to the reviewer as an "independent person" undertaking an:

"independent verification of the assessment of the scheme's assets and liabilities and to confirm whether appropriate employer contributions will be paid to meet those liabilities."

However, it was also noted that clause 13 does not appear to include specific provision to ensure the independence of the appointed person. Although members acknowledged that the term "appropriately qualified" in clause 13(7) could be interpreted as implying independence, it was not deemed to be sufficiently clear. On raising that issue with departmental officials during oral evidence, the Committee was assured that the Department would consider enhancing the provisions in clause 13 to make it absolutely clear that the person appointed to undertake the review is independent. In its subsequent written response, the Department appeared not to be prepared to table an amendment to ensure the independence of the person appointed. It stated:

"this is a technical exercise where financial or actuarial expertise is the primary requirement rather than independence".

As a consequence, the Committee agreed that an amendment, which would aim to ensure the independence of the person appointed would be drafted for consideration. The intention behind amendment No 16 is therefore to make explicit the requirement for independence in that regard.

In his response to the Committee's report, the Minister stated that the amendment:

"will not divert from the policy intentions of the Bill".

I take note of his comments today that it is a minor issue in comparison with other aspects of the Bill in all three groups. I welcome that, and I call on other Members to support the Committee's amendment No 16.

I will speak very briefly on our party position. We support the ministerial amendment Nos 1 and 2, the Committee amendment No 16 and broadly support all the other amendments in group 1 that have been tabled by the SDLP. We look forward to the debate on that group. We realise that the thrust of the debate is probably in the second group of amendments, which will take place after Question Time. We broadly support the amendments that have been tabled by parties in the first group.

Mr Weir: I will try to keep my remarks brief. This is, obviously, a very important piece of legislation. As a member of the Committee for Finance and Personnel, I know that going through the evidence on this group of amendments was a very valuable exercise. We got submissions from a wide range of witnesses, and we had very good interaction with departmental officials. Sometimes, when one looks at the issue of pensions, unless you have a degree of expertise in the subject, a lot of the terminology can be a little bit confusing. It is important that, as a Committee, we were able to plough our way through the potential minefield that is there.

I will, obviously, make specific reference in the second group of amendments to the issue relating to firefighters and deal with it at that stage.

I will now turn to the first group of amendments. Amendment Nos 1 and 2 are departmental amendments. The DUP is very supportive of these amendments. The interesting thing, in many ways, about this legislation is that it is a mixture of creating a structure around public sector pensions with a certain level of enabling legislation. A lot of the detail and flexibility that will need to be put in place will be put into individual pension schemes, and, in many ways, it will be guided by Departments. This is very apposite particularly to amendment Nos 1 and 2, which deal specifically with the NILGOSC provisions. Maybe I should declare, if not quite an interest, a previous involvement as a former member of local government. To allow that degree of flexibility is useful; it is something, as I understand it, that was requested by the Department of the Environment. Amendment Nos 1 and 2 give us that level of flexibility, which, I think, seems to be fairly sensible.

I will now turn, perhaps less favourably, to some of the other amendments in this group. Mention has been made of amendment Nos 3 and 4, which deal with the issue of representation. The point that the Minister made is very appropriate. We are talking about

member representation rather than trade union representation and, in many cases, that may end up being the same person; it may be somebody drawn from the trade unions. However, to try to tie it down and make it specifically that it has to be a trade union representative would be wrong for a number of reasons.

First, as was mentioned by the Minister, not everybody who is going to be part of the scheme will necessarily be a member of a trade union. Consequently, therefore, they may feel themselves to be unrepresented. Although a lot of good work has been done by a lot of trade union officials, I am sure that we have all come across occasions where there has been a degree of tension between former employees who see themselves as retired and those who are current employees. On occasions in different walks of life, and particularly in the public sector, we speak to retired people who are pensioners who do not feel necessarily that the trade union represents them any more. They are not a member of a trade union, and they feel at times, perhaps, that decisions are taken, understandably by a trade union, that are very much focused on a union's current members rather than its retired members. Consequently, there is a danger with amendment Nos 3 and 4 that people will feel a little bit left on the shelf and unrepresented. As I said, on a lot of occasions, it may well be that the representative of the members of that group is a trade unionist. I have no problem with that, but to restrict it to that is wrong, and consequently I will oppose amendment Nos 3 and 4.

Again, as has been indicated, there is a restrictive quality to amendment No 5. Different types of schemes will be permitted under the Bill. As indicated, a lot of the detail will have to be sketched out, quite often on individual schemes, by Departments. Therefore, to preclude particular types of schemes is wrong. In many ways, it interferes with the role that potentially is there through other Departments. There is not a particular intention to provide defined contribution schemes instead of the CARE-defined benefit schemes. We cannot have a crystal ball to gaze into the future or, indeed, gaze into other Departments as to what necessarily would be the case.

Again, as a lot of the legislation is ultimately meant to be enabling, I think that amendment No 5 is too restrictive.

12.30 pm

I will now deal with amendment No 6. An issue that quite often comes up is whether we do things here by affirmative or negative resolution. As someone who has seen large amounts of legislation go through the House over the past 15 years, I am often struck by what I think is a false dichotomy between those two types of resolution. Negative resolution has the advantage, because, if everything has to be by affirmative resolution, you clog up the system with large numbers of such resolutions that, despite in many cases being utterly uncontroversial, create a certain level of delay and add unnecessary time.

However, the idea that the affirmative resolution procedure provides much better and additional scrutiny is a false one. What we have to realise about the negative resolution procedure, particularly given the sensitivities around pension issues, is that, if a Committee — on this or any other subject — wishes to pray against an amendment, it will automatically come to the Assembly. There is that high degree of safeguarding. Therefore, in many ways, there is no additional advantage provided by affirmative resolution, on the basis that the safeguard is already built into the legislation. On the flip side of the coin, we may end up going through the motions time after time on a range of affirmative resolutions. That does not strike me as sensible.

Similarly, I think that amendment No 7 would shift the goalposts if "5 years" were to be replaced with "10 years". If you look at the case for getting a career break in a lot of the branches of the public sector, be it for teachers, police, the Civil Service itself or prison officers, often a maximum of five years for a career break is granted. Indeed, I think that firefighters are restricted to a three-year career break. To expand that to 10 years would massively shift the goalposts and is not in line with current Civil Service practice.

There is an opportunity for some scope on behalf of Departments. They can look at individual circumstances and fit the scheme to what they believe to be best, but clearly, concerning the generosity of the scheme, there is a potential cost impact of a shift towards 10 years. I am certainly not persuaded on amendment No 7.

Finally, the Chair teased out where we as a Committee stand on amendment No 16. There is an argument to be made about whether it is strictly necessary, but, in many ways, it is a choice between what is implicit in the clause as it stands, and what can be read into from the explanatory and financial memorandum, and

making the clause explicit. From that point of view, a reasonable argument has been made. The argument was, I think, accepted across the Committee that there is no harm in making the clause explicit. Therefore, although the argument can still be made about whether, strictly speaking, the amendment is necessary, it does no harm to make the clause explicit if it provides people with an additional reassurance. We on these Benches are therefore happy to accept amendment No 16.

I will make remarks on one of the other groups, but I commend amendment Nos 1, 2 and 16 to the House. I do not think that the implications of amendment Nos 3 to 7 are to the benefit of the Bill, so I urge the House to oppose them.

Mr Deputy Speaker: The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first business when we return will be Question Time. The Consideration Stage of the Bill will resume after Question Time.

The debate stood suspended.

The sitting was suspended at 12.34 pm.

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

2.00 pm

Oral Answers to Questions

Culture, Arts and Leisure

Mr Principal Deputy Speaker: We will start with listed questions. Question 10 has been withdrawn.

Stadium Development

1. **Mr Elliott** asked the Minister of Culture, Arts and Leisure whether the funding is now in place to allow the redevelopment of Windsor Park to begin immediately. (AQO 5277/11-15)

2. **Miss M McIlveen** asked the Minister of Culture, Arts and Leisure for an update on the regional stadium development at Windsor Park, Ravenhill and Casement Park. (AQO 5278/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): I thought that we were doing topical questions first. Sorry. I think that everyone else thought that as well.

I take this opportunity to wish everybody a happy new year. With the Principal Deputy Speaker's permission, I will take questions 1 and 2 together. The IFA integrated supply team tenders have been assessed, and the most economically advantageous tender has been identified. As no challenges were received during the Alcatel period, the funding agreement was issued to the IFA, and the successful contractor, O'Hare and McGovern, was appointed in December 2013. The design development by the contractor is currently under way, and it is anticipated that works will commence on site in the next few months. Provided that significant delays in any potential legal challenges are avoided, the Windsor development can remain on programme, with the completion of the construction works planned for September 2015

Mr Elliott: I thank the Minister for that clarification. She indicated that the development was subject to any legal challenges being avoided. Does the Minister anticipate any legal challenges?

Ms Ní Chuilín: I certainly do not anticipate any legal challenges. I think that the Member and

others will appreciate that we have come a fair distance with the work that is commencing on the three stadia. I think that it is good news for Windsor Park and Casement Park that not only were the funding agreements signed in December but full planning for Casement was given. So, I do not anticipate any legal challenges at this stage.

Miss M McIlveen: Is the Minister satisfied that, with the quite recent change in personnel in the Department and the departure of Noel Molloy as stadium project director, sufficient expertise remains in the Department to ensure that the three projects are delivered on time and within budget?

Ms Ní Chuilín: I thank the Member for her question. Noel Molloy came in to the Department with a huge reputation after delivering Titanic and other significant projects. That expertise will continue. We are certainly looking at whatever gaps there are, but, at this stage, I am more than content that the three programmes will be delivered on time. I am not really aware of other changes in the Department other than that involving the permanent secretary, but there have been seamless links, and I hope to continue that throughout these programmes.

Mr Humphrey: The Minister will be aware that, obviously, Windsor Park is the home of Northern Ireland. It is also the home of Linfield Football Club. Have officials from the Minister's Department met Linfield, and does she have any plans to meet the Linfield management committee?

Ms Ní Chuilín: I am not aware of any officials having met Linfield, but that is not to say that they will not have done so. I anticipate that, starting from this year, the number of requests from Irish League football clubs to meet not only me but my officials will increase to find out what is happening on subregional stadiums. I will meet any club. However, I am not aware of having received any invitation from Linfield for a meeting.

Mr McCarthy: I wish the Minister of Culture a happy new year. Can she advise the House whether she is satisfied that Casement Park will progress, despite the enormous opposition that there was from residents? One can understand why residents would be concerned. Is the Minister satisfied that those concerns have been looked after?

Ms Ní Chuilín: I thank the Member for his good wishes, and, as we say in Irish: gurb amhlaidh duit — same to yourself, Kieran.

The concerns that residents raised were considered fully as part of the application for planning permission, which was awarded on 18 December. I anticipate that with regard to not only Casement Park but Windsor and Ravenhill we will have more meetings with other stakeholders, particularly around benefits. I have no doubt that residents with concerns will be part of those meetings should they be requested.

I have to say — and it will come as no surprise to the Member — that I am also receiving more requests to meet groups that deal with the long-term unemployed and children and young people who are leaving school and looking for apprenticeships, local businesses, and other groups that are looking at some of the social benefits. All of their views will be taken into consideration.

South Antrim: DCAL Capital Projects

3. **Mr Clarke** asked the Minister of Culture, Arts and Leisure to outline the major capital projects funded by her Department in the South Antrim constituency since 2012. (AQO 5279/11-15)

Ms Ní Chuilín: I thank the Member for his question. I understand that he helpfully clarified what he means by “major capital investment”. In this context, it means investment in excess of £250,000. I can report that, at this stage, no capital investment of £250,000 was funded in the South Antrim constituency since 2012. I am able to draw the Member's attention to smaller capital investments in his constituency that fall just below that threshold. He will be aware that, in 2011-12, Sport NI invested £245,000 in the Burnside Ulster-Scots Society and £233,000 in Crumlin United Football Club. More generally, I am sure that the Member will acknowledge that decisions on the location of capital investment are not made on the basis of constituency but rather reflect a number of factors.

Mr Principal Deputy Speaker: I call Ms Michaela Boyle; I am sorry, I call Trevor for his supplementary question.

Mr Clarke: I thank the Minister for her answer. I welcome the fact that both clubs got a considerable amount of investment for their projects. I accept that there are factors. However, the Minister will appreciate that need is one factor. I am sure that she will agree — as, I believe, she has told me previously — that

there is great need for sports facilities, particularly for football, in South Antrim. What can her Department do to take a more proactive approach to encourage clubs to come forward and make applications for her Department to disperse that money.

Ms Ní Chuilín: I assume that the Member is not referring solely to sports needs but to sports and other needs in his constituency. I am more than happy to meet the local council, for example. I have met other local government representatives, be they council officials and councillors, and MLAs with regard to potential or future investment in the constituency. If the Member so wishes, I am happy to have a meeting to that end. I will certainly give advice. If it is about sport and other opportunities, I am happy to bring officials from some of the arm's-length bodies and facilitate a meeting.

I do not think for one minute that this has anything to do with an election in May, as Members raised the issue before; but, like many Members, I have received an increased number of requests in the new year to meet local representatives about potential investment in their communities. I am happy to do that.

City of Culture: Legacy

4. **Ms Boyle** asked the Minister of Culture, Arts and Leisure to outline how Strabane will benefit from the legacy of the City of Culture 2013. (AQO 5280/11-15)

7. **Mr McCartney** asked the Minister of Culture, Arts and Leisure, given her recent announcement of legacy plans as part of the City of Culture 2013, for an update on the departmental office in the Foyle area. (AQO 5283/11-15)

8. **Mrs D Kelly** asked the Minister of Culture, Arts and Leisure to outline her plans to maintain the legacy of the City of Culture 2013. (AQO 5284/11-15)

Ms Boyle: Go raibh maith agat, a Príomh-LeasCheann Comhairle; ceist uimhir a trí. Question 3. I am sorry; ceist uimhir a ceathair. Question 4.

Mr Principal Deputy Speaker: I am just seeing if you are paying attention.

Ms Ní Chuilín: Good stuff, a Príomh-LeasCheann Comhairle. You have them all on their toes. With your permission, I will answer questions 4, 7 and 8 together.

Recently, I announced my strategic vision for the City of Culture legacy, not just for the city of Derry but, indeed, the north-west. I have secured over £2 million for the period from January to March 2014 to support a continuation of key projects from the city's culture programme and to prevent the loss of key benefits and partnerships. That will also stimulate new collaborations between creative industries and businesses and provide strategic investment to sports facility development in the north-west.

I will also, as I have stated, make a further bid to the Executive for funding for the 2014 and 2015 financial years and beyond to support ongoing and new interventions which maximise City of Culture benefits across the north-west. That will also support the Executive's priorities in growing the economy and tackling poverty, social exclusion and inequality.

I am therefore keen to ensure that a DCAL office will be set up in Derry to further enhance focus in the north-west. That will have responsibility for coordination and oversight of culture, arts and leisure activity in the area, which will include Derry, Strabane, Limavady and Coleraine. My officials are preparing detailed arrangements and costs, and it is my intention to have the new departmental office in place for the start of the 2014-15 financial year.

Ms Boyle: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer. I suppose that she has gone some way to answering my supplementary question. Further to that, it is important that Strabane benefits from the legacy of the City of Culture. Given that both councils will amalgamate into a regional council, will the Minister inform the House of the benefits of that in respect of generating new projects? What further assistance can her Department give to those councils?

I take this opportunity — I am sure that the Minister will join me in doing so — to wish Strabane Athletic all the very best. They drew with Ballinamallard, and there will now be a replay. I am sure that the Minister will agree about their success.

Ms Ní Chuilín: I am happy, even though Tom Elliott is not, to wish Strabane FC and, indeed, Ballinamallard all the best.

I want to assure the Member that when we talk about looking at how we can expand the legacy of the City of Culture across the north-west — I mentioned Strabane, Limavady, Coleraine and other areas — we are doing just that. We are

having meetings with key stakeholders in the community. We are also looking at opportunities for roadshows and information and consultation events. I have asked that Strabane in particular be one of the first areas visited in order to make links with the people there and to ascertain their opinions.

It is important to recognise that the legacy of the City of Culture — people in Derry city will say this — has been tremendous. However, we need to make sure that that is not just located in one geographical area. My experience of the city is that the people are very generous and are happy to spread all that love across the north-west.

Mr McCartney: Go raibh míle maith agat a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí sin.

I thank the Minister for her lead answer in particular. I think that she is right: most people in Derry want to see the legacy spread beyond the city boundaries. She alluded to the fact that there will be premises in the city. Will she give us an update on that and perhaps outline how appointments to the new delivery mechanism will be made?

Ms Ní Chuilín: I thank the Member for his question. He and others will be aware, given what I said just minutes ago and when we launched the legacy for the City of the Culture, that we want a DCAL office in the north-west. At the minute, we are scoping out where the office will be. We are looking at a couple of options and the costings. My ambition — I have no reason to believe that this will not happen — is that the office will be open by the end of March or the beginning of April. Indeed, it is not just the physical office that will be in place around that time; I also hope to have the new cultural partners, the board and the staff in place by April or June. So, certainly by the end of this session — we are only back, and yet we are already talking about the summer — I hope to have that well in place.

Mr P Ramsey: The Minister clearly acknowledged the importance of the legacy to the north-west and to the wider region of Northern Ireland. Given the experience and capacity of staff in the Culture Company, will any of them be used to maximise the importance of the legacy?

Ms Ní Chuilín: The Member is aware and, I am sure, can appreciate that this is not a transfer of undertakings and protection of employment (TUPE) arrangement; it is not just about

transferring staff from one body to another. We are two separate bodies, and they are employed by Derry City Council. I will say that — I am sure that Members and the staff know this — when the posts are advertised publicly, which they will be, anyone, regardless of their current employment status, will be entitled to apply. I am sure that the Member shares my aspiration of wanting the best possible people in post to make sure that the legacy of 2013 endures in 2014 and beyond.

2.15 pm

Mr Campbell: I see the Minister and the questioners overlook the fact that it was the UK City of Culture. She will be aware that "inclusivity" was the key word throughout the UK City of Culture year. What steps is she going to take to ensure that, as it spreads out from Londonderry, Limavady, Strabane and Coleraine, that key word is implemented in practice; that communities across the board can see it as a system and set of programmes that they can take part in; and there does not have to be the arguments, fights and disputes, as there was at the early part of the UK City of Culture, in order to get there?

Ms Ní Chuilín: I thank the Member for his question. To be fair, the Member is the only person I know who is arguing and fighting about this whole thing. I am sure that he will support Derry's bid for Irish City of Culture in 2016. I look forward to his support in that.

The Walled City Tattoo and many other cultural events that happened in 2013 were inclusive. I know that people across the city, wherever they come from, have a sense of themselves, and they had a sense of what they were celebrating in 2013 and what they, collectively, hope to celebrate, beyond, in an inclusive way. The only people who I find have issues around inclusivity, really, are probably — well, probably you have the privilege of having that sole title. So, I look forward to your support for the bid for Irish City of Culture for 2016 and to you demonstrating full inclusivity.

Great War Commemoration

5. **Mr Moutray** asked the Minister of Culture, Arts and Leisure to outline what her Department is planning to do to commemorate the centenary of the Great War. (AQO 5281/11-15)

Ms Ní Chuilín: I thank the Member for his question. The creative and cultural infrastructure and programmes already funded and supported by my Department will play a

key role in telling the stories and different interpretations of the First World War and other important events in this decade of centenaries. For example, libraries are developing a programme of exhibitions, talks and book launches to commemorate the start of the First World War. Museums are also planning to outline access to collections and an exhibition and programming at the Ulster Museum and the Ulster Folk and Transport Museum. That will also involve cooperation with the National Museum of Ireland and the Imperial War Museum and National Portrait Gallery in London.

Mr Moutray: Thank you. Recently, the Government at Westminster allocated some £50 million for historical commemorations of the centenary of the Great War. Given that many young men went from all communities across Ulster to fight and to die in the cause of freedom, can the Minister tell us what discussions she has had with her UK counterpart, Maria Miller, to see what more can be done in relation to Northern Ireland and the Great War commemorations?

Ms Ní Chuilín: First, I have not had any discussions with Maria Miller in relation to that. I have had discussions with Ed Vaizey on other aspects of cultural heritage, and I intend to continue those. I also intend to work with the Member's colleague and my Executive colleague Arlene Foster in relation to taking forward not only the First World War but other very, very significant aspects that will arise for people here during the decade of centenaries.

The Member will be aware not only of what I have outlined, but certainly that PRONI and the Somme Heritage Centre, which we are also supporting, are also planning to mark this most significant centenary and to do it in a very respectful way.

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers. I think that she has answered part of my question. The Executive's statement of March 2012 specified that the Minister of Enterprise, Trade and Investment and the Minister of Culture, Arts and Leisure would bring forward a programme for the decade. Has that been agreed?

Ms Ní Chuilín: In short, yes, that has been agreed. As I have said, and as Minister Foster has said, the principles underlying the Executive's approach have been agreed on the basis of mutual respect. A multitude of organisations across the island, not just here in

the North, are marking this and other anniversaries. My officials, alongside officials from DETI, are looking at an online promotional platform to raise awareness of a broader range of activities about how we provide inclusivity and remember the past.

That work was to take on board recent policy developments linked to building a shared future and a united community and was to be informed by discussions before and certainly in the future. It is important that we do that. It is not about what we commemorate; it is about how we commemorate it in a respectful way.

Mr Kinahan: I thank the Minister for her answers so far. It is good to hear about the actions that she is putting in place for the decade of centenaries. Although she has hinted at this, bearing in mind the suffering and sacrifice of soldiers from both parts of the island in the First World War, does she not think that the best way of showing everyone our shared history and a shared future is by talking to Westminster? Working with them as well would be a great help.

Ms Ní Chuilín: I thank the Member for his question. I assure him that I have no reason not to speak to anybody. We need collaborative approaches to make sure that we make them respectful events, regardless of how we feel about those periods of history. Even though none of us was born then, we seem to have an awfully long memory. It is really important that we, as Governments and representatives of many people across this island and other islands, try to work collectively. I have no issue with that at all. I have additional meetings coming up with Ed Vaizey and other British Ministers. I am happy to raise, as I was intending to do, how we can work collectively and collaboratively around centenaries, broadcasting, languages, sport and many other interests where we could probably do better if we maximised the opportunities that arise. We may not know what one another is doing. I assure the Member that I will talk to anyone, regardless of who they are, about learning lessons from the past. I am happy to do anything I can to provide better opportunities around inclusivity and respect.

Mrs D Kelly: Speaking as someone whose great-grandfather died at the battle of the Somme, I think that it is important that we recognise the contribution from many people right across the community, particularly the Catholic community. Will you join me in commending the good work of the Minister for Arts, Heritage and the Gaeltacht, Jimmy

Deenihan, in recognising the contribution? Of course, the history books will show that many people joined because they believed in home rule and Redmond's army, if you like. Do you have any plans to meet or have you met the Minister to coordinate an all-Ireland response to the commemorations, particularly around 4 August, which was the date of entry into the war?

Ms Ní Chuilín: I thank the Member for her question. It will come as no surprise that I have met Jimmy Deenihan about that, and I plan to have further meetings. The Member might not be aware that the public records offices of both jurisdictions are looking at ways in which we can use archives to add to centenaries or even learning and education. We are also looking at libraries. We have had conferences on those. We have had and will continue to have discussions around how we celebrate and work together, where possible, in celebrating, remembering and commemorating significant events throughout the decade of centenaries. I am sure that the Member has met Minister Deenihan, and she will also be aware of his enthusiasm to take that approach.

Mr McNarry: I always appreciate the Minister's upfront-ery, not her effrontery. Following the Minister's answers so far, is it possible that I am correct in surmising that we could be financing the commemoration of rebels and terrorists?

Ms Ní Chuilín: Given the context of the questions so far, which have been based on the First World War, that is a bit churlish of the Member. You are the only person today who has been affronted — apart from Gregory Campbell, but that is a given. *[Laughter.]* In the spirit of the Member's question, I will be upfront about being inclusive as much as I can. If I can add to, assist and complement better learning, better respect and more inclusivity, using the decade of centenaries to do that, I will. That is a genuine response. I know that the Member is keen to make sure that that will be the case for not just this year but the years ahead throughout the decade.

Libraries

6. **Mrs Dobson** asked the Minister of Culture, Arts and Leisure what action she has taken to increase the usage of libraries and their facilities. (AQO 5282/11-15)

Ms Ní Chuilín: I thank the Member for her question. Libraries strategy for increasing library usage is set out in its 2013-14 business plan. That plan addresses barriers to library

usage through targeted outreach work, partnership and working with local community organisations, charities and Departments. In keeping with my priorities, it also has a strong focus on increasing participation in libraries that serve those in the most deprived areas. However, our libraries are community hubs, and, to ensure that they have a good environment, an investment programme is under way to refurbish or replace a number of library buildings and vehicles. In addition, the £28 million e2 replacement IT system will provide faster broadband and Wi-Fi in every library for its users. The ongoing development of partnerships along with investment in staff, stock and facilities and increased community engagement is helping to realise the vision of providing a flexible and responsive library service that assists people to fulfil their full potential.

Mrs Dobson: Can the Minister give an assurance that, where libraries have been inappropriately closed, she is actively seeking resources and support to provide library services to those communities?

Ms Ní Chuilín: I am not sure what the Member means by "inappropriately closed". We went through some detailed explanations and tried to engage more people in becoming members of the library, particularly in rural areas, to make sure that libraries and their future-proofing was sustained. That was not the case. We can only put public money into a service where there has been an identified need. Through previous correspondence from the Member about a particular library, I am conscious of the fact that we need to make sure that libraries and other community facilities, particularly in rural areas, are maintained and sustained throughout the future.

Ms Fearon: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. What exactly is being done to improve library services for users in rural areas?

Ms Ní Chuilín: I thank the Member for her question. I suppose that it follows on from part of the answer that I gave to Jo-Anne Dobson. In September last year — I was unable to make it — the Minister of Agriculture and Rural Development was part of the opening of a library in a rural area of mid-Ulster. That was one of the libraries under threat of closure. What it did and what other libraries have done in the Member's constituency, which is a city but certainly has outlying areas, and in counties including Fermanagh and across the North is to look at where they can join up with other

service providers to provide a community hub. For example, Libraries has 28 branches located in rural areas, which also provide mobile library services and even home call services for people. As I mentioned previously, it is also about better access to broadband and that. I am acutely aware that we cannot have and I will not tolerate access to services by postcode in DCAL. I need to make sure of that and will fight to sustain services in rural areas, and that includes libraries.

Mr Principal Deputy Speaker: We are almost out of time, but I will call Karen McKeivitt, who may require a written answer.

Mrs McKeivitt: Thanks very much, Mr Principal Deputy Speaker. In the past, during answers at Question Time, the Minister has encouraged communities, MLAs and so on to respond to the mobile library service strategy. Given that the consultation closed on 14 December, will she give us an update on where we are and what the responses were like?

Ms Ní Chuilín: To be totally honest, I have not had any discussion with the libraries branch in DCAL, but one of the actions that I need to take over the next fortnight is to get an update on what the responses were and what the intentions are and then to talk to Libraries to see what we do with that. I am happy to write to the Member individually, although she is a member of the CAL Committee, on those responses and what the propositions are.

Mr Principal Deputy Speaker: Order. That brings the period for oral answers to listed questions to an end. I know that the Minister is anxious to get on to topical questions.

Fish Stocks

1. **Mr Hazzard** asked the Minister of Culture, Arts and Leisure to outline the contingency plans the relevant branch in her Department implemented to preserve fish stocks during the recent adverse weather. (AQT 541/11-15)

Ms Ní Chuilín: Like many others, DCAL had an operation in place, as in previous years, to look at preserving fish stocks. We ascertained at a very early stage that, because the fish farms were not in coastal areas, the threat was diminished. We had an action plan and other plans in place in the event of the weather taking a further turn for the worse and impacting on our stocks.

2.30 pm

Mr Hazzard: Go raibh maith agat. I thank the Minister for her reply. It is reassuring to know that appropriate measures were taken. Can she say whether anybody from the angling community offered assistance and whether any engagement took place with the community during the crisis?

Ms Ní Chuilín: I thank the Member for his supplementary question. I am not aware of any specific discussions with the angling community, which is very active and has a very good working relationship with our fisheries branch. I will ascertain what, if any, discussions or requests were made and write to the Member.

Sports Facilities: Funding

2. **Ms Fearon** asked the Minister of Culture, Arts and Leisure to confirm whether new capital funding for sports facilities will be made available through applications to Sport NI this month. (AQT 542/11-15)

Ms Ní Chuilín: I thank the Member for her question. My understanding is that, as of yesterday, Sport NI is looking at new capital funding. At one stage, I believed that that would be in place by the end of January. It is looking at a possible cocktail of funding or a funding package with access on three levels for smaller, medium and larger projects. That will be brought to the Sport NI board in March for agreement, along with departmental agreement, and should be available for applications by April.

Ms Fearon: Will the Minister provide assurances that the opportunity will be evenly spread throughout the North so that there is better provision in rural areas and equal access?

Ms Ní Chuilín: I can assure the Member that we continue to look at need and inclusion, particularly social inclusion. I am aware that, in the Member's constituency, there has been ongoing criticism about a lot of money for the arts going to Belfast and, more so, Derry. I assure Members that we are looking at projects, particularly capital investment projects, that are based on need. That is a lengthy process, but I am happy to give the Member that assurance.

Child Obesity

3. **Mr Dallat** asked the Minister of Culture, Arts and Leisure, given recent media coverage on

rising child obesity levels, to advise what action her Department is taking, in conjunction with the Department of Education, to address this matter. (AQT 543/11-15)

Ms Ní Chuilín: I thank the Member for his question. This might be a result of better promotion, but there have been more newspaper articles written about the concerns around childhood obesity, particularly type 2 diabetes. Yesterday, at St Louise's College in west Belfast, in conjunction with the Minister of Education, I launched 'Your School, Your Club', which deals with sports and activities that are shared between schools and neighbouring clubs, such as GAA clubs, soccer clubs, rugby clubs and youth clubs. That will not only make sure that services are accessible after school hours but, as there is a lack of land and support in certain places, allow us to do all that we can to join everything up. It is about not just children and young people but our older generation, who also want to keep fit and active.

Mr Principal Deputy Speaker: I remind Members about the House rules in respect of mobile telephones. There is quite a bit of interference.

Mr Dallat: Will the Minister confirm whether she is considering any business cases relating to this matter? If so, can we expect formal approval to be granted in the near future?

Ms Ní Chuilín: I am not aware of any specific projects. That is not to say that schools, clubs or others have not come in, and I know that some have received Sport NI funding in the past. I am happy to bring the Member's request back to the Department, find out whether there are any projects and, if so, where they are. I will then update the Member in writing.

Boxing: Funding

4. **Mr Elliott** asked the Minister of Culture, Arts and Leisure whether she has reviewed the grants allocated to local boxing clubs and authorities to include those that did not previously receive funding packages. (AQT 544/11-15)

Ms Ní Chuilín: I thank the Member for his question. The position on the funding for boxing remains the same. I am not aware of any club not being included. The situation has always been that clubs that are affiliated upon application are in the pool like everyone else.

The minor capital support was made from August to this month, and I believe that 83 clubs requested technical assistance for greater support and that 76 clubs had returned applications. Neither Sport NI nor I have made any decisions on those yet, but I am not aware thus far of any club requesting support and not receiving it.

Mr Elliott: I thank the Minister for that. Will she confirm that, following the independent working group's finding that Sandy Row Boxing Club had been discriminated against, that club will get funding?

Ms Ní Chuilín: The boxing club welcomed aspects of the report. I am not aware of Sandy Row applying for funding and funding being refused on that basis. I welcomed applications from everywhere, including Sandy Row. I am not too sure that the full report concluded what the Member is stating. I believe that the club, in conjunction with the independent panel, the Irish Amateur Boxing Association and the Ulster Boxing Council, is taking a can-do attitude for the future. I ask the Member and other Members to get behind the clubs and to give them support.

Casement Park: Social Clauses

Ms McCorley: Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answers up to now. I am happy to hear that planning permission has been granted for Casement Park.

5. **Ms McCorley** asked the Minister of Culture, Arts and Leisure when the social benefits relating to Casement Park will be announced. (AQT 545/11-15)

Ms Ní Chuilín: The social benefits and social clauses should be announced at the beginning of February, and that will include the details. I have given a flavour in the past of what some of those social clauses may look like. We are looking to February for the launch of social clauses and from March and beyond for actions and an employment plan from the construction team.

Ms McCorley: Go raibh maith agat. Gabhaim buíochas leis an Aire as a freagra. Will the community and voluntary sector be invited to briefings on the social clauses when they are available?

Ms Ní Chuilín: In short, yes, the community and voluntary sector will be involved. In fact, I

received a request from the community, through the MP for West Belfast, to meet a section of the community and voluntary sector and the partnership boards to look at the social clauses, when they would be launched and what the relationship through the construction phase of Casement Park would look like for the entire West Belfast constituency.

Poetry: DCAL Funding

Mrs McKevitt: I am sure that the Minister will support me in taking this opportunity to congratulate Dr Sinéad Morrissey on the wonderful achievement of winning the prestigious T S Eliot prize this week for her poem 'A Matter of Life and Death'.

6. **Mrs McKevitt** asked the Minister of Culture, Arts and Leisure what initiatives or funding her Department provides to encourage the uptake of poetry by young people. (AQT 546/11-15)

Ms Ní Chuilín: I thank the Member for her question. The Arts Council in particular has dedicated members of staff for poetry and literature. I am not aware of any specific measure for poetry for children and young people, but I will find out.

I am sure that other Members will join us in congratulating Sinéad Morrissey on her prestigious title. I think that she is the first-ever Belfast poet laureate. I am glad that she is a woman. It was good news when I heard on the radio very late last night that she had won the award.

Mrs McKevitt: Does the Minister have any plans to collaborate with her colleagues the Minister of Education and the Minister for Employment and Learning to ensure that opportunities are available to the general public, young and old, to take part in poetry readings and poetry classes?

Ms Ní Chuilín: I did not have any plans, but she has put an idea in my head. I am happy, as I said to other Members, to have further discussions, because maybe the Member has specific ideas about what this would look like. The Minister of Education has just walked in. Yesterday, he put me on the spot by offering me the opportunity to demonstrate trampoline skills to children and young people, so I will do the same with him, literally. We are happy to look at any scheme, event or initiative that includes the better use of and participation in literature, be it through poetry, storytelling or whatever, particularly for children and young people. We will certainly look at it positively. I

know that Belfast City Council, through the mayor, Máirtín Ó Muilleoir, has spearheaded a campaign of having city laureates which, I think, is the best way of doing it.

Mountain Bike Trail: Funding

7. **Mrs Overend** asked the Minister of Culture, Arts and Leisure to outline the funding her Department has made available to the mountain bike trail at Davagh forest in my constituency of Mid Ulster. (AQT 547/11-15)

Ms Ní Chuilín: I do not have details at hand, and I am not aware of them. We have made a significant investment in County Down, but I am not aware of the situation in Mid Ulster, which is the Member's constituency. As I have said to other Members, I am happy to find out the details and forward them to her. In conjunction with my colleague the Minister of Agriculture and Rural Development, I have taken presentations and attended meetings with stakeholders on this sport and others, particularly in rural areas. There is a growing trend in this. However, I am not sure of the figures; I will get them and write to the Member.

Mrs Overend: I appreciate the Minister's response. Considering the upcoming Giro d'Italia and the surrounding excitement, activities and opportunities that we have in Northern Ireland, does the Minister feel that there are opportunities in all constituencies across Northern Ireland? I wonder what her Department would like to do in support of that event to enhance cycling across Northern Ireland.

Ms Ní Chuilín: The Member is right: interest in the Giro has been expressed in all constituencies across the North. In fact, you would be hard-pressed to throw a stone and find a constituency that is not involved in cycling. Her colleagues and mine from Armagh city have been very proactive in raising the opportunities and skills that they have, the interest in the Giro and cycling and the legacy of the Giro. Through Sport NI, I have received representations from the Department of Enterprise, Trade and Investment (DETI) subgroups on this. Again, I am happy to get the details for the Member and write to her. I thank her for her interest in cycling. We should learn what lessons we can to nurture, develop and sustain the legacy of the Giro, particularly with regard to cycling. It is very important, particularly in rural areas, that we have a good legacy and a good investment in sport and physical activity.

Giro d'Italia

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I also welcome the Minister's response in relation to this question.

8. **Mr Boylan** asked the Minister of Culture, Arts and Leisure whether any funding requests for the Giro d'Italia have been made, either to her Department or to Sport NI. (AQT 548/11-15)

Ms Ní Chuilín: I thank the Member for his question. I know that many people have asked about the potential. As I said to Mrs Overend, I think that Armagh City and District Council is one of the groups represented on DETI subgroups with Sport NI to look at the potential. I am not aware that any funding requests have been made thus far, but that is not to say that they will not come.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answer. Will she ensure that any investment in this significant event will not be focused just in and around Belfast? I certainly welcome the fact that the Giro is coming to Armagh city and district.

Ms Ní Chuilín: God, you are awful hard on Belfast people, I have to say. I will ensure that. As with all funding opportunities, I have a statutory obligation under section 75 to make sure that funding and investment meets need. If need is demonstrated in the Member's constituency, he will be in the pot along with everyone else. We are looking at the provision of services and investment on the basis of demonstrated need, and I am sure the Member and other Members can assure me that people have done an awful lot of work to ensure that they are up there for any potential opportunity.

2.45 pm

Education

Youth Services: South Belfast

1. **Mr Spratt** asked the Minister of Education for an update on youth services provision in the South Belfast constituency. (AQO 5292/11-15)

Mr O'Dowd (The Minister of Education): Youth provision in the South Belfast constituency is a matter for the Belfast Education and Library Board (BELB) and the South Eastern Education and Library Board (SEELB). The boards have advised that there

are 64 registered youth providers in the area, of which 56 are voluntary and eight are statutory.

During November 2013, I announced that 53 schemes were successful in their applications for grant-aid funding as part of my youth capital funding scheme for voluntary organisations. Five fall within the South Belfast constituency, totalling £852,000 out of overall funding of £12 million. The successful bids came from the Boys' Brigade's Belvoir project; the Catholic Guides of Ireland Northern Region, Belfast; the Forthspring Inter Community Group; Rosario Youth Centre and St Peter's Immaculata Youth Centre.

Recently, I cut the first sod on a £1.4 million development of a new youth club for the Belvoir area, which is a major capital scheme in the controlled youth sector.

Mr Spratt: I thank the Minister for those details, but does he recognise — as he has recognised in the Boys' Brigade etc — the valuable work offered by other organisations such as the churches and the various community groups throughout? Will his Department encourage community groups to fully participate in youth service provision from here on in?

Mr O'Dowd: I agree with the Member about all the bodies that he referred to regarding the provision of youth services. The document on youth provision, 'Priorities for Youth', which was launched late last year, recognises the role played by uniform organisations and, indeed, church groups in the provision of youth services. I encourage them to continue to provide, under their auspices and through the use of their facilities, what are often in many areas the only youth services available. They encourage the education of young people in an informal setting. So, I congratulate them on the work conducted thus far and encourage them to continue to engage with the education boards on the provision of youth services.

Mr Maskey: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Minister recently attended the official opening of the excellent facility of the St Malachy's youth centre in the Markets area of Belfast. What does he expect the benefits of that centre to be?

Mr O'Dowd: The St Malachy's centre was a jointly funded project between my Department and DSD. It is an impressive building, from the outside and inside. It is a statement to the community that government and Departments are prepared to invest in their well-being. The drive and enthusiasm that keeps youth

provision going, as I said to Mr Spratt, comes from the hard work often of volunteers in the community. The church was involved in that project.

I would not presume to be able to tell St Malachy's and other organisations what work they should be doing other than what is outlined in 'Priorities for Youth'. The action plan in 'Priorities for Youth' allows communities and organisers to adapt their facilities and work programmes to meet the needs of their communities. Given the wide range of participation of young people on the night of the opening, there is clearly a wide programme of work being undertaken in that youth centre.

Mr McGimpsey: In reference to youth provision and discussions that we had, Annadale and Haywood youth club in south Belfast has no premises. During discussions with the BELB, it was said that it was to provide mobile premises. Where does the money come from? The city council has promised to provide £150,000 to erect it, the Housing Executive will provide the site and planners will provide planning permission, but still we await action from the education authorities. Bearing in mind the actions that we have seen at Rosario and St Malachy's, which I welcome, we have young people in this community with nowhere to go.

Mr O'Dowd: We clearly want to improve youth facilities across all sectors. The statutory obligation for the provision of youth facilities is a matter for the Belfast Education and Library Board in these circumstances. If the Member wishes to write to me, I will be happy to raise the matter with the board and ensure that all proper policies and protocols have been followed. At the end of the day, from what I take from what the Member has said to me in this conversation, the decision will be a matter for the Belfast Education and Library Board. I have secured several million pounds worth of additional funding for youth services. I recently announced considerable investment in a capital programme for youth services, and I will continue to try to secure funds for resource and capital functions in youth services, because I believe them to be an integral part of our education system.

Ms Lo: Mr McGimpsey's question is similar to mine, but I want to further add to his comments about the difficulties with the Annadale youth project getting capital funding. I facilitated a meeting with the Belfast Education and Library Board, and it seems to be coming up against brick walls all the time. It is a good project, Minister. It is a cross-community project —

Mr Principal Deputy Speaker: I remind the Member that this is Question Time.

Ms Lo: I just wonder what the Minister can do to help this group.

Mr O'Dowd: As your question is similar to Mr McGimpsey's, my answer is similar to the answer that I gave to him. If the Member writes to me with regard to the matter, I will be happy to raise it with the Belfast Education and Library Board and will familiarise myself further with the details around it, but it is a decision for the Belfast Education and Library Board.

Shared Education: Lisanelly Project

2. **Mr I McCrea** asked the Minister of Education for an update on discussions regarding the shared education flagship project at Lisanelly. (AQO 5293/11-15)

Mr O'Dowd: The programme director and design team for the Lisanelly shared education campus have ongoing discussions and engagement with various stakeholders involved with the programme. Work on phase 1 of the programme has commenced on site. That includes the provision of a newbuild for Arvalee school and resource centre. The work also includes site-wide demolition and enabling works to allow for further phased developments on the campus. Construction work on Arvalee school is scheduled to commence in the autumn. I recently met representatives from Omagh High School who made clear their need for new facilities, which Lisanelly will provide.

Further phases of development are advancing through appropriate stages, and associated business cases have already been approved by government.

Mr I McCrea: Given that work has begun on the first school, which the Minister referred to, can the Minister give the House details about the current governance and accountability mechanisms that he has put in place to oversee the implementation of the project? What arrangements does he intend to put in place to ensure that governance, accountability, ownership and management of the site issues are properly dealt with?

Mr O'Dowd: I am in the process of establishing a programme board. I am awaiting confirmation of a number of names of people who I would like to sit on that board, who have skills that I think would greatly enhance the delivery of the project. I also wish to establish a stakeholder

consultation group drawn from key stakeholders who will support the programme board and help to shape the final outcome of the Lisanelly campus.

Mr McElduff: Go raibh maith agat, a Príomh-LeasCheann Comhairle. I suggest to the Minister that he might consider organising a public seminar, perhaps in Omagh, to explain things in a spirit of openness to companies, including local companies, who would be interested in tendering for works associated with the Lisanelly campus. There is an appetite for it in the community, and people are asking questions. I think that an open-ended seminar explaining the procedures and protocols for everybody interested would be a good thing. I have mentioned it informally to the project director Hazel Jones, but I would like the Minister's endorsement for it.

Mr O'Dowd: The suggestion is good, and I have no difficulty with it. Community support in and around the Omagh area for the Lisanelly project has proven vital throughout the course of its delivery, and at times when there were doubts and concerns about it, it was the community support that kept the project going. So, I think that it is only right and proper that we keep the local community fully informed of developments and how the project will proceed going into the future. So, we will make arrangements for such a seminar to take place.

Mr Kinahan: Will the Minister tell us what reassurances his Department gave to every participating school involved in the Lisanelly project that their individual ethos will be protected? Can he also give a commitment that the same assurances will be given to any new schools entering other shared campuses?

Mr O'Dowd: Shared education campuses are about bringing together schools of different character and ethos to work with each other. I will not give any individual reassurances to schools in the sense that one school gets this reassurance and another gets that one. A collective reassurance was given to participants in the Lisanelly project that their ethos and identity would be protected on the site. However, shared education has to be about breaking down barriers and working with each other as well as challenging yourself and others.

Shared Education: Update

3. **Ms McGahan** asked the Minister of Education for an update on the shared education campuses. (AQO 5294/11-15)

Mr O'Dowd: Last Friday, I announced the launch of the shared education campuses programme, which will contribute towards OFMDFM's Together: Building a United Community (T:BUC) strategy by delivering on the commitment to create 10 shared campuses. The programme will complement the work already under way within DE on shared education and area planning, and it will be targeted at infrastructure projects aimed at improving or facilitating sharing initiatives within local schools. It has the potential to bring together a range of schools and aid the sharing of classes, subjects, sports and extra-curricular activities.

The programme will consider project proposals that demonstrate that they meet the following essential criteria: number and management type of School; educational and societal benefits; endorsement from respective managing authorities; evidence of parental, pupil and community support; and context of area planning. Priority will be given to project proposals that demonstrate that they meet the desirable criteria of location and evidence of existing sharing. Shared education proposals that meet the criteria for the programme should be submitted to the Department before the end of March 2014, and those selected to proceed in planning will be announced by the summer.

Ms McGahan: Go raibh maith agat. I thank the Minister for his response. Will he outline how much money is available to his Department to progress with such shared education initiatives?

Mr O'Dowd: The T:BUC funding programme has yet to be confirmed. Executive parties are working together across a wide range of policy areas announced under Together: Building a United Community. I and my Department will no doubt have to make our own contribution towards that from our capital budget, but it will require Executive support into the future. We must wait to see which and how many projects come forward and their costings before we can confirm the budget required. However, it is an Executive commitment that my Department has signed up to, and I want to ensure that it is delivered.

Mr D Bradley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. Ba mhaith liom ceist a chur air i dtaobh an laithreáin roinnte oideachais in Ard Mhacha. An raibh aon chruinniú aige leis na daoine atá ag iarraidh an laithreán sin a chur chun cinn?

I thank the Minister for his answers so far. Has he had any discussions with those promoting the shared education facility in Armagh? If not, is he open to discussions with them?

Mr O'Dowd: I met the proposers of the Armagh project several months ago. Indeed, I visited the proposed site for the campus in Armagh city. We had a very good discussion. The project developers have work to do, and I said that I would keep abreast of developments in relation to the campus etc. I am reluctant to go into the detail of my views on it, because it may be one of the projects to come forward under this scheme, and, at the end of the day, I will be one of the decision-makers about suitable applications, and I want to be able to keep an open mind on all the applications that come to my office.

Mr Beggs: I welcome the announcement and the call for applications for funding. However, some schools feel deeply frustrated that they have only two and a half months to put an application together, particularly as so much time has passed since the initial announcement. Does the Minister think that that is sufficient time for real engagements to occur in schools and local communities and to make an appropriate application?

3.00 pm

Mr O'Dowd: What we are doing here is recognising shared education projects that have been taking place for a period of time. There are many examples of schools that are involved in shared education projects and would benefit from shared facilities to move them further forward. This project is not about schools coming together to develop or begin a shared education project. This announcement is about facilitating projects that are either at an advanced stage having been running for a number of years and would benefit from a shared facility or from schools that have been engaging with each other over a number of years, understand each other's requirements and, therefore, can submit a bid within the time frame announced.

Mr McCarthy: Can the Minister assure us that shared schools will be a matter not just of a shared area but of shared classrooms and shared learning experiences, with different classes working together rather than separately?

Mr O'Dowd: That is an important point. It is not about facility A being used by school B for an hour, and, when they move out, school C

moving in. Shared education has to be about young people engaging with each other, sharing facilities together, learning together and learning about each other together.

EU Funding

4. **Mr McKay** asked the Minister of Education to outline how much EU funding his Department has secured over the past five years. (AQO 5295/11-15)

Mr O'Dowd: My Department's ability to access EU funding is directly linked to the applicability of EU funding streams to the core business of the Department. In the period in question, our main focus has been on maximising the support available from the EU's Comenius and Youth in Action programmes. The British Council is an agency for those two programmes. The education service here has been able to benefit from a total of £4.2 million drawn down by the British Council during the 2010-11, 2011-12 and 2012-13 financial years.

Mr McKay: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Following on from that answer, will the Minister detail how often his officials engage with European colleagues to explore the potential for EU investment in local education projects and ensure that we maximise the potential of that funding stream?

Mr O'Dowd: I do not have the exact details in front of me about the number of meetings that have taken place. However, I can assure the Member that engagement has been stepped up in recent years. My Department has been proactively exploring the possibility of attracting EU structural funds in respect of the 2014-2020 funding round to build capacity in our pupil enhancement and enrichment intervention activities in relation to science, technology, engineering and mathematics (STEM) and business education. Exploratory work concluded that the objectives of the European social fund's investment for growth and jobs programme provided the best fit for the Department's STEM and business evaluation programmes. We are also exploring which other programmes, under the potential Peace IV, my Department could benefit from.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mo bhuíochas leis an Aire as na freagraí go nuige seo. With reference to the EU work programme for 2014, what discussions have the Minister or his Department had with the Minister for Employment and Learning or his officials to ensure that our young people get the right

education and skill set to avail themselves of opportunities that exist in the green economy?

Mr O'Dowd: I do not have the exact details of meetings etc before me. However, I can assure the Member that discussions have been taking place with DFP, the Executive office in Brussels, DEL as the managing authority for the European social fund and DETI as a managing authority for the European regional development fund. I will forward more specific information on the green economy to the Member.

Mr Elliott: Has the Minister explored any EU funding opportunities that may assist with current, or even new, shared education projects?

Mr O'Dowd: We are exploring how my Department could fit in under any Peace IV funding. We have had discussions on that matter with a range of bodies. I am also looking at funding from other quarters for shared education projects and hope to be in a position to make an announcement in the near future.

Principals' Posts

5. **Mr Byrne** asked the Minister of Education what further steps are being taken by his Department to address the significant re-advertisement of principals' posts. (AQO 5296/11-15)

Mr O'Dowd: My Department does not recruit or employ teachers, including principals, and therefore does not hold information on the re-advertisement of posts. My officials have, however, sought the information from the relevant employing authorities.

Education and library boards have advised that, over the past three years, they have, on average, re-advertised approximately 10% of principal posts in the controlled primary sector and approximately 39% in the post-primary sector. The Council for Catholic Maintained Schools (CCMS) has advised that, in the same period, it has re-advertised approximately 4% of principal posts in the Catholic maintained primary sector and approximately 11% in the post-primary sector. Although the figures do not indicate that there has been a significant re-advertisement of principals' posts in the primary sector, there appears to be an issue regarding the re-advertisement of principal posts, particularly across the controlled sector at post-primary level.

It is important to note that small numbers of principal posts have been re-advertised at post-primary level, which distorts the figures somewhat. Nevertheless, I have asked management side of the Teachers' Negotiating Committee, which is made up of employer representatives, to consider the issue. I recognise that the information relates only to the controlled and Catholic maintained sectors. The other sectors — voluntary grammar, grant-maintained integrated and Irish-medium — do not have employing authorities. It will take considerable time to collect and collate that information. However, I am content to do so and provide the Member with the information in written format in due course.

Mr Byrne: I thank the Minister for his answer. Does he accept that it is often quite difficult to get people to take up the onerous job of principal in a primary school? What remedial action can be taken to try to make the post more attractive, particularly for male principals of primary schools?

Mr O'Dowd: As I said, I have asked management side of the Teachers' Negotiating Committee to look at the matter to ensure that applicants come forward for posts once they are advertised. We are also reviewing how we develop and support new leaders into the future, and, at an earlier stage, how we identify those new leaders. That is quite a complex issue.

Being a principal is an onerous task, but it is also very rewarding. The responsibility of ensuring the educational well-being of our young people is a task that many of our principals relish. Of course it is difficult, given the responsibilities involved. My responsibility is to ensure that we have in place the resources and the capability to identify and encourage new leaders and to promote and ensure that there is continuous professional development. I have those matters under review and want to enhance them as we move forward.

Common Funding Formula

6. **Mr Storey** asked the Minister of Education for an update on the revision of the common funding formula. (AQO 5297/11-15)

Mr O'Dowd: My proposals on the reform of the common funding scheme have been the subject of a widespread consultation, with around 15,000 consultation responses being received. I have previously stated that I will not make any final decisions until a full analysis of all those consultation responses and the equality impact

assessment (EQIA) has been carried out. I will give careful consideration to the views of all those who responded. The changes to the common funding scheme for schools remain on track for delivery for the new financial year, and I intend to make my final decision and advise schools of their actual allocations as soon as possible.

I want to ensure that there is no unnecessary delay in reforming the common funding scheme and in directing additional support to the schools with the highest numbers of pupils from socially deprived backgrounds. It is unacceptable that children from socially deprived backgrounds, as shown by free school meal indicators, are only half as likely to obtain five GCSEs at A* to C, including English and maths, as their more affluent counterparts. I am sure that Members will agree that the situation cannot and should not be allowed to continue.

Mr Storey: I thank the Minister for his answer. Widespread concerns have been expressed about the proposals on the common funding formula by organisations such as the Children's Law Centre and many others. Will he give assurances to the House that the process will be set aside for this year and that the discussions can continue, in order to ensure that we get a properly structured process of funding for our schools that is based on educational disadvantage rather than very blunt social criteria?

Mr O'Dowd: Referring to and taking selected quotes from one consultation response is not the practice that I have been taking part in. We have had a very substantial review of the consultation responses, and a very detailed report on the way forward will be published for Members and the public to peruse. I am not setting aside changes to the common funding scheme. I am moving ahead, having taken into account the consultation responses, the debates in the Chamber and comments from Members and other bodies on the common funding scheme.

I believe that we can come forward with a scheme that meets the needs of our society through eradicating educational underachievement, given its association with poverty. I believe that the measures that we have in place for free school meals are robust. If others come forward in the time ahead with an equally robust or better system, I think that that should be taken into consideration moving forward. However, we have to move forward and we have to tackle the issue head on. I intend to do that in the time ahead.

Mr Hazzard: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answers thus far. In light of our post-primary children's recently publicised year 12 and year 14 examination results, does he remain committed, in any revised common funding scheme, to tackling the effects of poverty?

Mr O'Dowd: I do remain committed to doing so. Indeed, it is worth remembering that the Public Accounts Committee, which, as I have stated previously at Question Time is one of the most respected Committees of the Assembly, challenged my Department to tackle head-on the common funding scheme and the association of poverty with educational underachievement. The formula is the greatest single indicator of educational outcomes that we have. A child who is in receipt of free school meals has a 50% less chance of achieving an education than a child who is not. No Member who is opposed to me using that formula has come up with an alternative version or vision of it. I accept that the Committee for Education is planning or is involved in some work on that.

The common funding scheme can be changed year-on-year; the mechanism is there. If the Committee or other bodies come forward with a reliable measure of poverty, I will not be found wanting in using it. No one yet has dismissed the ability of the free school meals mechanism to identify a child's individual needs. Therefore, I will use that mechanism, and if others come forward with a better system, I will use that.

Mr Rogers: I thank the Minister for his answers thus far. At this stage, all schools will have agreed three-year financial plans with their education and library boards. What reassurance can you give small schools in particular that the level of small-school support will be safeguarded beyond 2014?

Mr O'Dowd: I made my views on small-school support known when I responded to Sir Bob Salisbury's common funding scheme. It is worth noting that Sir Bob wanted to remove it. It is also worth noting that tens of millions of pounds are involved in small-school support. I think that Members should refresh themselves about this: it is worth noting that it does not do exactly what it says on the tin.

When Members hear that there is small-school support, you imagine a small rural or small urban school with significantly low numbers of pupils. However, a school can be funded until it has 350 pupils at post-primary level and maybe

beyond, and the numbers that are involved in primary schools are quite significant as well. However, I have committed to maintaining it. I believe that the matter needs further debate and discussion, but if Members seriously want to support small schools, there is a duty on us all to ask whether there is a better way of doing it. What is your definition of a small school? What is your understanding of a small school going into the future? I have committed to doing nothing until further work is done on the matter.

Mr Allister: In light of recent High Court decisions, will the Minister be referring any revision of the common funding formula, given that it is undoubtedly controversial, to the Executive?

Mr O'Dowd: I believe that I have conducted myself within my ministerial obligations and according to the ministerial code, and I will continue to do so.

Mr Principal Deputy Speaker: That ends questions for oral answer. We will now move on to topical questions. The first name listed has been withdrawn, so I call Mr Jim Wells.

3.15 pm

Dickson Plan

2. **Mr Wells** asked the Minister of Education what possible confidence the community of Upper Bann can have in him given the way he has behaved in his treatment of the Dickson plan, and although I do not represent the Upper Bann constituency, I have a deep personal interest in the Dickson plan and I note that, in the minutes of the Southern Education and Library Board on 26 June, it is apparent that the board took its decision about the Dickson plan while under duress and when the chief executive position became available on that board, the Minister parachuted in one of his officials to push through the decision. (AQT 552/11-15)

Mr O'Dowd: I suspect that the Member, like other members of his party, is not interested in the Dickson plan but in two schools in the Dickson plan; namely, Lurgan College and Portadown College. Your local representatives have no interest in the rest of the schools, so why should I suspect that you have an interest in them? Let us be honest with each other. Your concern is with the needs of two schools in the Craigavon area that serve a section of the Protestant community in that area.

The less well off in Upper Bann, those from Protestant working class communities, are voiceless in this debate. No one from the DUP will speak up for them; no one from the Ulster Unionist Party will speak up for them. They are all concentrated on the needs of two schools that have a close relationship with a good friend of the DUP. That is another matter that I think deserves exploration.

You say that it is clear from the minutes of the Southern Education and Library Board meeting that it acted under duress. You did not want to clarify what the duress was or how it was clear in the minutes, but I am aware, as, no doubt, are your party colleagues, that there have been acts of intimidation, harassment and threats made against people who have stood up and said that they do not agree with the DUP or the UUP's vision on this and believe there is another way of doing it. They have been subjected to threats and intimidation. The DUP and the Ulster Unionist Party have remained silent on that matter. So, if you want to look for duress and intimidation, you are looking the wrong way. You need to be honest about your intentions in that area. Your interests are in two schools. My interest is in the education of all young people in the controlled sector moving forward.

On your point that I jettisoned in one of my officials, I did not. The Southern Education and Library Board has been provided with support in the absence of a chief executive or a suitable applicant for the job. The board is perfectly entitled to advertise that post at any time.

Mr Wells: I can assure the Member that my interest is simply not in the two grammar schools. The vast majority of my family were educated in the two junior high schools. That was their commitment to all of the Dickson scheme. The Minister keeps commenting and making scurrilous remarks about the DUP and the Ulster Unionists, but those two parties represent the vast majority of people and families with children attending those schools. I also throw back in his face the view that they are so-called Protestant schools. Any child in the Craigavon area is entitled to attend either Lurgan Junior High or Lurgan College. There is no discrimination, unlike the other sector in Craigavon, which is purely for Roman Catholics. What confidence can the people of Upper Bann have in him, particularly as he represents the area, when he is trying to railroad this through against the wishes of the vast majority of parents in Upper Bann?

Mr O'Dowd: The Member states that he and his party represent the vast majority of the

unionist community in Upper Bann, and he is absolutely right. Then start representing the vast majority of the people in Upper Bann in relation to this matter, because your voices have remained silent on the poor educational outcomes afforded to the Protestant working class in that community. You need to stand up, make your voices heard and say that the current status quo is totally unacceptable.

I note that the Member avoided the points I made to him about the intimidation and the threats being made against those who are prepared to stand up and say something different from what his party and the Ulster Unionist Party are saying. He chose to ignore that fact. You have serious questions to ask yourselves about where you want to see education going in the future. Can the people of Upper Bann have faith in me? I have no proposal in front of me to make a decision on. The Southern Education and Library Board needs to publish a proposal on the future direction of education in the controlled sector. There is no published proposal.

If and when a proposal is published, I will allow that proposal to be fully debated. I will receive representations from all who wish to speak to me and make my decision based on the educational well-being of all young people in the controlled sector, not just the few.

Mr Principal Deputy Speaker: I remind Members that no one should be pointing at other Members and remarks should be passed through the Chair.

Education: OECD Report

3. **Mr Sheehan** asked the Minister of Education to outline the key findings of the recent OECD report into the education system here. (AQT 553/11-15)

Mr O'Dowd: I welcome the fact that the OECD has now reported. On Friday, we are bringing together educationalists for the OECD to come and make a presentation on the report and open it up to a debate on the way forward. I think that that will be a very useful engagement. The OECD report contains a wide range of findings across a range of areas, including 41 strengths inherent in our current evaluation and assessment arrangements, as well as 30 specific challenges. The report suggests 33 policy options, which include 15 recommendations. I tasked my officials to reflect on the report as part of the ongoing development of my policies here. I will not make a formal response to the report until after

Friday's discussions with educationalists and further consideration of the report. However, I think that the OECD intervention and report will prove beneficial for our education system for many years to come.

Mr Sheehan: Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Does the Minister have any plans to follow up with the OECD on this piece of work?

Mr O'Dowd: I do not think that such programmes of work should be a one-off. As I said, the OECD is coming back to engage with our educationalists and further with my Department. I would like to see a rolling programme of work with organisations such as the OECD. We subject our schools and a variety of areas in our society to inspection. I think it is useful to bring that out. At times, our debate on education can be very insular and sometimes focused on the needs of the few. It fails to break out of the narrow barriers of the North and learn from other experiences. The OECD allows us to examine our education system, and its strengths and weaknesses, on an international perspective rather than the sometimes narrow debate that we have in our society.

Schools: North Down Enrolments

4. **Mr Cree** asked the Minister of Education, given his earlier announcement of an increase in the enrolment at Priory Integrated College, which I thank him for, whether he has any plans to increase the enrolment at other continually oversubscribed schools in North Down. (AQT 554/11-15)

Mr O'Dowd: I have no authority to increase the numbers of a school on a long-term basis. It is a matter for the board to publish a development proposal if it believes that a school's numbers should be increased in the long term. I can make increases in-year; if there is a specific demand on a school, I can make increases then. However, I believe that, if there is a recognition that a school is facing continuing demand higher than it can deliver, the best way forward is for a development proposal to be published and that mechanism to be gone through.

Mr Cree: I thank the Minister for his response. I thought that he would have taken a much more active interest in that because it has been going on for many, many years.

The schools in Bangor east are very popular and achieve good results. Bearing in mind the RPA situation, where we will have a different hinterland altogether, does that not encourage the Minister to try to take some action to resolve those problems?

Mr O'Dowd: It is not a case of the Minister not having taken an interest in the matter. I established area planning. I tasked the boards, as the managing authorities, and indeed CCMS, to come forward with area plans for post-primary and primary school provision. That is how we should map out our sustainable schools going into the future. If the Member has specific issues in relation to schools in the area, I would advise him first to raise them with the board and ask the board whether the demand continues to meet what it has outlined in its area plan. I have not avoided the issue. I am putting in place mechanisms to deal with that in the long term. If there is a short-term issue, there is a mechanism to deal with that as well.

Educational Underattainment: Shankill

5. **Mr Humphrey** asked the Minister of Education what progress has been made on the manifesto for education that my colleague Nigel Dodds MP presented to him, given that he will be aware of the educational underattainment in the greater Shankill area and across working-class areas of Belfast. (AQT 555/11-15)

Mr O'Dowd: I had a meeting with Mr Dodds just before Christmas, and we had further discussions on the Shankill manifesto and on its appeal for an education action zone to be declared in that area. I have tasked my officials to investigate the matter further. Only yesterday, I had discussions with my officials on this matter. I am exploring it further to see what educational benefits there would be in me declaring such a zone and what actual real impact it would have in the area, or whether there are other ways of achieving the same goal that the manifesto sets out.

Mr Humphrey: I thank the Minister for his answer. I assure the Minister that, having met the principals of post-primary and primary schools before Christmas, I know that the view among that group of people is that something needs to be done. That is the view of the community, of the governors — I speak as a governor of two schools — and of parents. Something has to be done to address this issue, not only across the greater Shankill but across the city of Belfast in working-class

areas. Can the Minister put a timescale on, and some resource into, delivering for those communities and tackling and addressing this issue, which has been running for many, many years?

Mr O'Dowd: It is worth noting that the common funding scheme that I am proposing would put significant amounts of additional money into the very schools that you are talking about, but, yet and all, you oppose it. You cannot have it both ways. You cannot seek additional resources and then, when I put in a mechanism for additional resources, say, "No, we do not want you to do that". I have identified how we can achieve additional resources for the very schools that you talk about, but declaring an education action zone does not in any way mean that there is no longer responsibility in the schools or in the boards of governors or in the principal's office.

Mr Humphrey: I did not say that.

Mr O'Dowd: I am not suggesting that you are saying that. I am telling you what my views on the matter are, as you requested.

There is a responsibility —

Mr Humphrey: I did not.

Mr O'Dowd: You asked me a question, so you must be seeking some view from me.

Mr Humphrey: Well, then, answer the question I asked you.

Mr Principal Deputy Speaker: No speaking from a sedentary position.

Mr O'Dowd: The way that this process works is that I do not get to decide what questions you ask me, and you do not decide how I answer them. It is a very democratic process.

Mr Humphrey: You are not supposed to not answer the question.

Mr O'Dowd: When you stand behind one of these Boxes, you will decide how to answer questions, if you ever stand behind one of these Boxes.

The responsibility rests with the schools and the boards of governors, and, as was recently found out from the inspection reports in the area, there are challenges in the schools. The formal intervention process will have to be followed through, whether we declare an

education action zone or not. The work that is being done by the Greater Shankill Partnership is, in effect, an action zone, because it is dealing with the socio-economic issues in the community and trying to improve people's lives that way. If you improve the socio-economic background of someone, you will also improve their educational outcomes. The West Belfast Partnership Board is also drawing down funding in relation to education matters, and I have encouraged the Shankill partnership to further engage with the West Belfast Partnership Board on that. In short, I will not make a decision simply to make a decision. I will call for an education action zone if I believe that it will have benefits for the young people it will serve. I will not call for it for the sake of calling it.

Mr Principal Deputy Speaker: Speaking from a sedentary position, having presented your question, really only victimises other Members who are waiting to get asking questions.

Newtownbreda High School

6. **Mr McGimpsey** asked the Minister of Education to please explain why, in his statement this morning, in which he talked about schools being at the heart of a community, he announced his decision to close such a school, Newtownbreda High School, which has the full support of families, pupils and staff, is looking to go forward, is ahead of the enrolment numbers and is successful. (AQT 556/11-15)

Mr O'Dowd: I have decided to close it under a technicality. It is reopening under a new guise. It is a school that will reopen as a new school in partnership with and serving the entire community of that area. Our education system cannot be built on the needs of institutions. It has to be built on the needs of pupils. I believe that the decision that I announced this morning is the correct decision. The amalgamation of Newtownbreda and Knockbreda is the right way forward for serving that community, now and into the future.

If I had not taken action now, we might have seen the loss of Knockbreda completely. No one knows how sustainable Newtownbreda would have been into the future. We now have a sustainable school going forward with high hopes for the future.

3.30 pm

Mr Principal Deputy Speaker: That concludes Question Time.

Mr Allister: On a point of order —

Mr Principal Deputy Speaker: Let me finish. Time is up. We will now return to the Consideration Stage of the Public Service Pensions Bill. What is your point of order?

Mr Allister: During his answer to Mr Wells, Minister O'Dowd claimed to have knowledge of instances of threat and intimidation. Of course, threats and intimidation involve criminality. Is it in order to ask whether, with that knowledge, the Minister has reported such matters to the PSNI, as he might be expected to do in his public role and obligation to uphold the rule of law and not to withhold information?

Mr Principal Deputy Speaker: In addressing the circumstances of this session of the Assembly, the Member has strayed well off the point. I do not accept that as a valid point of order. However, I will refer the matter to the Speaker's Office because an allegation of coercion was also made from this side of the House, and that was not substantiated. I think that it should be examined.

Mr Storey: Further to that point of order, Mr Principal Deputy Speaker. With regard to the comments that were made by the Education Minister, will you refer this matter to the Speaker? The Minister's comments were inaccurate in his representation of my party's interest in all schools in the Craigavon area. It was totally unfactual and untrue. I also want the issue to be referred so that the references that were made to intimidation can be investigated by the police, the Minister is questioned on what he knows and the issue is resolved, so that we know the truth, rather than what, I have to say, are very regrettable comments that were made by the Minister in the House today.

Mr Principal Deputy Speaker: My view is that that is not a valid point of order. It is not for the Speaker to decide what is the Minister's opinion on any set of circumstances. However, I have already indicated that I will ask the Speaker's Office to refer to the Hansard report of the session and to decide whether there are any issues that need a response.

Mr Humphrey: On a point of order. To be fair, having listened to what the Minister said, I think that he did not express his opinion; he made an allegation, which is somewhat stronger than

simply stating an opinion across the Chamber. He made an allegation of intimidation.

Mr Principal Deputy Speaker: I am sure that the Member does not wish to challenge the Chair's authority to decide on this. My view is that it is not for the Speaker's Office to determine what the Minister's opinion should be.

The House may take its ease while we change the top Table.

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

Executive Committee Business

Public Service Pensions Bill: Consideration Stage

Clause 5 (Pension board)

Debate resumed on amendment Nos 1 to 7 and 16, which amendments were:

No 1: In page 3, line 2, leave out from beginning to "workers)," in line 3 and insert

"(1) Subject to subsection (2), scheme regulations for a scheme under section 1".— [Mr Hamilton (The Minister of Finance and Personnel).]

No 2: In page 3, line 6, leave out "must provide" and insert

"may make the provision required under subsection (1) above by providing".— [Mr Hamilton (The Minister of Finance and Personnel).]

No 3: In page 3, line 30, leave out "member representatives" and insert "trade union representatives".— *[Mr D Bradley.]*

No 4: In page 4, line 4, at end insert

"(10) In this Act a "trade union" has the meaning set out in Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.".— [Mr D Bradley.]

No 5: In clause 8, page 5, leave out lines 9 and 10.— *[Mr D Bradley.]*

No 6: In clause 8, page 5, line 26, leave out "negative resolution" and insert "the affirmative procedure (see section 34(1))".— *[Mr D Bradley.]*

No 7: In clause 9, page 6, line 11, leave out "5" and insert "10".— *[Mr D Bradley.]*

No 16: In clause 13, page 9, line 20, after "qualified" insert

"and must not be

(a) an employee of the responsible authority;

(b) the scheme manager;

(c) a scheme member; or

(d) an employee of the Department of Finance and Personnel".— [Mr McKay (The Chairperson of the Committee for Finance and Personnel).]

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Tá áthas orm páirt a ghlacadh sa díospóireacht seo ar an Bhille um phinsin phoiblí. I am pleased to have the opportunity to participate in the debate on the first group of amendments on pension boards, types of scheme and valuations. I begin by declaring an interest as a member of the Northern Ireland teachers' pension scheme, albeit that I will not be affected by these measures because of the transition arrangements. Nonetheless, I feel for those affected by the Bill. The SDLP has put down five amendments in this group, and I would like to take some time to discuss the rationale for each of them in turn.

We recognise the need for pension boards that are responsible for assisting the scheme managers with governance and administration. However, we believe that it is essential that there is strong trade union representation on the new boards. I think that the Minister accused me of being in cahoots with the trade unions. I do not know whether that is the actual term that he used, but I think —

Mr Hamilton (The Minister of Finance and Personnel): It was worse than that.

Mr D Bradley: Worse than that. Well, I can tell the Minister that I make no apology for that. We have consulted widely with a range of stakeholders, including the trade unions, and taken cognisance of their views, quite rightly, in my view.

NICICTU's public service pensions group has stated that it has grave concerns over fairness and transparency due to the fact that scheme information is controlled by the Department and, ultimately, the Treasury. Therefore, we have tabled amendment Nos 3 and 4 to ensure clarity and best practice by guaranteeing that representatives are actually representative of scheme members by virtue of referencing trade unions. We have referred to the definition of a trade union in the Trade Union and Labour Relations Act 1992. The Minister made the point that some pensioners were not included in that definition, but I take issue with that, because many trade unions continue to represent pensioners' groups after their members have retired. It is my belief that the definition included in the Act is wide enough to

encompass a wide range of representative bodies, not just trade unions.

Mr Weir: I thank the Member for giving way. Does he accept that some retired members will often have differing views on the trade unions that supposedly represent them? Some pensioners and former employees often feel, not unnaturally, that the trade union — this can vary from trade union to trade union — is representing existing employees and members sometimes to the detriment of retired members. There are mixed views out there. It is not one size fits all. That is the problem with the amendment: it is effectively a straitjacket, and some of those people may effectively feel unrepresented.

Mr D Bradley: I thank the Member for his intervention, but I take issue with his point. Many members of representative bodies are not content with the representation they get; that is another issue. I believe that the definition in the Trade Union and Labour Relations Act 1992 is, as I said, wide enough to encompass a wide range of representative bodies. I draw the Member's attention to the fact that, in England, the case has already arisen where Ministers have hand-picked chosen individuals to sit as employee representatives on boards. Unfortunately, that has often involved the selection of individuals who are not representative of the interests of employees and, indeed, pensioners. Currently, the people who negotiate on behalf of public servants with the Department on matters of pay, conditions of service etc are the trade unions. There is no provision in the Bill to negotiate in the normal way, so strengthening the presence of trade unions is an important element that we should consider.

Earlier, we heard from the Committee Chair that the Bill would affect 210,000 public service employees. That is around 30% of the workforce in Northern Ireland. That is a huge number of people, and we need to ensure that their interests are best protected in the provisions that we make. The amendments that we have put down are aimed at providing that best protection. The unions do not believe that there has been sufficient engagement and consultation from the Department, so it is essential that their voice is well represented on the boards.

I move now to amendment No 5. It is our intention to prevent the change from defined benefit schemes to defined contribution schemes. That is important. Defined benefit schemes allow people to know what they will get at the end of their working life. That is not

the case with defined contribution schemes. The London coalition Government are often quoted as providing a 25-year guarantee to public sector workers on pensions, but, sadly, they have already begun to renege on that promise. The unions fear that clause 8 provides further potential for broken promises by providing for other types of scheme. Hence our amendment restricts the potential for the development of such schemes, other than defined benefit schemes.

In the light of the already broken promises, amendment No 6 provides further protection from changes to pension schemes by way of ministerial regulation. We believe that it is necessary to legislate that the affirmative resolution procedure be applied when changes are made to the defined benefit schemes in the future. Several Members, including Mr Weir, made the point that the affirmative resolution procedure would clog up the system here. We all know too well that the main complaint from people in the Assembly and, indeed, outside the Assembly is that there is not enough legislation going through the House, not that there is too much of it. There is ample time to deal with matters that come under the affirmative procedure. That, of course, means that any future Minister would be required to bring changes by regulation to the House, allowing for democratic debate of all proposed changes. Using the affirmative procedure is an important element in holding the Department to account. We are here, and it is our role to hold the Minister and the Department to account. Amendment No 6 is one way in which we can do it on a very important issue, which, as I said, affects 210,000 public servants.

I do not know whether the Minister would call the British Medical Association (BMA) a trade union — a representative body, perhaps. The BMA put the argument for this approach most succinctly in its briefing on the Bill by stating that stronger amendments to the Bill are necessary to:

"curtail sweeping new powers that would allow successive Executives to make unilateral and retrospective changes to accrued benefits in public sector pension schemes"

and utterly undermine the settlement for a generation, as proposed by the UK Government.

Amendment No 7 is our final amendment in the group. It relates to gaps in public pensionable service. The motivation behind the amendment is equality. Although we recognise that there

are few individuals who have gaps in service that are greater than five years, given that the current maximum career break in the public sector is five years, those who do are more likely to be female employees who have taken longer career breaks to raise their children. We believe that such people should be catered for in the Bill. The amendment that we have tabled to allow 10 years helps to do that. We believe that no individual should be discriminated against in that regard. Therefore, we have tabled an amendment to allow the gap in pensionable service to be up to 10 years.

I will leave it at that. I urge the House to support our amendments, which we believe strengthen the Bill and the future of 210,000 public service employees here in Northern Ireland.

3.45 pm

Mr Cree: I am pleased to speak on the Consideration Stage of the Bill today.

The Committee has undertaken considerable work in scrutinising the Bill's provisions since its Second Stage in June 2013. At the outset, I pay tribute to the Committee staff and, indeed, to the Assembly Research and Information Service for all their hard work. The report on the Bill was published in November, and it considered all 37 clauses and nine schedules. Much evidence has been gathered on all the key issues. The Committee was broadly content with the provisions, with a few exceptions. I am pleased that the Minister has been able to agree to amend some of the clauses accordingly. The main contention was in clauses 5, 10 and 13, and parties have drafted amendments to them for debate today.

Amendment No 1, to clause 5, which the Minister proposed, is acceptable and, indeed, improves the Bill. Similarly, amendment No 2, which also relates to clause 5, is acceptable and will be supported by the Ulster Unionist Party. Amendment No 3, however, is trivial or maybe a bit more than trivial. It certainly has potentially contentious content. It would change "member representatives" to "trade union representatives". I do not intend to go into an academic debate about whether that is the case, but I remind Members that we are still seeing the fallout from the equal pay situation, which the unions were working on. A great proportion of their members were most dissatisfied with what happened with that.

Amendment No 5, to clause 8, would restrict scheme regulations. We cannot support that. Amendment No 6, to clause 8, would change

negative resolution to affirmative. Again, that has been discussed here at some length. I am happy enough to oppose that as well. Amendment No 7, to clause 9, seeks to change the provision of a pensions gap in pensionable service from a maximum of five years to 10. The reality is that that is likely to be very costly, but we do not have any figures at this point in time. It would certainly be most unusual in pension circles to have such a gap admissible. The Chair has tabled amendment No 16, to clause 13, on behalf of the Committee for Finance and Personnel, and it has my party's support, given that it clarifies a very important part of the clause.

Mrs Cochrane: I, too, welcome the opportunity to speak on this stage of the Bill. I should also declare an interest, as I am a member of the Civil Service pension scheme, so I will be affected by the changes that come along.

As I said at an earlier stage of the Bill, it is not perhaps legislation that we would enact if it were entirely up to us. However, parity with Westminster raises its head once again. My colleague Naomi Long MP voted against the changes at Westminster. The decisions that we face today are very focused on the direct financial impact that we will face if we fail to implement these reforms.

I turn to the amendments relating to pensions boards, types of scheme and valuations. Amendments Nos 1 and 2 relating to clause 5, which the Minister tabled, allow flexibility for the body appointed to play a role in scheme governance for the local government pension scheme. We will be happy to support that. As for amendment Nos 3 and 4 to clause 5, it would be inappropriate to restrict employee representation to trade unions, as not all scheme members are members of a union. In the past, I have seen that that has been for very good reasons.

We will also oppose amendment Nos 5 and 6 to clause 8 because removing a defined contributions scheme or a scheme of other description could limit the options available to public sector workers in the future. We also think that the negative resolution procedure would allow for appropriate Assembly scrutiny in this situation.

As for amendment No 7 to clause 9, five years is in line with the typical maximum career break and is a fair provision for those who have had a break in pensionable service. I am not sure exactly what the financial implications would be if we were to break parity on that. Maybe the Minister could answer that later.

The Minister said that it is not necessarily very important to have amendment No 16 to clause 13, but, to ensure explicit independence, I support it for the reasons already outlined by the Chair of the Committee.

Mr I McCrea: Like others, I will be brief. To some extent, there is not a lot of controversy in this group of amendments. The Minister has dealt with amendment Nos 1 and 2. They are his amendments, and it is no surprise that I support them. I think that he explained his reasons for them better than I would and, therefore, I will not spend any time dealing with them.

It is important to deal with amendment Nos 3 and 4, which have been tabled by the SDLP. As the Chair and others said, the Committee did not have the opportunity to look at the amendments and therefore has not made a decision on where it stands on them. I find that the amendments standing in the names of Dominic Bradley and Sean Rogers are ill thought-out and, if you really look at the detail, somewhat discriminatory towards member representatives. The current wording in the Bill adequately covers membership eligibility for appointment to the pension board, which can include trade union representatives as the Minister said and as referred to by my colleague Peter Weir. These two amendments, if agreed, would exclude the right to membership of the pension board of anyone who is not a member of a union. Therefore, as others said, I do not believe that the amendments are necessary.

Amendment No 5 has been dealt with by the Minister. One comment he made about it was that it provides:

"another example of a short-sighted and restrictive approach"

to these reforms.

I do not believe that there is any need for amendment No 6. Negative resolution often adequately allows the Assembly to scrutinise legislation. The Minister outlined some examples of where SDLP Ministers introduced legislation that included negative resolution, but, again, I suppose it is OK if it is an SDLP Minister.

Amendment No 7 makes me wonder whether people give much thought to their amendments or just pluck a figure out of the air and put it in for a change, just so they can say that they have suggested an amendment. They are suggesting a 10-year career break in a career

of 40 years, which is nonsensical. As it states clearly in the explanatory notes, five years is adequate, and I did not hear any good reasons for making it 10 years. I will not support that either.

The Committee considered amendment No 16, and, as other Members said, we will not oppose that amendment.

As others said, we will support amendment Nos 1, 2 and 16. I hope that we reject the others.

Mr Mitchel McLaughlin: I did not expect to be called to speak on this group of amendments. In any event, the position was set out by Members who spoke previously.

The SDLP amendments are an attempt to appropriately amend the Bill on its way through the Assembly. However, my sense of the issue is that the Department and the Minister have responded to the arguments that were presented in the Committee's report, and I am content to support those amendments.

Mr Hamilton: I begin by thanking Members for their contributions to the debate on this group of amendments. I also thank you, Mr Deputy Speaker, for the opportunity to conclude the debate on the first group of amendments. It was perhaps remiss of me not to do so earlier, but I take the opportunity now to acknowledge and thank the Committee for Finance and Personnel for its work to ensure that the Bill was dealt with in a timely manner and for adhering to the quite tight legislative timetable that we had to stick to.

The Bill is complex, and, as I address as many of the contributions to the various amendments as I can, I will briefly remind Members of the purpose of each clause. Indeed, doing that will be helpful in addressing some of the contributions. I will also do that to aid understanding of the policy intent as we work our way through each clause.

As was outlined during the debate, clause 5 deals with the composition of pension boards and is intended to provide for efficient and effective governance and administration of the pension scheme. I again commend amendment Nos 1 and 2 to the House. I tabled those for the reasons that I have articulated, and they were welcomed by everybody in the House. This will give the necessary flexibility to the local government pension scheme in Northern Ireland, as was requested by the Department of the Environment, which, of course, has responsibility for the scheme. The amendments were also sought by the

Committee for Finance and Personnel. I note that, in their contributions, the Chair, on behalf of the Committee, Mr Weir, Mr Cree and Mrs Cochrane spoke in support of the amendments, and I am grateful for the support that has been demonstrated on all sides, I think, for the points that have been made.

I do not accept the arguments made by Mr Bradley on amendment Nos 3 and 4 to clause 5. I concur completely with the points made in opposing the amendments. Various Members, including Mr Weir, Mr Cree, Mrs Cochrane and others, spoke against the amendments and stated that they do not support giving additional powers to the trade unions in that respect. It is my view that there is simply no need for amendment Nos 3 and 4.

As I have stated, the thrust of the Bill and clause 5 is to enhance good governance for public service pension schemes. That certainly does not mean promoting the role of the trade unions, which is what amendment Nos 3 and 4 would result in. I entirely take on board the point that Mr Weir made about the tensions that sometimes exist between members of trade unions, including ex-members, and their former trade unions. I think that Mr Cree referred to another situation that we will all have very vivid memories and recollections of; indeed, it is not even a recollection for me but is very current. That was in an entirely different area of policy, but there is a tension between current members of trade unions and the representation that they receive from their trade unions. There is also tension between former members of that trade union — pensioners in fact — and that union because of the representation they received. That was a fair point for Mr Weir and Mr Cree to make.

I reiterate my previous point that not all areas of work in the public sector are unionised or as unionised as others. In effect, amendments Nos 3 and 4 say that the proposer of the amendments does not care about those areas of work or the people in those areas of work and that, whether they like it or not, they should have trade union representation on the pension board for their pension scheme. That is wrong.

4.00 pm

If the intention of Mr Bradley and his colleagues is to be representative, they need to be representative of everybody as best they can. As not all people in the public sector are members of trade unions — in fact, a substantial number are not — it is not representative to have solely trade union representatives on pension boards. To restrict

membership of pension boards to only trade union representatives could be deemed as being discriminatory against the greater volume of people in our public sector who are affected by all these various schemes and are not members of trade unions. I am sure that the Member would not in any way want to be seen as being discriminating against one section of workers in favour of another.

I noticed the comments he made about Ministers across the water hand-picking representatives of their pension boards in the schemes that they were responsible for. A process of appointment will be established in the scheme regulations at the secondary legislation stage, and it is for individual Ministers, including his party colleague, to decide how representation on pension boards is ultimately decided. That could be done in a variety of ways, but there is sufficient flexibility for Ministers to do that. The Member's proposal would severely restrict the flexibility available to the Ministers who are responsible for schemes.

I also noticed a comment he made when explaining why he tabled his amendments. He said that there was a perception amongst some unions that there was "insufficient consultation" between my Department and the trade unions. I assure the Member and the House that there has been beyond sufficient consultation, and I am sure that some of my officials would be staggered by the idea that they have not engaged in sufficient consultation with the trade unions. There have been umpteen engagements, and just because the trade unions have not got the outcome that they wanted from those engagements, that does not mean that there has not been sufficient engagement. So, I do not accept the arguments that have been put forward.

Mr D Bradley: Will the Minister give way?

Mr Hamilton: Yes, I will give way.

Mr D Bradley: During the various evidence sessions at Committee Stage, I got the distinct impression that engagements between officials and the trade unions were in fact not umpteen, but few and far between.

Mr Hamilton: We can trade, "Yes, there was"/"No, there wasn't", but it will not get us any further. Whether the Member or members of trade unions think that there was sufficient engagement is not something I can decide — it is a matter for them — but I can assure everyone that there was serious ongoing engagement, and there will continue to be

engagement, particularly at scheme level, between various Departments and trade unions to make sure that the schemes that we have to develop are developed in the not-too-distant future. So, we can discuss whether there was or there was not, but it will not get us any further: it would not even close the gap between me and the Member.

The point that I made remains and has not been answered by the Member, in his contribution or his intervention, and I am happy to give way if he wishes to provide clarification.

Mr D Bradley: Will the Minister give way?

Mr Hamilton: Let me make the point that I would like the Member to address, if possible.

Restricting pension board membership to trade union representatives discriminates against a sizeable proportion, and probably the majority in many cases, of the members of that pension scheme. I am sure that that is not what the Member wants to do, but perhaps he could explain how the amendments that he has put forward do not discriminate against the greater volume of pensioners.

Mr D Bradley: I thank the Minister for giving way. In my initial contribution, I explained that, under the definition in the Trade Union and Labour Relations (Consolidation) Act 1992, there is sufficient scope for a wide range of representative bodies. I also made the point, in response to what the Minister said, that most trade unions have organisations that represent pensioners who were previous members of their schemes. The equal pay issue came about, not as a result of trade union representation or a lack of representation, but as a result of the regulations laid down by his Department.

Mr Hamilton: In my view and, I am sure, that of many Members, the Member has still not adequately addressed the issue that was put to him. I am sure he would accept that not every member of the public sector is a member of a trade union. I hope that he would accept that very basic, fundamental point.

Mr D Bradley: They should be.

Mr Hamilton: Whether they should be or not is a matter of conscience for the particular member of the public sector. Many people, for very valid and good reasons, choose not to join public sector unions. They are entitled not to join, not to pay their money and not to have that representation. What the Member is trying to

do with his amendments is restrict representation on the pension board to only those who choose to join a trade union, only those who are members of various bodies. Even though he made a right flippant remark that they should be, I am sure that the Member would accept that not everyone is, and, therefore, to restrict membership of the pension board only to those who are members of trade unions is discriminatory and excludes the greater number of members of the pension scheme.

Mr D Bradley: Will the Minister give way?

Mr Hamilton: I will, one more time. I will give you one more chance to answer.

Mr D Bradley: Certainly, it is not my intention to exclude anyone. Our intention here is to give the best possible voice to the 210,000 public servants. In our view, the best way to do that is to strengthen the union role in these boards.

Mr Hamilton: I disagree with that point. However, at least the Member is nudging towards accepting that, even if it is not his intention, the effect of amendment Nos 3 and 4 is that they would exclude a sizeable number of members of the public sector, in whatever guise they work, who are not members of trade unions, for whatever reason they choose. They would not be represented. Their views may well be represented, but they would not always have the guarantee that they would have their views accurately reflected on a pension board, if they were represented only by trade unions. We have talked about some other examples that highlight that there can often be, even between members of trade unions and their trade union, a dichotomy of views on whether the quality of the representation that they get is good enough. Therefore, I do not think that there is a need to have amendment Nos 3 and 4, and I think that, whatever the intention of the Member, they would have a very detrimental effect and would be very exclusive and discriminatory in how they would treat certain public sector workers.

Clause 8 deals with types of schemes. Again, we have debated amendment Nos 5 and 6, which were proposed in the names of Mr Bradley and Mr Rogers. You will not be surprised to hear that I do not accept the arguments that were put forward by Mr Bradley. It is apparent to me from the debate on amendment No 5 that SDLP Members simply do not understand, comprehend or appreciate what this Bill seeks to do. The Public Service Pensions Bill is enabling framework legislation

that provides flexibilities, where necessary, for the subsequent secondary legislation that will be brought forward by each scheme. The SDLP Members appear to want to constrict and constrain the provisions. It is important that the Ministers who are responsible for each of the pension schemes have such flexibilities.

Again, no attempt was made to address the point that I made, that, at this minute — whatever the Member's personal or party view on defined contribution schemes — there are members of the public sector who have joined a Civil Service partnership scheme that is a defined contributions scheme. They have done that through choice. I am not sure whether this was the intention of the amendments, but their effect would be that that choice would be withdrawn from those members who have freely chosen to join that scheme. It does not take into account that that is what those members wanted to be a part of when they joined the Civil Service. My question to Mr Bradley and his colleagues is: what would you do with those pensioners who are already within those schemes, which they have chosen to be members of?

There was also a comment in which — I cannot recall now who was being quoted; I think it was the BMA, in fact — there was talk of unilateral action being taken to move people who are on a defined benefits scheme onto a defined contributions scheme. I refer the Member, once again, without labouring the point, to the provisions that are in clause 22 of the Bill, which I outlined in depth in my contribution earlier, which ensures that there cannot be — to use his term — unilateral action taken to move people from one scheme to another. People have chosen in some cases to be a member of a defined contribution scheme, but the Member seems to want to withdraw that option for those individuals.

Amendment No 6 seeks to change the process for secondary legislation from negative to affirmative resolution. The SDLP Members are being rather inconsistent on this matter as it is clear from the examples that I gave in my earlier contribution that they have been content to use negative resolution for legislation that their Ministers brought forward. The Member of the House to his left, when he was Minister of the Environment, had clauses in the Marine Bill, which is now the Marine Act, that were subject to negative resolution at Second Stage. I made the point, and will reiterate it for effect, about the inconsistency — there has been no answer from the Member to the charge of inconsistency — of why, when his party colleague Margaret Ritchie was Minister for

Social Development, the Pensions Act (Northern Ireland) 2008 had several clauses with aspects to be affirmed by negative resolution on state pensions. Yet here we have another piece of pensions regulation where suddenly there has been some conversion to affirmative resolution and everything must be done by affirmative resolution when, in the past, his own colleagues sitting beside him and those who are no longer in this place were happy to bring forward legislation supported by the Member and his colleague, indeed supported by the whole House, that were full of negative resolutions. So, there has been no response to that charge of inconsistency. I am happy to give way if there is a response now. Oh, yes, there is.

Mr D Bradley: Simply because negative resolution is contained in one Bill does not necessarily entail that it should be used in every subsequent Bill.

Mr Hamilton: Of course that is the case. Of course that is right, but that does not answer why another piece of pensions legislation in 2008, brought forward by a Member of his party when they were in ministerial office, was full of negative resolutions. Why in one piece of pensions legislation but not in another? I see somebody is coming from the Bench to assist the Member, so I will give way out of charity.

Mr Attwood: First of all, I welcome the fact that the Minister is engaging so much in debate across the Chamber. I remember in the month of June, when the Member was a Back-Bencher rather than a Minister, sat and sat and sat and sat and did not engage at all when it came to the Planning Bill and matters that I challenged him and his colleagues on. So, I now welcome the fact that the Minister has found his voice. He now wants to speak up and tell the world what he thinks about various pieces of legislation. I welcome that he now recognises that he is inconsistent — inconsistent in June being silent and now having found his voice, so I welcome that.

Let me explain why it is entirely appropriate that this piece of legislation should have affirmative resolution. Why? Because this piece of legislation rewrites in a fundamental way the law on pensions. When there are members of pension schemes in this part of the world and in Britain who have grave suspicions about what might next come in pensions legislation, it is entirely appropriate that when it comes to the powers of a Minister in relation to future pension provisions that they come to this House by way of affirmative resolution for what they

are proposing. The level of suspicion and concern requires domestic legislatures here and, in my view, in Britain also to proceed by way of affirmative resolution. That is why the scale of what is being proposed now is so much greater than we have seen before, and with a Tory Government with ambitions that we have not seen before, it is entirely appropriate to proceed in this way.

Mr Hamilton: There you go, Mr Deputy Speaker. That is a bit more like it. That is a better answer. Look, the Member will not be surprised that I am not convinced, even by his flourish of rhetoric. It still does not answer the fundamental point. I accept the point that pensions legislation at the time was not proposing changes as broad or as wide-ranging as this Bill proposes, but they were none the less significant. They had umpteen clauses that in secondary legislation were to be affirmed by negative resolution. All of a sudden there has been a conversion to being against the negative resolution procedure, yet it is something that the Member's party has put forward before. Given his previous experience as Minister, the Member will be mindful of the fact that there are options in the House if a party, a Committee or a series of parties is unhappy with the secondary legislation. It can be prayed against, and the legislation then comes to the House. Having something decided simply by negative resolution as opposed to affirmative resolution does not restrict debate in the House. If the Member and his party colleagues are so annoyed at anything that comes forward in secondary legislation, those options are available to them, as they are available to everybody in the House. I am not satisfied that moving towards having every scheme regulation brought to the House is the efficient way in which to deal with the issue. I am not convinced by the argument that has been put forward —

4.15 pm

Mr Attwood: Will the Minister give way?

Mr Hamilton: No. Hold on.

I am not convinced by the argument that has been put forward as to why, after the Member and his party have put forward piece of legislation after piece of legislation that has included the negative resolution procedure, we should suddenly back down now.

Mr Attwood: Will the Member give way?

Mr Hamilton: I will give way one more time on clause 8.

Mr Attwood: I now think that the Minister is being inconsistent, because Hansard will confirm that the Minister has just accepted that the scale of what he is proposing in this Bill is bigger and greater than what happened in 2008. What happened in 2008 was under a so-called Labour Government; this is definitely a right-wing Tory Government. Therefore, given that he has accepted that the scale of this is much greater than what went heretofore, I put it to the Minister that, in order to build reassurance with members of trade unions and members of pension schemes who are not members of trade unions, he should now go that wee bit further and give a greater degree of confidence by accepting the amendment from my colleague Mr Bradley. Given that you have accepted the point of principle that this is bigger, bolder and, in my view, more threatening than anything that we have seen before, will you not now concede the point?

Mr Hamilton: I do not accept the point. There are sufficient protections in the legislation before the House today. I mentioned clause 22 and fundamental changes that might be made. It is not a case of any Minister who is responsible for a scheme, including the Member's party colleague, bringing forward scheme regulations that can make fundamental changes willy-nilly, which is perhaps what he and others might fear. I reiterate the fact that there is a process here that allows Members, parties and Committees, if they are dissatisfied with a particular scheme regulation, to bring it to the House, where it can be properly debated and voted on by Members.

I will move on to clause 9, which deals with revaluation. We have had a debate on the clause as a result of amendment No 7, which was tabled by Mr Bradley and Mr Rogers. Again, I do not accept the arguments put forward by Mr Bradley. I welcome the points made by Mr Weir, Mrs Cochrane and Mr McCrea, among others, against amendment No 7.

Pension schemes need to be operated on a basis that is fair to all members — those who have no breaks from service and those who, for whatever reason, have breaks from service. Costs must be controlled, and, indeed, the costs will influence and determine the benefits that can be paid to all members. Mrs Cochrane asked how much it would cost. It is hard to determine exactly how much, but there would be a cost involved. There is the principle of fairness across the board. Why should some

members of a pension scheme who do not take a career break or take a shorter career break subsidise those who take, as is suggested in the amendment, a 10-year career break, which, as Mr McCrea pointed out, might be upwards of a quarter of somebody's entire working career? It is untenable that anyone would even consider it, as it is eminently and apparently utterly unfair to change from five to 10 years the period for which a gap in pensionable service will be regarded as pensionable.

Finally, we debated amendment No 16, which was tabled by the Committee. It relates to clause 13, which deals with employer contributions in a funded scheme. When I was speaking to this group of amendments, I said that I did not believe that amendment No 16 was entirely necessary, but, in the grand scheme of things, it is a minor issue, and there is broad support for it across the House, so I am content to see it pass.

In supporting this amendment, Members commented on the requirement to make explicit what the term "qualified" means in regard to the person who is appointed to consider a valuation. I am unconvinced by the arguments that the person appointed would not be, and I consider that the term "qualified" already encapsulates all the points that the amendment seeks to make. However, as I said, I would be content to see it passed, given that it is a minor issue and that there is broad support for it.

In conclusion, I ask Members to support amendment Nos 1 and 2 in this group, which refer to clause 5, and to oppose amendments Nos 3, 4, 5, 6 and 7.

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 80; Noes 13.

AYES

Mr Allister, Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms

McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr Mitchel McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr McQuillan and Mr G Robinson

NOES

Mr Agnew, Mr Attwood, Mr D Bradley, Mr Byrne, Mr Eastwood, Mrs D Kelly, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr P Ramsey, Mr Rogers.

Tellers for the Noes: Mrs McKeivitt and Mr McKinney

Question accordingly agreed to.

Amendment No 2 made: In page 3, line 6, leave out "must provide" and insert

"may make the provision required under subsection (1) above by providing".— [Mr Hamilton (The Minister of Finance and Personnel).]

Amendment No 3 proposed: In page 3, line 30, leave out "member representatives" and insert "trade union representatives".— *[Mr D Bradley.]*

Question put, That amendment No 3 be made.

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

The Assembly divided:

Ayes 39; Noes 50.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr

Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mrs McKeivitt and Mr McKinney

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr McCausland, Mr I McCreá, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.

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

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

Question accordingly negatived.

Mr Deputy Speaker: I will not call amendment No 4, as it consequential to amendment No 3, which was not made.

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

Mr Deputy Speaker: No amendments have been tabled to clauses 6 and 7. I propose, by leave of the Assembly, to group the clauses for the Question on stand part.

Clauses 6 and 7 ordered to stand part of the Bill.

Clause 8 (Types of scheme)

Amendment No 5 proposed: In page 5, leave out lines 9 and 10.— *[Mr D Bradley.]*

Question put.

The Assembly divided:

Ayes 38; Noes 48.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mrs McKeivitt and Mr McKinney

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negated.

Amendment No 6 proposed:

In clause 8, page 5, line 26, leave out "negative resolution" and insert "the affirmative procedure (see section 34(1))".— [Mr D Bradley.]

Question put, That amendment No 6 be made.

The Assembly divided:

Ayes 38; Noes 48.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd,

Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mrs McKeivitt and Mr McKinney

NOES

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

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negated.

Clause 8 ordered to stand part of the Bill.

Clause 9 (Revaluation)

Amendment No 7 proposed:

In clause 9, page 6, line 11, leave out "5" and insert "10".— [Mr D Bradley.]

Question put, That amendment No 7 be made.

The Assembly divided:

Ayes 38; Noes 49.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mrs McKeivitt and Mr McKinney

NOES

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

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negatived.

Clause 9 ordered to stand part of the Bill.

Mr Deputy Speaker: I ask Members to take their ease for a minute while we change the top Table.

Mr P Robinson: On a point of order, Mr Deputy Speaker. I wonder if you could help us. We lost 20 minutes of our lives with the vote on amendment No 1, which was an amendment moved by my colleague the Finance Minister at the request of the Department of the Environment. Yet the Minister of the Environment, who was in the Chamber, did not support his Department's amendment and his party voted against his Department's amendment. Can you give us some help in understanding the thinking that went into the Minister and his party's decisions?

Mr Deputy Speaker: I am very happy to tell the First Minister that that is not a role for the Chair. [Laughter.]

(Mr Speaker in the Chair)

Clause 10 (Pension age)

Mr Speaker: We now come to the second group of amendments for debate. With amendment No 8, it will be convenient to debate amendments Nos 9 to 12. Members will note that amendment Nos 10 and 11 are mutually exclusive. I call Mr Dominic Bradley to move amendment No 8 and to address the other amendments in the group.

Mr D Bradley: I beg to move amendment No 8: In page 6, leave out lines 15 and 16 and insert "65."

The following amendments stood on the Marshalled List:

No 9: In page 6, line 16, at end insert

"(1A) Subsection (1) does not apply in relation to a person under a scheme under section 1 whose normal pension age is specified by scheme regulations for the scheme.

The normal pension age for such a person must be the age specified by the scheme regulations; and such regulations may specify any age less than state pension age, but not less than 65."— [Mr McKay.]

No 10: In page 6, line 17, leave out subsection (2) and insert

"(2) Subsection (1) does not apply in relation to fire and rescue workers who are firefighters.

The normal pension age for such persons under a scheme under section 1 must be the age specified by the scheme regulations for the scheme; and such regulations may specify any age not exceeding 60, but not less than 55.

(2A) Subsection (1) does not apply in relation to members of the police service.

The normal pension age for such persons under a scheme under section 1 must be 60."— [Mr McKay.]

No 11: In page 6, line 21, at end insert

"for members of the police service and no more than 60 for fire and rescue workers who are firefighters".— [Mr D Bradley.]

No 12: In page 6, leave out lines 24 to 33 and insert "65."— [Mr D Bradley.]

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. I am pleased to contribute to this second group of amendments on pension age. I listened carefully to the Minister outline the purpose of the Bill when he was summing up on the previous group. I understand the Minister's position: this is not a Bill of his making but one that has been foisted on him by the coalition Government, and I have some sympathy for him having to advance legislation that he is not fully committed to. When he talked about the purpose of the Bill, what came to my mind was the effect of the Bill. Largely, the effect of the Bill for public servants will be to pay more, work longer and get less at the end. Retirement may become a thing of the past.

In any case, I will move on to the amendments in the group. It is to be welcomed that we are at least able to debate the legislation. The original intention was that we would adopt the Westminster legislation by means of a legislative consent motion. It is largely due to the insistence of my colleague Mr Attwood, when he was a Minister, that the Executive decided to have a local Bill. That is a good thing, because it increases accountability and adds to the democratic process. All that is left for us to do is shape the Bill into the best possible instrument for those who are affected by it. Therefore, I welcome the fact that we have the opportunity to discuss a Bill here and can attempt to modify it.

The Bill as it stands ties the age at which public sector workers receive their pension in full — the normal pension age — to the state pension age. As we know, the state pension age, as a result of previous legislation on pensions, will increase to 68 in the coming years. Amendment Nos 8 and 12 would ensure that a link is not made for either the normal pension age or the deferred pension age. That will prevent adverse effects for all public sector workers aged 34 or below and will prevent the potential for further adverse increases in the future.

The impact of increasing the pension age on the Northern Ireland economy will be significant, but sadly no proper assessment has been done of that. We hear the constant refrain about the impact on the block grant of not sticking rigidly to the Westminster proposals. However, as with many matters, that fails to take account of the distinctly different circumstances in Northern Ireland.

Let us face it: the Department of Finance and Personnel has not really provided us with any proper costings to assist our decision-making on the Bill. In fact, it referred the matter to the Government Actuary's Department (GAD), which came back with a variation in cost of £100 million. On that basis, it is difficult to come to correct figures about the cost of the measures in the Bill.

On a base level, the proposals will lead to less money circulating in the Northern Ireland economy, as the financial power of retiring public servants, sometimes described as the "grey pound", will be reduced. That is all happening in the context of the cost of public sector pensions being driven down from 1.9% to 1.4% of GDP by 2060. Therefore, increased numbers of public servants working longer can only mean a reduction in job opportunities for young people.

5.30 pm

We can look at the number of fully qualified teachers who, at the moment, have never been in full-time employment. The Minister of Education assesses that number to be around 6,000. We can only imagine what that figure will be in the future. Current circumstances will define the problems of youth unemployment, and these measures will do little to ease that situation. For the period from August to October last year the unemployment rate for 18- to 24-year-olds was estimated at 23.8%. Currently, we risk the development of a lost generation. Large numbers of young people are again being forced to leave these shores to find work. Why should we seek to perpetuate this problem? I do not believe that we should.

As we discuss these potential increases, it is important to remember that pension is simply deferred pay. Changes of this nature leave a bitter taste in the mouth of public servants, especially given that the London Government are reneging, as I said, on the promise of a 25-year guarantee on pensions. Public sector pensions are not gold-plated in the way that is often unfairly portrayed. Over half of public service pensions are less than £5,600 per annum, and for civil servants the average yearly pension is less again — £5,400, with a quarter getting less than £2,000 annually. Notably, when considering the impact of the proposed pension changes, we see that the average NILGOSC pension for women is less than £3,000 a year.

Through amendment No 11 we have sought to make the case on behalf of firefighters and police officers. Many public servants — nurses, teachers, doctors and paramedics, to name a few groups — face demands during their employment that could be described as particularly physically, mentally and emotionally demanding. We can comfortably predict that increasing the pension age for over 45,000 public servants will result in increasing numbers of ill-health retirements and more people being forced out of work on capability grounds. Nowhere is that more obvious than in the case of the firefighters and police officers. Working beyond 55 is not attainable by most current firefighters, and working beyond 60 is a serious ask for police officers. Between half and two thirds of current firefighters would not be fit enough to work beyond 55, and, because of the small size of the Northern Ireland Fire and Rescue Service, redeployment to back office jobs is not possible for that number of individuals. Additionally, because of equality legislation, it would simply not be possible to present older firefighters with such jobs, and,

sadly, substantial numbers of firefighters could end up being dismissed through capability procedures. The change to the normal pension age will discriminate against women firefighters. It risks driving out most women firefighters and undermining decades of equality work that is only now beginning to come to fruition. There is no doubt that such an imposition will upset industrial relations and affect morale.

I welcome the fact that Sinn Féin has also acknowledged this problem by tabling amendment No 10, which we cannot support alongside our own amendment. However, I encourage Sinn Féin and others to support the SDLP amendments. As I said, I ask the House to think seriously about the important points that I made during this contribution, and I ask Members to support the amendments that we have tabled.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Cheann Comhairle. Because of the timing of the debate, the Committee has not considered the amendments in this group, similar to the case with the previous debate. These amendments relate, in different ways, to the evidence presented to the Committee and to its related findings and recommendations.

It is clear that one of the most contentious impacts of the reforms arises from clause 10, which establishes an automatic linkage between normal pension age and state pension age for public servants generally and would set the normal pension age at 60 for firefighters and the police. Members need to be aware of two key implications of clause 10 as drafted. First, subsection (1) pre-empts any future decisions by the Executive and the Assembly on whether the linkage with state pension age should be maintained for public servants generally when the Westminster Government increase it to 68 or even beyond, for that matter. Secondly, Members need to be mindful of the inflexibility of clause 10 in failing to address circumstances in which public servants do not wish or cannot afford to take early retirement but find the completion of their duties impossible because of age-related decline. Evidence to the Committee highlighted that, under clause 10, such individuals are likely to face actuarially reduced pensions or capability dismissals.

The Committee noted from the research and evidence that, aside from firefighters and police officers, certain other physically or emotionally demanding public service roles — for example, prison officers, teachers, paramedics and

mental health nurses — have been identified as being potentially problematical with respect to the consequences of an automatic linkage between normal pension age for their respective roles and future increases in the state pension age.

When taking evidence from the Fire Brigades Union (FBU), the Committee noted that a key finding of the Williams review indicated that up to 85% of firefighters aged between 55 and 60 would not be able to maintain the fitness standards required to conduct their duties effectively. Moreover, in responding to Committee queries on the scope for such firefighters to move to back office roles or community fire safety, the FBU pointed out that it had written confirmation from its employers on at least two occasions stating:

"that there simply are not those redeployment opportunities in the ... Fire and Rescue Service".

Hence the risk of capability dismissals. Effectively, even if firefighters want to go into a back office role, as police would have a greater opportunity to do, the option is simply not there. Although the Committee acknowledges that the Bill does not require firefighters to work to age 60, clause 10 means that, if a firefighter retires before 60 years of age, that could result in an actuarial reduction in the overall pension entitlement of approximately 4% for each year.

To understand the potential impact on public safety, the Committee agreed to write to the Health Minister for information on the options for firefighters to retire early with actuarial reduction and whether scope exists to redeploy into other roles in the wider public sector firefighters who are unable to meet the fitness standards. In response, the Health Minister advised the Committee that the position in the North was unclear regarding the potential number of firefighters affected and that the available information was incomplete. He also advised that, as regards scope for redeployment into the wider public sector, employment legislation meant that retired firefighters could not be provided with a more advantageous position that allowed them to compete for employment in the wider public sector regardless of their individual circumstances. Faced with such barriers, affected firefighters will have little option but to retire with a financial penalty or face dismissal on the grounds of capability.

In light of the concerns raised, the Committee was unable to agree to clause 10 as drafted. The Committee believes that there is a need for

sufficient flexibility to enable evidence-based decisions to be taken at a scheme level on whether certain public service roles, especially that of firefighters, should have a lower normal pension age than is set in clause 10. That being the case, the Committee called on the Finance Minister to table the necessary amendment to clause 10 to provide that flexibility on the basis that any costs arising from future decisions to vary from parity in this area at a scheme level will be met by the responsible Departments in the Executive. In respect of the latter condition, it was noted that clause 3(5) provided the necessary safeguard, whereby scheme regulations will require the Department of Finance and Personnel's consent before being made.

Given the weight of evidence presented, it is disappointing that the Minister has not seen fit to table an amendment as recommended by the Committee. Instead, in his response to the Committee report, the Minister states that this is an enabling Bill designed to offer flexibilities at scheme level. He is of the view that the secondary legislation stage is the most appropriate time to finalise the scheme design for specific workforces, following consultation with staff and trade unions. If that is so, why is it necessary to stipulate pension age in the primary legislation in such a rigid way? That is the view of the Committee.

In the case of firefighters, the Minister states that the Williams review did not recommend a change to the current pension age of 60, but it recommended that a review of the pension age should take place once fitness standards had been determined and sufficient data collected to assess the impact of such standards. The Minister also cites the fact that the current pension age for firefighters recruited since 2006 is already 60 and that an amendment to provide for an earlier normal pension age would introduce a conflicting provision to the current requirement. Yet, surely that can be addressed with new scheme arrangements if, following the review and on the basis of evidence, it is established that a normal pension age of less than 60 is appropriate for firefighters.

I will move on to other areas. There may also be a need for flexibility on pension age for certain other public servants. In evidence to the Committee, the BMA highlighted the ongoing Working Longer Review being undertaken by a tripartite partnership review group comprising NHS trade unions, NHS employers and representatives of the Department of Health, who will consider, among other things, the evidence of the impact of working beyond 60 years of age.

In that regard and in the context of the second group of amendments, the Committee position is that clause 10 should be amended to enable a more flexible approach, which will enable the responsible Departments to take account of emerging evidence on specific roles and to adjust pension age accordingly in necessary cases going forward. That is the Committee view.

From a party perspective, I echo the Committee's position on a lot of the issues that have emerged around clause 10. The Fire Brigades Union impressed on the Committee that the cart was very much being put before the horse in regard to the consideration of evidence and the making of a decision in regard to the firefighter NPA. It is clearly the case that there is a need for more evidence to be taken and more issues to be considered before a final decision is made in regard to that case.

In a recent independent report, information was gathered from four fire and rescue services across the water, and it found that two thirds of those aged between 55 and 60 were below the recommended fitness standards. We need to be cognisant of that kind of information, and, if we go ahead with the decision in respect of pension age for firefighters to be raised to 60, if it is the case here that two thirds of firefighters do not meet fitness standards, how does that impact on the valued public service that firefighters provide, and how does that impact ultimately on people's lives?

5.45 pm

It also warns that a substantially larger proportion of women will find it hard to maintain fitness at the required level, which will lead to a disproportionate number becoming unfit for firefighting before age 60. On the basis of that finding, we should also be concerned about the impact that this will have on the number of female firefighters in the local Fire and Rescue Service, an issue of representation that needs to be addressed anyway. We need to encourage more women to apply for those jobs. Obviously, the implementation of such a decision on pension age could put off more females from applying to the service.

In pension terms, we are living longer, but life expectancy is an entirely different thing from fitness levels, which must be considered in this case, especially in life-and-death situations that firefighters and others face daily. The consequences of getting this wrong could be highly significant, and that is why we should take a longer-term view of all of this.

What we propose in our amendments relating to the firefighters is broadly similar to the SDLP proposal: it is to take a commonsensical approach to this issue, and, in our case, ensure that there is flexibility through regulations so that the Department can consider fully the case of firefighters. The problem is that, if we introduce this in primary legislation, it will become a lot harder to undo, should we encounter any future implementation problems. So, when this comes into play, if we find that there are difficulties in the provision of public services, we should not have to return to primary legislation; it should be something that is easily amended through regulations. Given the importance of the public service that the fire service provides, we should be in a position to change it quickly to ensure that that public service is held up to the highest standard.

I will speak briefly on Sinn Féin's second amendment, which would provide an option for a normal pension age for those under clause 1 of the Bill to be specified through regulations. At Committee Stage, there was much discussion about flexibility and the need to create wriggle room by putting this into regulations. So, there are similarities between this and the firefighters' issue as well. My party colleague will speak to those issues later in the debate. At this stage, I certainly favour amendment Nos 8, 9, 10 and 11.

Mr Girvan: Really, we are all here as a result of legislation that has gone through Westminster and could have been dealt with as a legislative consent motion. However, it was worthwhile having a Committee Stage and getting the evidence from the trade unions and those affected. Trade unions were not the only people who presented; other stakeholder groups felt that it was important to give evidence. In doing so, we identified that some of the information that we were working to from actuaries indicated that there could be a cost of up to £262 million of delivering any variances that we would have if we did not implement the legislation as presented. At the request of the unions, we went back to ask for more information on that matter, and the increased estimate that came back was that it could cost Northern Ireland up to £300 million of its block grant if we did not make changes. The evidence was helpful in showing how some accommodation could be made. I appreciate that, as has been said, certain flexibility exists for Departments and funders to make adjustments in their own schemes.

However, they would have to meet that cost and adjustment from their own departmental

budget as opposed to asking for money from the centre.

I come back to the amendments. One of the groups that presented to us and was met with widespread support is the Fire Service. A unique set of tests are put forward in the Fire Service in that you have to achieve a certain fitness level. Unlike other jobs in which you do not necessarily need to be 100% fit to carry out the function, you have to be fit to be a fireman. The Fire Service also identified the lack of back-office opportunity for men who reach the age of 55 and perhaps cannot attain the required fitness standard. There is lack of opportunity for, and accommodation of, those people in the Northern Ireland Fire and Rescue Service. As a consequence, it is suggested that this should apply to a 55-60 age range. We will support amendment No 10 because we believe that it addresses the issue and allows for flexibility to exist in the fire service. The Police Service will have the same opportunity.

I want to go back to amendment No 8, which states that we should leave out two lines and just insert "65". Some people might think that I am being somewhat cynical in the way that I say that. However, that removes the flexibility either to decrease or increase the retirement age. We all know the way that that will probably go. It is more likely to increase than decrease. Making that amendment would mean having to do that.

We will oppose amendment Nos 8, 9, 11 and 12 and support amendment No 10; that is the stance that we will take. In a lot of ways, amendment No 12 really is very similar to amendment No 8. Therefore, we feel that that accommodation has been made. However, I think that it was worthwhile going through the process of getting the evidence. Unfortunately, meeting the time frame and getting this through the House within the required window before penalties are incurred could be a difficulty.

We have had to move it forward to this stage, and I think that it was helpful. It has also given us an opportunity to see what flexibility could be worked into the scheme. There are probably those on the other side of the Irish Sea at Westminster who feel that some accommodation and further negotiation would have helped them at the initial stage of bringing forward the Bill there. We have a very difficult case on which to work and move forward. I am sure that we have all been lobbied heavily. I am sure that every civil servant in the country has been in contact with one of us at some stage, whether through petitions or a series of

letters that were circulated. We have had to take all that into consideration.

It is not an easy step to take. It has been alluded to that people will work longer, pay more and get less. In many areas, that is probably true. We are dealing with a difficult financial future for not just our country of Northern Ireland but Great Britain as a whole. As a consequence, adjustments have had to be made. The accommodations that have been put forward in some of the amendments will help to address a number of the concerns that were raised at Committee.

Mr Cree: Sometimes the more I sit here and listen, the more firmly I am convinced that a legislative consent motion would have been the way to go. However, we are where we are. Although it is a great idea to have flexibility, I have not seen much flexibility here today.

Amendment No 8 addresses pension age and seeks to make it 65 years only. We cannot support that change in the current economic situation and, indeed, in the knowledge that most people are living a lot longer and because of the existing public service scheme costs. I do not think that it has been mentioned, but one of the big issues in all pension provision is the cost of providing same. Indeed, I know from my experience that there are very few final salary or equally attractive schemes in the private sector any more, simply because they cannot be afforded.

Amendment No 9 is similar to amendment No 8, and the Member who spoke previously covered that.

Amendment No 10 also attempts to change normal pension age but restricts the age for firefighters and police. We have sympathy for those changes and have supported the principles in discussions at Committee. The difficulty is that amendment No 11 from the SDLP addresses the same clause 10 issue, probably, to be fair, in a much neater way. So, we have a contrast between those amendments, and we have to decide, after hearing what else is said, which of them is the more suitable.

The final one, amendment No 12, seeks to make 65 the deferred pension age under clause 1. Again, I have difficulties with that.

Mrs Cochrane: The amendments tabled for clause 10 are significant and require careful consideration, and I am sure that all Members have been lobbied strongly by the various unions and the employees who will be affected

by the proposed changes. It is important that we establish the impact that the Bill will have on those affected. However, we need to balance that by also considering the context in which the changes are proposed. As Mr Cree said, statistics show that life expectancy is going up and people are living longer. In the 1970s, if a person retired at 60, they might have been expected to have lived a further 18 years. By 2010, life expectancy post-retirement had increased to 28 years. That means that the cost of public service pensions is increasing. Indeed, it has increased by a third in the past 10 years to £32 billion, and, without reform, that is unsustainable. We have to be realistic.

Clause 10 sets the normal pension scheme ages at the same level as they are for other public service workers in the UK. If life expectancy continues to rise, we will need to continue to monitor the proportion of adult life spent in retirement, and, therefore, amendment Nos 8 and 12, which remove the link to state pension age, would be very unwise. Amendment No 9 may initially seem appropriate, but it also allows the option in secondary legislation to stray away from state pension age, and we must ask ourselves whether that would simply bump the issue down the road where it will still have to be dealt with.

We should recognise that, even with the reform, those enrolled in public sector pension schemes are receiving a significant employers contribution and still have confidence that it will actually pay out. Unfortunately, the same cannot be said for many private sector employees, the vast majority of whom already must work to state pension age, and many will have to work long beyond that due to the collapse of many private pension schemes through no fault of their own.

Amendment No 10 seeks to ensure that the pension age for the firefighter scheme is specified in secondary legislation, and that may be unnecessary given that the current pension age for firefighters recruited since April 2006 is 60 and that clause 10, as drafted, includes provisions to retain that position. However, as those emergency public service workers are already afforded exemptions, it would be appropriate to support that amendment.

Mr Weir: I will try to keep my remarks reasonably brief. The amendments in group 2 fall into two categories: amendment Nos 8, 9 and 12 and the separate issues with the firefighters' position. I will look at each of those. I have listened to the proposers, particularly on amendment No 8, which follows through to amendment No 12, and the same tone goes in

many ways with amendment No 9. It has a slightly more nuanced position and is maybe a bit better dressed up, but, from a practical point of view, it will effectively mean the same thing. The reality is twofold. First, as indicated by Mrs Cochrane and others, given the position in the wider sphere of state pensions, those amendments would have the impact of detaching from the issue of state pension age and normal pension age and decoupling the two. The simple reality is that, however much we may dislike this, and considering its broad affordability as we move ahead, all the demographics in society that relate to people living longer and being able to enjoy retirement for a longer period, and the financial implications of that, are further becoming unsustainable. That is why the Hutton commission was set up in the first place.

6.00 pm

Whether we like it or not, we are inevitably moving into a situation in which retirement age is something that cannot be fixed across the board at 65, because it is something that is moving. From that point of view, there is a degree of common sense at work, and, with the best will in the world, we are creating a false picture for people if we simply believe that that is something that can be set in stone.

Similarly, whatever is said about spending powers, the reality is that, although people can disagree with the Government Actuary's Department about the exact amount of money, mention has been made of £262 million or £300 million. That will be the impact on the block grant. There is no point in simply saying that, if such-and-such happens, it will mean that there will be a reduction in spending power in Northern Ireland. We cannot simply conjure that money out of thin air. If we are talking about that level of reduction and effectively going out on our own, that money will have to be found from within the block grant. That is a simple reality and something that, with the best will in the world, is simply unaffordable.

Consequently, amendment Nos 8, 9 and 12 would all have a very similar effect. They undermine the central premise of the legislation in the first place, but they also put us into cloud cuckoo land when it comes to the realities. That, ultimately, if they are being honest with the public, is something that Members have to face up to.

I will now turn to the amendments relating to the firefighters' situation. Of all the witnesses among the various lobby groups that came to the Committee, the firefighters were impressive

and put forward a very cogent case. There are particular special circumstances for the firefighters that have been outlined by others, including the needs for levels of fitness. Looking around the Benches on all sides, I suspect that very few of us could pass the required fitness tests at 35 or 45. I note that the Chairperson of the Committee, who is a very keen cyclist, may well be able to pass the firefighters' fitness test, but I suspect that he might be on his own in the Chamber, with the obvious exception of the Speaker, who, I am sure, would be more than capable.

There are specific circumstances for firefighters. Rightly, society needs them to have a particular level of fitness and physical ability. That is a clear issue that goes to the heart of health and safety concerns and saving people's lives. It is undoubtedly the case that that means that, when it comes to standards, there is a requirement on firefighters that is simply not there in most other public sector realms. Consequently, theirs is a unique case.

Additionally, the clear-cut point that the firefighters made is that, unlike in many other parts of the public sector, if they are not able to perform their firefighting duties, it is not as easy as it would be in other parts of the public sector simply to transfer them somewhere else. There is very little in the way of back-room jobs that could be made available for those who are physically not in a position to pass the fitness test. A unique, cogent and impressive case has been made for the firefighters, and we should take cognisance of that across the House. I suspect that it will be an issue that will be raised when discussing amendment No 10. The House can largely unite behind that amendment, and I believe that it can be accepted across the board without rancour. I would like the Assembly to unite behind our vote of support for the particular position of firefighters in amendment No 10 and not divide the House on the issue. That is the position that the DUP will take on it.

So, from that point of view, I think that there are clear problems with amendment Nos 8, 9 and 12. I think that a more unified approach could be adopted on amendment No 10, which the Chair and others tabled.

Mr Mitchel McLaughlin: Go raibh maith agat, a Cheann Comhairle. I note that the tenor of the discussion on this group reflects what I thought was a very focused discussion at the Committee, which carried out some substantial work. I do not think that any ideological positions were adopted at the Committee. People recognise that reform can be a

necessary process to go through if it addresses issues such as value for money, cost benefits and giving better protection. That is also the case if reform has not only good governance but transparency and responsiveness or flexibility in the individual cases that can be made. I think that the firefighters and the police are two very obvious examples, as are paramedics. Those categories are not best served by embedding an approach in primary legislation that then, de facto, changes the thresholds.

Also, the body of the Bill does not provide any future-proofing for how different Administrations, such as a different Administration at Westminster or a different Executive formulation with different Ministers, would approach those issues. I think that that informed our approach, and I should say that I am speaking in favour of and formally moving amendment Nos 9 and 10 on behalf of Sinn Féin.

Given what I said about what reforms are intended to do, it could not be the case that people were either willy-nilly or even deliberately creating that type of invidious pressure on people who are regarded as public servants. They are members of the public sector, and the departmental witnesses accepted that. They may not have the categorisation or job description that specifies that they are civil servants or that they are this, that and the other, but, to take firefighters as an example of the point that I want to make, they are highly skilled people who do a very dangerous job. They are recognised right across the spectrum of our community — there are many things on which our community divides and disagrees — for the incredible work that they do.

Why should they be faced with a Hobson's choice of retiring before the state pension age and their normal pension age on the basis of their ability to meet the job's physical requirements? We do not give them any safety net through reallocation to back office work or whatever. We actually confront them with a very invidious choice between retiring early on a reduced pension or facing dismissal on capability grounds.

I do not see or hear any party adopting the position of saying, "Tough; that is life. That is the way that it goes, and we cannot extend that to every other member of the public sector". We are talking about very specific exceptions, for which very specific exceptions have to be made. There is no one size fits all in this. That is why I was disappointed that the Minister did

not opt for the secondary legislation route, because that is how we could have addressed those individual circumstances.

Taken as a category, none of that is going to create the type of doomsday scenario that the Government Actuary's Department presented. The first time that we asked, it said that the figure was £260 million, so we went back and said, "We are not satisfied with guesstimating. Could you do it again?" It came back with another estimate but bumped it up by £40 million. It became £300 million the second time that we asked, and I think that it cost the Department. I should give credit to the Department, because at least it obliged or responded to the Department by agreeing to finance that second and wider assessment of the various schemes that we have in the public sector.

The point I am making is not that we should just disregard the fact that there is an impact on the block grant, or even have an argument that there will be an impact, because there will be. However, nobody, but nobody, is operating on the basis of an evidence-based figure. We are given guesstimates. They are very significant guesstimates, which can have the effect of people saying that we cannot afford this. However, for a start, we do not actually know how much it is going to cost us. That is no way to run a business.

It is unsatisfactory that we are presented with guesstimates when we ask for evidence. We are then being asked to consider the best way to take the issue forward. We have to take into account the issues that will affect the public sector here. Other Members have addressed in their contributions the fact that we are talking about almost a quarter of a million workers. We are also talking about their families. These issues are very, very significant.

We cannot guarantee that the Executive, given their resources, can actually afford to break parity. Sinn Féin does not have the same allegiance to parity with Westminster as some other parties — that goes without saying — but, in this case, we are not arguing that we forget parity and dig into our own pockets. It cannot be done. We know and recognise that. For that reason, we have, maybe through gritted teeth, gone along with many of the arguments presented for sustaining the Bill.

We made a constructive contribution to the Committee report. I was very proud of the way in which the cross-party group went about its task. We did not agree on everything, but we had a fundamental problem with clause 10. We

asked the Department to explore the issue. We asked the Health Department whether it could offer comfort regarding options after operational fitness reports perhaps rule firefighters out of front line activity. We were told that there was insufficient capacity to give that assurance.

We asked that the wider public sector here be consulted. We were told that, for reasons that were not made clear, employment legislation would not allow that to happen and that it would infer some kind of advantage. It is not an advantage; it is recognition of years of dangerous work on the front line of public services on behalf of the Executive and our society. We should not be confronting people with Hobson's choice in these circumstances: early retirement on a reduced pension or being dismissed because of lack of physical capability. I ask again that the Minister give some assurance that this is something that merits some thought. It would not incur penalties; it would allow us to lay down the principles on which we are going to proceed, and it would allow us sufficient time to reflect on what we can do.

If there is common commitment, I think that we can overcome the issues about whether we can reallocate functions and roles in the Fire Service. If that is not possible, and if there is insufficient capacity — and I am prepared to listen to the evidence — let us consider other options in the wider public sector. These are obviously very capable, experienced individuals. Whether it is giving lectures on fire safety in our schools or working for local authorities on fire prevention measures and so on and so forth, I think that we could offer firefighters the opportunity to enjoy the full span of their career.

We want to reflect the reforms in the public sector that are already law. In her contribution, Judith Cochrane referred to the changes already in place. There are sensitivities. Some people joined the Fire Service long before the reforms were introduced. They are working on a different set of conditions. However, the logic of diminishing returns is that, over a period of time, it will level itself out. We are not looking to rewrite the legislation; we are asking that we retain as much flexibility as possible in our primary legislation to allow our Minister, on our behalf, to introduce innovative, imaginative responses to the approach that is being adopted in Westminster. I do not know what will happen with that system. I do not have enough information, but I think that we can take responsibility for exploring what we can do more than is represented in this Bill as is presented. On that basis, I very strongly ask

Members to look again at amendment No 9, because it is an enabling change that then makes our amendment No 10 effective. We would not have introduced that had we been able to deal with this matter by secondary legislation, but that choice is not before us today.

6.15 pm

Mr Agnew: The problem for me with this Bill is that it is an accountant's Bill. The numbers may work, but the real question is this: at age 68, potentially, will the people be able to work? Of course, the numbers have to add up. That is a major component of the Bill, and we cannot ignore that. Equally, we have to ensure that it makes sense in reality. Balance sheets are all fine and well, but, if the reality on the ground with workers does not match what the numbers want it to, we cannot expect the workers to be slaves to accountancy. Life expectancy is rising, and, of course, that puts pressure on the pension pot, but it is not rising equally across all areas. In Belfast, someone born today will have a life expectancy of 73 compared with that of 85 in Kensington. Of course, Kensington is a much more affluent area than Belfast, and, essentially, as things stand with this legislation, we will be asking the people who have lower incomes and who are likely to live shorter lives to subsidise the pensions of the people in Kensington. Although none of the amendments in this group can completely mitigate that, I believe that the amendments put forward by the SDLP and Sinn Féin can help us to move towards a much more equitable pensions Bill.

We talk about numbers, and they are given weight because you can see them on a paper, you can add them up, you can total them, you can match them off and it seems real, but we have to look at some of the numbers that affect real people's lives and working conditions. There has been so much talk of life expectancy, but we have not looked at health expectancy. That has to be absolutely key. There is no point in requiring someone to work until they are 68 or whatever the Government may decide the state pension age should be because we cannot expect them to work if they are unfit and unable and not well enough to work. Currently, half the people who are within three years of the state pension age do not work. There will be myriad reasons for that, but there is no doubt that a significant proportion of it will be due to ill health and unfitness to carry out the profession that they were engaged in. That is a key issue. We cannot ignore the reality of people's lives in all this. Anybody who has studied maths, accountancy or economics, as I have, will know that there are many different

ways and many different formulae that can get you to the same conclusions. We have been passed the line that it is the only way that it could have been done at Westminster and it is the only way that we can do it. I do not accept that. I think that different options can be considered, and I think that we can, if we accept these amendments, make it work.

That issue is particularly significant when we come to consider physically arduous jobs such as those in the Fire and Rescue Service. I welcome the fact that there seems to be a degree of consensus on that. Indeed, the amendments include those working in the Police Service.

I worry that other groups have been left out, such as paramedics. I remember during one of the pension protests I was at the Ulster Hospital, and a paramedic asked whether you would want a 65-plus-year-old paramedic to lift your relative who weighs 20-plus stone down the stairs if they took a heart attack. Those are the realities that the numbers, sometimes, cannot illustrate. As it looks as though the particular conditions of firefighters and police are will be taken into consideration at this stage, I hope that, at Further Consideration Stage, having accepted the rationale for certain jobs that require physical strength and fitness, we will look at others that may face the same challenges and ensure that they are included and there is equity and fairness in the Bill.

The particular effect of the Bill on women has to be looked at. When we looked at the Fire Service, there was a sense that the proposals would impact on women considerably more. I ask the Minister what equality impact assessment has been done and what conclusions it made about the impact of the Bill as a whole on women. Again, to ensure that there is fairness and that the Bill works for the common good, we have to look at the various groups that may be affected by the proposals.

Physical health has been mentioned. With regard to the ageing process, I wonder what evidence has been looked at on mental well-being and fitness for particular roles as age kicks in. I want to be clear: that is not to say that every older worker's physical health or mental well-being will deteriorate beyond the point of their being able to perform their job. Everyone will have a different experience. Again, even when we talk about firefighters, sometimes the term "fitness" can be misleading. People think that it is maybe just the case that somebody has not been doing the proper training. It is about the wear and tear and the physical injuries that people can suffer

over their career and how they can affect their fitness to do the job, rather than the basic understanding that we may have of the term "fitness". Therefore, I would like to see more research. I am aware that NHS research on the Longer Working Review, I think it is, has not concluded. I will wait to see that research. There needs to be scope in secondary legislation that gives us flexibility to respond to the evidence as it comes forward.

I said that there are other ways to add up the numbers. That is where I am concerned that the Bill has perhaps not done enough to look at other options, particularly the macroeconomics of some discussions. We have the figures that were presented by the Government and the Department here on these proposals. However, we do not have figures on the alternatives, which makes it hard to consider and make decisions that take into account all possibilities. So, whilst much has been made of the cost that the increase in life expectancy has added to pensions, little has been made of the cost of the potential increase in youth unemployment through people working longer and to an older age. Undoubtedly, there will be a knock-on effect. It is not quite as simple as one person works longer and another person does not get employed; I accept that. However, there is no doubt that, if more people work later in life, it will have an effect on youth employment. There will, of course, be an associated cost if there is a resultant increase in youth unemployment.

Other figures have not been factored into the calculations and have not been presented, such as the increases that we gain in productivity through improved innovation in technology. We never hear about the benefits of that, such as working less and increased output. There is no doubt that there have been and are year-on-year productivity increases. Over the past number of decades, the workforce has been increasing not just through population growth, which, of course, means an increased requirement for pensions, but through a change in culture, whereby we have shifted from a scenario where the norm was that one adult per household worked to the expectation now that two adults per household will work. Nobody says, "Because of the increased numbers joining the labour force, let us factor in the increased contribution to the pension pot and see what savings we are making". Those figures do not fit the agenda of either the Westminster Government or the Executive here, so they are less talked about and less transparent.

As I say, I welcome the amendments in this group. I am not wedded to the SDLP or Sinn Féin proposals, although others discussed their merits. However, I believe that the principle of keeping the retirement age at 65 and 60 for firefighters and police officers is correct. Again, other imaginative solutions could have been looked at in the Bill, such as moving away from the cut-off point of a set retirement age.

Tapering retirement, reducing working hours and staging the introduction of pension payments are more creative ways of allowing those who wish to and can stay on at work to do so while allowing those who may be unfit to retire at a reasonable age and live out a reasonable retirement. Again, I come back to the issue of health inequality between the regions. If the pension age is increased to 68 and your life expectancy is 73, that is not what I consider to be a full and fulfilling retirement deserved by someone who has worked all their life. As I see it, some people can, will and should work longer because that is what they wish to do, but I do not believe that we should punish those who cannot do so for reasons of ill health or unfitness to work.

We need a pensions Bill that is realistic, affordable and serves the common good. I believe that the unamended Bill ticks only one of those boxes. The amendments in this group bring us closer to ticking all three boxes and will make a significant improvement to the Bill, though they will certainly not right all its wrongs.

Mr Attwood: I am not inclined to look to the Bible for guidance about what I should say on many matters, but I have to say to those on the Benches opposite that they have now had their road to Damascus conversion moment. It was not very long ago that Ministers from the party opposite were, as has been conceded today by a number of Members, arguing for a legislative consent motion when it came to pension legislation. Yet, we hear this afternoon — I welcome these comments, which were genuinely made by Mr Girvan — that the fact that we did not go by a legislative consent motion but, rather, through the full Committee process has been, to use his word, worthwhile.

6.30 pm

My question is to the current Minister of Finance. Given that his previous boss, as Minister of Finance, was the person who argued for an LCM when it came to pensions legislation, was that the advice that he gave to the then Minister of Finance, given that he was Assembly Private Secretary at the time? Was the advice of the current Minister, if he gave

any advice to the then Minister on this legislation, to proceed by way of an LCM? I am prepared to give way to the Minister of Finance if he wants to answer that question, once he has finished his conversation with his current Assembly Private Secretary. It is a question that deserves a bit of an answer. We will wait to hear if one is forthcoming.

The point I make is this: in this year of all years, when there will be a vote on independence in Scotland in the autumn and a conversation at that time around "devo max" as a way forward for enhancing the powers of the devolved arrangements, in Northern Ireland, in Britain, it seems to me — it was revealed, in my view, by the attitude of the former Minister of Finance — that there is not a "devo max" approach in this part of these islands. There is actually a "devo minus" approach. When it comes to fundamental issues of public policy and the needs of citizens and communities, the attitude of some, displayed by the previous Minister of Finance around this legislation, is not "devo max" but "devo less". That is why I welcome the Damascus conversion that we have heard this afternoon from the DUP Benches, where legislation that was fundamental to the interests of our citizens and our workers was not treated by way of an LCM but was subject to the full interrogation of the Assembly processes. That is why it is an important question to ask the Minister of Finance. What was his view, previously, in relation to this legislation? Was it to proceed by the LCM model or by way of full scrutiny?

That point is also confirmed by the considered comments made by Mr McLaughlin, who essentially asked whether some flexibility should be built into primary legislation that deals with and touches on fundamental issues of public policy, when it comes to the future approach being taken by this devolved Administration. That was the essential question that he put to the Minister of Finance. He expressed disappointment that we were not going to build into the body of this primary legislation the flexibility to deal with future events that might require that flexibility. If we are taking this legislation — it appears from what the DUP has said that it is prepared to build into the primary legislation flexibility when it comes to the interests of firefighters — why are we not taking the opportunity, as argued by Mr McLaughlin, to build into it the option of flexibility when it comes to future categories of workers? Is it not the case that there are probably a lot of Ministers and MPs in Westminster, at the moment, who regret that they did not build that flexibility into the primary legislation in the Public Service Pensions Act

2013? Is that not why the Fire Brigades Union is now on strike? It does not agree with the primary legislation that has seen its workers disadvantaged in Britain, just as we are going to advantage them here in this legislation, if the amendment that has been proposed is accepted.

In Britain, they have closed the doors on flexibility. We are arguing — it seems to have been accepted on the Floor — that there will be flexibility when it comes to at least one or two categories of workers. Why are we not building future flexibility into the legislation? Is it not common sense? Would it not show some loyalty to categories of workers who might need that in the future? If we accept the point of principle about flexibility now, why do we not give ourselves a general power of flexibility in future? We are closing the door on categories of workers who might need our support in the future. In that way, we pass legislation that is in one way anti-worker, because it does not legislate for future circumstances. The point from Mr McLaughlin was well made in that regard.

I do not know whether this point is unparliamentary. If it is unparliamentary, I withdraw it in advance. There was an intervention from the First Minister earlier. I do not want to second-guess the man, but he was probably one of those who argued for a legislative consent motion previously on this legislation. He intervened and made a pretty typical sneering remark — if that is unparliamentary, I withdraw it — about the position of the SDLP on amendment Nos 1 and 2. When I was a Minister, I advised my group to vote in ways contrary to the way in which I was voting when it came to legislation, because, although I had a departmental responsibility that I was prepared to honour, the party, from a position of integrity, would take a different position. Perhaps those principles of some honour and integrity are foreign to one or two Members on the opposite Benches, and, if that is unparliamentary, I withdraw that remark as well. *[Laughter.]* You can, as a party, have a position of integrity that means that you do not slavishly follow the view of your Minister, and too right. If we end up in a situation in the Chamber and in our society in which we do not encourage the right to dissent when there is much to dissent from, we are not in a very good or healthy place when it comes to our parliamentary democracy. In any case, put that all aside. I do not take it from the First Minister when he gets to his feet to make sneering comments, given his approach to certain issues. The point is relevant, Mr Speaker. I will

come back to the Bill, because I know that I am probably testing your patience again.

I remember reporting to the Executive about the efforts being made to protect the jobs up in Coleraine. I remember the First Minister, in a sneering way, looking at me and saying, "Well, won't that be a bit of a waste of time?". That was two and a half years ago, and we are still fighting to save the jobs in the DVA. God knows, perhaps this month we will win that battle — we will know very soon — because of the good work done by the current Minister. When somebody gets up on his hind feet, makes remarks and does not recognise the value of dissent —

Mr Speaker: As the Member and other Members will know, when it comes to Bills, I give Members quite a bit of latitude. I am trying to help the Member, but he should come back to the amendments under discussion.

Mr Attwood: To conclude on that matter, perhaps Mr Hamilton, as Finance Minister, might want to be a bit more cautious about tipping off the First Minister about what is happening in the Chamber. Sometimes things come back in your face.

I have said in the Chamber before that the Finance Minister is more thoughtful than his predecessor. He demonstrated that in some of the funding decisions that he has made — not what he did on pillar 1 and pillar 2, but what he did with heritage-led development moneys, for example. Why do we not build into the legislation a bit of flexibility so that in future we can protect workers who need protection? I want to know whether he has crossed the Rubicon, the Rubicon in this case being that legislative consent motions should be an option used in only a very restricted way. They should certainly not be an option for significant issues of public policy, never mind a pensions Bill.

Mr Hamilton: I will do my best to address some of the specifics of the amendments, and my comments will be in stark contrast to those of the Member who spoke previously. However, before I do, I want to pick up on a point that I think will be useful. I will reiterate some of the points that other Members made about the context. I think that Mrs Cochrane was the first person to elaborate on the context in which we find not just this group of amendments but the entirety of the Bill. There are two contexts: one is that people are, thankfully, living longer lives, which is a good thing, but related to that is affordability.

In moving the amendment, Mr Bradley spoke about the Bill being foisted on me. Whether it has been foisted on me or is everything that I would want it to be, I am sure that the Member will understand that many pieces of legislation come before the House that have their roots in or owe their origins to parity. One way or another, they may not always be everything that we would want them to be. However, we are where we are, and, whether the Bill has been foisted on me, on the House or on Northern Ireland and its public sector workers, we have to recognise the context that people are living longer lives. That then has a knock-on impact on affordability and on the economic situation that our nation finds itself in. The intention of this legislation, whether one likes it or not, is in part to make pensions affordable for everyone in the longer term and not to take a short-term view on affordability, which is, of course, a critical matter.

Many Members raised costings. Mr McLaughlin, who is unfortunately not here at the minute, raised that matter, as did Mr Bradley, along with some other Members. At some cost to itself, which Mr McLaughlin acknowledged, the Department of Finance and Personnel commissioned two actuarial studies of the recurring annual costs of delay or failure to make the required reforms. It is worth noting that the latest study showed a total cost of £300 million, of which £110 million was attributed to the health and social care scheme, £60 million to the teachers' scheme, £60 million to the principal civil service scheme, £10 million to the fire and rescue scheme and £60 million to the PSNI scheme. The fact is that there would be a penalty. We could have some debate about the quantum of that penalty, although it would not get us very far. However, when he spoke on behalf of the Committee, the Chair acknowledged that these were costs that:

"Treasury has confirmed it will apply".

Although we do not have —

Mr Agnew: I thank the Minister for giving way. For clarity, when you say "penalty", you are referring to money that would come out of our block grant. However, am I right in saying that it would go to the people in Northern Ireland who would receive those pensions, so it would be offset to some extent? Perhaps I have got that wrong, but I am happy to receive clarification.

Mr Hamilton: It would not be offset, because it would, as the Member rightly identified, come off our block grant. If we were to continue to

pay pensions at the same rate, we would have to find that money, whether it is £262 million, £300 million or whatever it may be, from elsewhere in the block grant. The consequence of that would have an effect on public services. That point has been somewhat missed. We can talk about it, and it can get quite emotional; indeed, some people spoke quite emotionally about some members of public services and the work that they do. One recognises that, of course, but, in some ways, this is a moot debate, given that there is general acceptance that penalties would apply. Had we not proceeded, the impact of those penalties would be seriously detrimental to public services in Northern Ireland, with very little additional benefit.

Finally on this point, the fact we do not have absolute ironclad certainty about what the cost would be does not mean that we should dismiss the cost issue. Whether the figure is £262 million or £300 million, it seems quite a lot to me. In that sense, it is an important point to remember, although perhaps it is in an immaterial debate.

It will be no surprise that I oppose all the amendments to clause 10 that have been tabled. I note that we have had a wide-ranging debate on this important clause. The clause has two main elements: the linking of normal or scheme pension age to state pension age; and the pension age for the parts of the public sector that are exceptions to that provision, namely, the police pension scheme. It is worth noting that the police were always separate, and the amendment does not give any additional or new provision for them than the Bill already provides. There is, of course, the much-mentioned fire and rescue pension scheme. I welcome the fact that many Members have spoken against the amendments. Members are clearly more sympathetic to firefighters — I understand that sympathy — and they have taken a stance on the issue through their support of amendment Nos 10 and/or 11.

6.45 pm

I will deal with the issue of linking normal scheme pension age to state pension age first. This relates to amendment Nos 8, 9 and 12. I want to be clear on the purpose of the Bill and on the provisions in clause 10 for scheme pension age specifically. I hope that these points will concentrate Members' minds on how unreasonable it would be for them to consider supporting amendment Nos 8, 9 and 12.

The purpose of clause 10 is to safeguard good, sustainable pension schemes so that, as I mentioned, they can continue to provide decent retirement income for public service workers in the longer term and do so in ways that are fair for all public service workers and are affordable to the taxpayer. To achieve that there is a compelling requirement for a number of actions to be taken now. We need to adapt scheme pension ages to take account of trends for increased life expectancy and manage rising public service pension costs. Why do we need to do that now? The actions must be taken to ensure the continuing viability and existence of public service pension schemes. As I and others have noted, people are living longer, which means that public service pensions are being paid for much longer than was expected when the schemes were designed. The evidence was examined in detail by the Independent Public Service Pensions Commission in its extensive review of UK public service pensions, which was carried out between June 2010 and March 2012.

Many of the current public service pension design features, including pension ages, date back nearly 200 years. In 1841, someone who reached the age of 60 might expect to live a further 14 years on average, but most did not. By the early 1970s, when some elements of pension scheme design were reformed, the life expectancy of a 60-year-old had increased to an extra 18 years. At the time of the Hutton interim review of public service pension provisions in 2010, it had risen again to around 28 years more. As you would expect, the cost of providing pension benefits has also been increasing. Figures highlighted by Lord Hutton in his review show that, by 2010, the cost of public service pensions in the UK had risen by more than a third over the previous 10 years to £32 billion a year. I think that that was a point that Mrs Cochrane made. The bulk of the extra cost has fallen directly to the taxpayer.

The case for increasing longevity and the need for change in the normal pension age has been recognised in the state pension system. The state pension age is due to reach 65 for men and women in 2018 and rise to 66 by 2020 and 67 by 2028. Some of us are wondering whether we will ever get to state retirement age. The state pension age is being increased beyond 65 across the European Union. For example, in the Republic of Ireland the state pension was standardised at 66 from 1 January and is being increased to 67 in 2021 and 68 in 2028. In France, the retirement age will increase from 65 to 67 between 2006 and 2018, and the retirement age in Germany is continually increasing and will reach 67 by

2029. Italy and Spain are increasing in a similar vein and will reach a pension age of 67 by 2021 and 2027 respectively.

It will not be sufficient to set scheme pension ages for the public service at 65. For most of the existing schemes, the pension age for new entrants was changed to 65 over five years ago. Past reviews and reform measures have not been sufficiently rigorous in meeting the requirements for sustainability in the future. The early reforms did not fully address all the underlying pressures of cost, including increased longevity, in providing public service pensions. Rather, the focus was on changing provisions for new entrants and not existing members. That was clearly not going to provide for the fundamental reform that is now necessary.

This is not in any way a new issue. Members have been made fully aware that there would be inevitable and significant financial consequences of diverging from the policy to link scheme pension age with state pension age in line with the recommendations of the Hutton commission and the general policy that was announced by the coalition Government in Budget 2011.

The policy to link public service pension ages to the state pension age is already established in the remainder of the UK in the Public Service Pensions Act 2013 and has already been agreed in Northern Ireland by the Executive.

The Executive considered the issue and took a fully informed and binding decision on the overall reform policy to link scheme pension age with the normal pension age on 8 March 2012. The Executive also agreed to implement those reforms consistently with the equivalent schemes in Great Britain.

The provisions in clause 10 are also now a core requirement for each of the new public service pension schemes in Great Britain, which will take effect in April of this year and April 2015. Historically, the provisions in our equivalent public service schemes have always been virtually identical to those schemes. Any divergence from the policy in clause 10 would therefore be contrary to the Executive's agreed policy on pension reform of 8 March 2012.

Any amendment to clause 10 that means spending more on public service pensions in Northern Ireland in ways that are more generous than the public service provisions that apply in the rest of the UK will have direct and inevitable financial implications for the Northern Ireland funding made available from HM

Treasury. There would be a consequential diversion of available funding from important public services, which I believe the Assembly will be unable to justify to the electorate in the long term.

We must take similarly responsible and forward-looking decisions for the Northern Ireland public service schemes in line with those already taken for public service schemes in the United Kingdom generally in order to manage the inevitable costs associated with increased longevity, safeguard decent and sustainable pension provision in the longer term and ensure that the cost of schemes cannot be made a drain on valuable resources that are required to fund the important services delivered through our public service.

Under this clause, normal scheme pension ages will only be set at the same levels that apply to other public service workers in the United Kingdom and to the vast majority of non-public service workers generally who must already work to the state pension age.

No one will be compelled to work to the state pension age under the legislation. Clause 10 sets the high-level requirement based on the published evidence for increasing longevity, the recognised need to manage costs and the recommendations of the independent commission on guaranteeing sustainable schemes.

The Bill makes important provision for scope at the secondary legislation stage for flexibilities in the design of each scheme to suit individual workforces. It will accommodate those who wish to retire earlier and provide options for early departure with minimal disadvantage for those who are unable to work to normal pension age.

The Bill already makes adequate provision for flexibilities at scheme level — this is a point that was missed entirely by the last Member to speak — to allow evidence-based decisions to be taken on early departures in cases where employees may be unable to remain in service until the normal pension age specified in clause 10.

This is framework legislation, which contains the high-level requirement for the public service in general. That is an important point. The appropriate arenas for the consideration of scheme flexibilities to suit individual workforces, including the provision of options to accommodate existing staff who wish to retire earlier and for early departure with minimal disadvantages for those who are unable to work

to normal pension age, are scheme level discussions with employee representatives at the secondary legislation stage.

Even with the unavoidable changes in pension age, the public sector defined benefit schemes will still be among the best available and will be significantly more valuable to workers than the defined contribution offerings that are generally the only choice available to private sector workers. The majority of private sector workers would jump at the chance to join a defined benefit career average employer funded pension scheme. Niki Cleal, who is the director of the Pensions Policy Institute said in respect of the changes that are being proposed:

"even after the Coalition's proposed reforms the benefit offered by all four of the largest public service pension schemes remains more valuable, on average, than the pension benefit offered by Defined Contribution (DC) schemes that are now most commonly offered to employees in the private sector".

Not everyone in the public service will be affected by clause 10. The Bill contains important and valuable transitional protections, which will benefit those public servants in service who are closest to retirement. Under clause 18, those within 10 years of their current normal scheme pension age as of April 2012 will see no change. For those up to four years outside the 10-year limit, there is an additional sliding scale of protection, where staff can remain in their previous arrangements for an extended transitional period. It is undeniably a time of change for some, but the changes to scheme pension age are long-sighted, evidence-based and necessary to guarantee decent retirement incomes for a generation of public servants in schemes that are fair, affordable and sustainable.

The policy intent of the Bill is to put in place the steps needed to have sustainable public service pension schemes. By providing for career average rather than final salary schemes, the Bill will mean that some of the higher-paid, who traditionally benefited from having moved up the promotion ladder, may not be so well off in retirement. However, a career average scheme is beneficial to lower-paid staff who, in some sectors, tend not to benefit from promotion opportunities. In final salary schemes, those with rapid salary progression could benefit up to twice as much per £100 of pension contributions paid into the scheme than lower-paid staff with a flatter salary profile through their working life. This is relevant as it is an example of how the Bill, along with the move

from final salary to career average, also sets fairer and sustainable parameters for the payment of public service pensions. This is critical to the costs that we, as taxpayers, all fund for public service pension schemes.

There is no rationale — and certainly none that I have heard today — for treating public sector workers differently from those in the private sector, many of whom depend on their state pension and do not have an occupational pension. Those in the fishing industry, for example, will have to work until they get their state pension, along with many in other strenuous physical and demanding occupations, such as farmers.

On those important points, I ask the Assembly to strongly oppose amendment Nos 8, 9 and 12.

I turn to the issue of amendment Nos 10 and 11, which deal more specifically with firefighters. Clause 10 will not set a link with state pension age for all sectors. This is a point that has been missed entirely: for all firefighters recruited since 6 April 2006, the current pension age is already 60. Clause 10 includes provisions to retain that position. Amendment No 10 would mean that firefighters would have a normal pension age not exceeding 60 but not less than 55. Amendment No 11 seeks to amend the wording so that the normal pension age would be no more than 60; however, that amendment does not specify a requirement to set a lower limit. Although I have issues with both — and I want to come to some of those considerations and issues in a moment — I consider amendment No 11 to be poorly drafted because it sets no lower limit. That being the case, amendment No 10 is a better amendment.

However, I want to address some considerations and issues not taken into account so far in the debate. I want to highlight them not least because those issues will be part of the discussion that will take place at the stage of secondary legislation. Any proposed amendment to the Bill to provide for an earlier normal pension age for firefighters in primary legislation would introduce a conflicting and regressive provision to the current requirement. There would inevitably be a financial penalty in Northern Ireland funding from Her Majesty's Treasury if the retirement age for firefighters is less than 60, as it will be 60 in England, Scotland and Wales, with effect from April 2015. Once again, I want to emphasise that, in 2006, the retirement age for firefighters joining the service in England, Wales, Scotland and Northern Ireland changed to 60.

We all acknowledge, as many Members have done already, that firefighters perform a vital role in the emergency services. There are obvious public safety issues that mean that standards of fitness for the role for those in the Fire and Rescue Service should be in place and should be met. Where there might be age-related factors or concerns about possible correlations between pension age and fitness, it is right that they should be investigated and subject to regular review. However, the available evidence does not support a change to the current pension age of 60 for firefighters. The latest review of firefighters' pension age was published in a report by Dr Anthony Williams in January 2013. The Williams report made numerous recommendations concerning a future fitness regime in the fire services across the UK but, importantly and interestingly, it did not recommend a change to the current pension age of 60 for firefighters.

The main recommendations contained in that report included: the establishment of a common measure for fitness standards across all the United Kingdom fire services; regular fitness training and fitness assessments for all fire and rescue services to ensure that fitness for role is maintained; and that fire services should consider informing applicants at recruitment that those whose fitness is close to a predetermined threshold are unlikely to maintain fitness to normal pension age unless they are able to increase their level of physical activity and/or reduce their body mass index. The Williams report has quite rightly, therefore, identified that, for the future regime for firefighters, fitness assessment and maintenance must be the fundamental guiding principle, not age.

7.00 pm

The Williams report does recognise that there will be firefighters now in service who will have difficulty maintaining fitness to the current normal pension age of 60. It makes recommendations for terms for early payment of pension benefits to be incorporated in pension schemes at secondary legislation to accommodate scheme members who may leave service before the normal scheme pension age as a consequence of failure to meet the required fitness standards.

Northern Ireland Fire and Rescue Service introduced fitness testing in 2011. To date, one firefighter in the age range 55 to 60, and I understand that 34 firefighters are in that age range, initially failed the fitness test but subsequently met the standard having been provided with a personal fitness regime.

Mr Agnew said something along the lines — and I apologise if I am misquoting him — that we cannot have someone who is not fit to do the job doing a job. Of course, I agree with that, and nothing in this Bill will change the fact that people who are unfit to work can be medically retired. That is not affected at all, so it is not right to say that this legislation would mean that those who were unfit would be forced to work up to retirement age.

The intention of the Williams report is to introduce a standard capability test for firefighters across the UK. Under the Public Service Pensions Bill, a proportion of this group will benefit from transitional protections provided for at clause 18 and will, therefore, see no change in their expected pension age.

For existing employees who do not qualify for transitional protection, the approach taken in the Bill provides scope for the development of scheme designs for firefighters at the secondary legislation stage that are in line with the recommendations made in the Williams report to provide options for early retirement with minimal financial reduction to accommodate those now in service who may no longer meet the fitness requirement to the normal pension age. The appropriate stage for finalising this scheme design is through consultations with trade unions at the secondary legislation stage for the individual firefighters' scheme.

Discussions have already been taking place on this important issue between Department of Health officials and member representatives for the firefighters' scheme. I received an assurance in writing from Minister Poots. I am glad that Mr McLaughlin is back in the Chamber because he talked about seeking to finally engage with the firefighters' union to find innovative and imaginative solutions to the problem. I can assure him and the House that correspondence that I received from Minister Poots confirms that officials and representatives of the firefighters' pension scheme have engaged in positive discussions. I would encourage those discussions to continue so that, at secondary stage, the flexibilities and imaginative and innovative solutions that he was talking about, so long as they are within the overall cost envelope of the scheme, can be arrived at. That is something that I want to see. However, I can confirm that Mr Poots is firmly committed to ensuring that the proposals for the 2015 firefighters' pension scheme provide the best possible outcome for local firefighters, and he has communicated this to the Fire Brigades Union. Consultation is continuing between officials and the FBU.

As I highlighted, secondary legislation stage will provide scope for my colleague Minister Poots to consider what variations might be possible and appropriate for the firefighters' schemes. At this stage, variances can be accounted for within the overall cost envelope for the firefighters' pension scheme. Members should note that normal pension age for firefighters will remain subject to regular reviews. The Williams report recommended that the next review of firefighters' pension age should be undertaken once fitness standards for fire services across the United Kingdom are determined and sufficient data collected to measure the effect of implementing those standards. The report states that it is unlikely that the next review will have sufficient data until at least 2016.

It would be premature to pre-empt the outcome of that review by introducing in primary legislation an unnecessary and prohibitively costly amendment to the current normal scheme pension age for firefighters, especially one that cannot be justified by the current expert opinion on this important matter. For those reasons, I ask the Assembly to consider those points and to oppose those amendments.

I reiterate the point that where there are compelling reasons or evidence to review scheme pension age at the primary legislation stage for any employment sector in the future, this should be fully considered. However, there is currently no evidence-based justification to depart from the agreed general policy that clause 10 gives effect to.

There is adequate flexibility in the Bill to allow evidence-based decisions to be taken at scheme level to accommodate current employees who, for whatever reasons, may be unwilling or unable to remain in service until the normal pension age specified at clause 10. For those reasons, the amendments to clause 10 should be opposed.

Mr Rogers: The SDLP welcomes today's opportunity to discuss the Public Service Pensions Bill. From the outset, we argued that it was not acceptable to simply apply legislative consent to a Westminster Bill. That has been acknowledged by Members across the Floor. The SDLP believes that the Northern Ireland Assembly was correct to take the opportunity to fully scrutinise the legislation, which proposes such major reform to public sector pensions. That said, if we fail to make any changes to the Bill as initially drafted, we might as well sing karaoke to Westminster legislation, to paraphrase what my colleague Mark Durkan said. This is something that we cannot support. Our three MPs in Westminster — Alasdair

McDonnell, Mark Durkan and Margaret Ritchie — have all fought against the damaging nature of the Bill as it passed through the Commons.

There has been a lot of debate here today, so I will now take us back to some of the points made by Mr Bradley earlier. The cost of the Bill to the people of Northern Ireland could be significant, both directly through the impact on public sector workers and indirectly on the rest of the population as a result of the damage to our economy. Unfortunately, the Minister has not seen fit to adequately scrutinise the impact on Northern Ireland. It is because of those failures and the likely negative impact that we seek, through amendment Nos 8 and 12, to retain the pension age and deferred pension age at 65.

I acknowledge that Sinn Féin, through amendment No 9, has also attempted to alleviate the impact of the Bill. However, its amendment ties the public sector pension age to the rising state pension age, unless a future Minister wants to decide otherwise. I declare an interest as a member of the teachers' pension scheme. This provides no recognition of the fact that many public sector workers, such as teachers and nurses, to name but two groups, work in particularly physically, mentally or emotionally demanding jobs, and so should have their normal pension age capped at a lower age.

A lot of people talked about the reality of the situation, but the reality of the situation for teachers is that they will have to work for 42 years to get a full pension. We must think of the consequences on teachers' health and the stress that it would cause if a 66- or 67-year-old teacher were in the classroom. Although many people would be quite capable at that age, we have to consider the quality of education for our children. We also have to empower our young teachers. Where are they going to get jobs?

Amendment Nos 10 and 11 deal with specific concerns regarding police and firefighters. Those are two groups that undoubtedly work in particularly physically, mentally and emotionally demanding jobs and so should have their normal pension age capped at a lower age. The Minister talked about fitness assessments. You can have all the fitness assessments you like, Minister, but when people reach the age of 60, they do not have the same limb capacity to go up and down ladders etc. I am glad to say that Sinn Féin's amendment supports the intention of the SDLP amendments, and we will be happy to support it. That said, it is astonishing that the Minister cannot see fit to

acknowledge the particular arguments made around the Chamber for firefighters.

I congratulate all the contributors to the debate today. Many common themes came out. Flexibility was mentioned by many Members. The Minister did not rise to my colleague Alex Attwood's challenge, so I will ask him the same question again: why are we not building flexibility into this system? We need future flexibility.

Other comments were about life expectancy. I acknowledge the comment from Steven Agnew that the amendments that the SDLP and Sinn Féin have put have helped to move the Bill forward.

Question put, That amendment No 8 be made.

The Assembly divided:

Ayes 39; Noes 48.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Eastwood and Mrs D Kelly

NOES

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

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negatived.

Amendment No 9 proposed: In page 6, line 16, at end insert

"(1A) Subsection (1) does not apply in relation to a person under a scheme under section 1 whose normal pension age is specified by scheme regulations for the scheme.

The normal pension age for such a person must be the age specified by the scheme regulations; and such regulations may specify any age less than state pension age, but not less than 65."— [Mr Mitchel McLaughlin.]

Question put, That amendment No 9 be made.

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

The Assembly divided:

Ayes 38; Noes 48.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Boylan and Ms Ruane

NOES

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

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negatived.

Amendment No 10 made: In page 6, line 17, leave out subsection (2) and insert

"(2) Subsection (1) does not apply in relation to fire and rescue workers who are firefighters.

The normal pension age for such persons under a scheme under section 1 must be the age specified by the scheme regulations for the scheme; and such regulations may specify any age not exceeding 60, but not less than 55.

(2A) Subsection (1) does not apply in relation to members of the police service.

The normal pension age for such persons under a scheme under section 1 must be 60."— [Mr Mitchel McLaughlin.]

Mr Speaker: I will not call amendment No 11 as it is mutually exclusive to amendment No 10, which was made. *Amendment No 12 proposed:* In page 6, leave out lines 24 to 33 and insert "65."— [Mr D Bradley.]

Question put, That amendment No 12 be made.

The Assembly divided:

Ayes 39; Noes 48.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Eastwood and Mrs D Kelly

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey,

Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negated.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 (Valuations)

Mr Speaker: We now come to the third group of amendments for debate. With amendment No 13, it will be convenient to debate amendment Nos 14 and 15 and amendment Nos 17 to 21. Members should note that amendment No 14 is consequential to amendment No 13 and that amendment Nos 19 and 20 are consequential to amendment No 18. I call the Minister of Finance and Personnel to move amendment No 13 and to address all the other amendments in the group.

Mr Hamilton (The Minister of Finance and Personnel): I beg to move amendment No 13: In page 7, line 27, at end insert

"(4A) Before giving directions under this section the Department of Finance and Personnel must consult such persons (or representatives of such persons) as appear to the Department likely to be affected by the directions."

The following amendments stood on the Marshalled List:

No 14: In page 7, line 31, leave out "(4)" and insert "(4A)".— *[Mr Hamilton (The Minister of Finance and Personnel).]*

No 15: In clause 12, page 8, line 30, at end insert

"(10) Before giving directions or making regulations under this section the Department of Finance and Personnel must consult such persons (or representatives of such persons) as appear to the Department likely to be affected by the directions or regulations."— [Mr Hamilton (The Minister of Finance and Personnel).]

No 17: In clause 14, page 9, line 24, after "is" insert "a".— *[Mr Hamilton (The Minister of Finance and Personnel).]*

No 18: In clause 18, page 11, line 26, at end insert

"(5A) Scheme regulations may also provide for exceptions to subsection (1) in the case of

(a) persons who were members of a public body pension scheme specified in the regulations, or who were eligible to be members of such a scheme, immediately before 1 April 2012, and

(b) such other persons as the regulations may specify, being persons who before that date had ceased to be members of a scheme referred to in paragraph (a) or to be eligible for membership of such a scheme."— [Mr Hamilton (The Minister of Finance and Personnel).]

No 19: In clause 18, page 11, line 27, after "(5)" insert "or (5A)".— *[Mr Hamilton (The Minister of Finance and Personnel).]*

No 20: In clause 18, page 11, line 37, after "(5)" insert ", (5A)".— *[Mr Hamilton (The Minister of Finance and Personnel).]*

No 21: In clause 24, page 13, line 34, leave out from "if" to the end of line 3 on page 14.— *[Mr D Bradley.]*

With amendment No 13, I will also speak to amendment Nos 14 — *[Interruption.]*

Mr Speaker: Order, Members. Leave the Chamber in an orderly fashion.

Mr Hamilton: With it, I will speak to amendment Nos 14 and 15 and amendment Nos 17 to 21. Amendment No 13, which relates to clause 11 on valuations, will introduce a requirement for consultation with members and/or member representatives on directions for valuations before being made. Amendment No 14 is a technical consequence to amendment No 13. This is a new provision. The Department of Finance and Personnel agreed this position to consult on the new directions during its engagements with stakeholders, including trade union representatives, on the collective consultation working group for the Bill. The DFP function in making these directions is equivalent to that carried out by Her Majesty's Treasury for the public service schemes in Great Britain made

under the Public Service Pensions Act 2013. The directions deal with the technical processes for how and when valuations are carried out, the type of data used and relevant demographic assumptions used to inform them. The amendment has been welcomed by trade unions and the Committee for Finance and Personnel. It evidences the Department of Finance and Personnel's commitment to good practice in departmental consultation processes.

I move to amendment No 15, which is to clause 12. Similar to amendment No 13, amendment No 15 will introduce a requirement at clause 12 for consultation with members or member representatives on directions and cost cap regulations before being made. Again, these directions and regulations deal with the technical processes for cost controls in schemes equivalent to those that will be made by Her Majesty's Treasury for the schemes made under the Public Service Pensions Act 2013. The Department of Finance and Personnel agreed this position to consult on the new directions during its engagements with stakeholders, including trade unions, on the collective consultation working group for the Bill, and the change has been welcomed by the trade unions and the Committee for Finance and Personnel.

I move to amendment No 17, which is a wholly technical amendment to clause 14, and it deals with information about benefits and corrects a drafting error. The amendment inserts the letter "a" where it has been omitted at clause 14(1). Given that we have had some contentious debate, I trust that this one does not prove contentious.

I move to amendment Nos 18, 19 and 20, which are to clause 18 on the restriction of existing pension schemes. Amendment No 18 is technical and will ensure that appropriate transitional protections are given in the new Civil Service scheme where members transfer into that scheme from a public body scheme. Amendments Nos 19 and 20 are technical consequences of amendment No 18. Amendment No 18 and the consequential amendments Nos 19 and 20 correspond with equivalent amendments that will be made to the Westminster Public Service Pensions Act 2013. The policy, both in Great Britain and Northern Ireland, permits some of the pension schemes operated by smaller public bodies to access into the new Civil Service pension scheme. Where these smaller schemes are admitted to the new Civil Service pension scheme, this amendment will allow members to receive the

appropriate transitional protections available to other scheme members.

The change is in line with the reform principle to make the Civil Service pension scheme more accessible generally and to remove the need for smaller public bodies to set up and maintain their own pension schemes. Amendment Nos 18 to 20 ensure that new members that transfer into the scheme are not disadvantaged when it comes to transitional protections.

7.45 pm

Amendment No 21 was tabled to clause 24. The clause deals with the legislative procedure for making secondary legislation for public service pension schemes. We debated the issue earlier, so I do not intend to rehearse all the arguments at this stage in proceedings, suffice it to say that negative resolution is entirely appropriate to deal with the issue.

I ask the Assembly to support all seven DFP amendments in the group, which are amendment Nos 13, 14, 15, 17, 18, 19 and 20, and to oppose amendment No 21.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. Given the concerns that were raised in evidence about the need for DFP's regulatory powers in the Bill to be tempered with robust consultation requirements, the Committee pressed the Department on making further enhancements in that regard. Officials subsequently notified the Committee of the Minister's intention to table amendment No 15 to clause 12, which would require the Department to consult with relevant stakeholders before exercising the direction and regulation-making powers under the clause. Although not sighted on the Minister's amendments to clause 11— amendment Nos 13 and 14 — the Committee would no doubt also welcome the duty to consult being applied to the direction-making powers of DFP on the valuation provisions in clause 11. Again, that addresses a concern that was raised by the Committee about why clause 11 as drafted requires DFP to consult only with the Government Actuary.

As it pointed out in its report on the Bill, the Committee will monitor the practical outworking of the duty to consult, with careful scrutiny, including at the SL1 stage of the secondary legislation process, of the extent and outcome of the consultation that is undertaken on proposed regulations arising from the Bill. There will be an expectation that the Department will follow the Gunning principles

as a good-practice approach to consulting on proposed statutory rules and directions.

As to amendment No 17, following the conclusion of the Bill's Committee Stage, the Department wrote to the Committee to confirm that the Minister would table an amendment to correct a typographical error in clause 14 that had been identified by the Committee. The Department also indicated that it intended to table amendments to clause 18 and explained the rationale for that. I am, however, unable to convey an agreed Committee position on those amendments, because, owing to the timing, it did not have the opportunity to consider the Department's correspondence.

Finally, on amendment No 21 to clause 24, which was tabled by the SDLP, although the Committee has not considered it, I perhaps should provide some background on the Committee's deliberations on the clause. The Committee noted that clause 24 requires the affirmative resolution procedure only for scheme regulations that amend primary legislation; that make retrospective amendments that appear to the responsible authority to have significant adverse effects for scheme members; or that relate to holders of judicial office. The clause therefore applies the negative resolution procedure in any other case.

Arising from its consideration of whether the Bill provides for sufficient checks and balances on departmental powers to make pension scheme changes under subordinate legislation, the Committee noted that there is a balance to be struck in requiring the higher level of Assembly scrutiny, in the form of affirmative procedure, for subordinate legislation to deal with more substantive and potentially controversial issues, while avoiding the inefficient use of plenary sitting time to debate minor or routine changes. DFP also emphasised that, under the negative resolution procedure, Committees or individual Members would have the option to table a motion for annulment to pray against scheme changes that have given rise to concerns. In that regard, however, for clause 24, the Committee recommends that stakeholders, including trade unions, that have concerns with any future scheme changes ensure that those are brought to the attention of the applicable Committee at the earliest opportunity.

The Committee called for further assurance from DFP that it will observe the 21-day rule for any proposals that it makes for negative resolution regulations that make scheme changes under the Bill. As such, the Committee is likely to welcome the Minister's

recent assurances that it is the Department's intention to observe the rule, and, as is highlighted in the Committee's report, I advise other applicable Committees to seek similar assurances on the issue from their respective Department.

Mr McQuillan: I support the amendments in group 3, with the exception of amendment No 21. The Bill represents a significant change to public service pensions in the United Kingdom and ensures parity with the rest of the United Kingdom, which is something that I am very keen to maintain. I support the Minister in his endeavours to see that this legislation sees the light of day. I appreciate that some may take issue with some of what is in the Bill. However, I welcome the amendments that the Minister and, indeed, the Committee tabled. Although some in the House may not be happy with all aspects of the Bill, I believe that we, as a Committee, have struck the right balance and added our own perspective to the Bill.

I welcome that the Bill will allow for the existence of a single universal pension scheme in the Civil Service and the public service, because, at present, there is some variation across the service, with some organisations having their own schemes. I feel that it is important that we have a universal scheme for all public servants. That makes it fairer for all who are members of the scheme.

I acknowledge the work of public servants today who help to keep Northern Ireland moving, all of whom provide the general public with an excellent and fair service. I want to specifically mention staff at the DVLA office in Coleraine, based in my constituency, who work hard on behalf of the people of the United Kingdom, especially in ensuring fairness and efficiency in service provision.

Amendment No 13 will ensure that the relevant stakeholders are consulted on valuations. Amendment No 14 is a technical consequence of that. I think that that is positive and welcome.

Amendment No 15 similarly requires consultation with relevant stakeholders on the direction of cost cap regulations before being made. Amendment No 17 is a mere technical change, correcting an error in the Bill, which I, of course, support.

Amendment No 18 will provide for the appropriate transitional protections that are given in the new Civil Service scheme, where members transfer into the new scheme from

another public body scheme. Amendment Nos 19 and 20 are a technical consequence of that.

These amendments, which I support, will allow for universal access to a single scheme and ensure that no one is less well off as a result of the change.

I oppose amendment No 21 on the grounds that I do not feel that the measures that it proposes, which are the need for all changes to be subject to the voting procedures of the House, are necessary. Any major measures that are proposed in the scheme regulations will, in line with normal practice, be subject to the approval of the House regardless. The clause, as it stands, is normal practice and allows for operational efficiency.

Therefore, I am generally supportive of the amendments in the group, with the exception of amendment No 21. I am content to allow them to pass at this stage with my support.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle.

We have no objection to the other amendments in the group, namely amendment Nos 13, 14, 15, 17, 18, 19 and 20, and we are prepared to support them as well.

Amendment No 21 is an important amendment. We believe that it increases the accountability that is afforded to the Assembly on these issues. It is important, given that the changes affect the pensions of huge numbers of public servants, that we have the maximum possible accountability. We believe that the power lies fundamentally with the citizen, and it is important that our citizens have the power to change governments and to hold Ministers fully to account. We cannot simply provide the Department with the power through the Bill to make regulations forever more without direct recourse to the Assembly.

Legislating for the use of affirmative procedure only is an important action, and I believe that it brings greater transparency to the process. We discussed these arguments previously. I outlined the salutary experience of the London coalition Government already reneging on the 25-year guarantee to public sector workers on pensions. That sounds a note of caution to us all.

That is why we are proposing that future regulations under the Bill, which will have a major impact on so many people, be subject to affirmative procedure, which we believe is the strongest possible measure in the Assembly in

these circumstances to hold the Department to account.

Mr Cree: I will be brief. Amendment No 13, which relates to clause 11 was tabled by the Minister of Finance and Personnel and clarifies the position on the Department's requirement to consult with those who may be affected by directions, and is an improvement. Amendment Nos 14, 15, 17, 18, 19 and 20 have been submitted by the Minister to improve the Bill and should be supported. The purpose of the final amendment, amendment No 21 from the SDLP, as we have just heard, appears to limit scheme regulations that are subject to affirmative procedure. I cannot support that.

Mr Hamilton: He was, indeed, brief. He is a man of his word. Thank you, Mr Speaker, for the opportunity to make a winding-up speech on the debate on the amendments in group 3. In the interests of time and brevity, which others have stuck to, I will not speak in detail again on the amendments that I am bringing forward.

I note that there is general acceptance of these amendments, with one notable exception. I, therefore, ask Members to support amendment Nos 13 and 14, which relate to clause 11. They will have the effect of strengthening the requirement to consult on valuations. Likewise, amendment No 15 strengthens the requirement to consult on the provisions of clause 12, which deals with the employer cost cap. Amendment No 17 inserts the letter "a" to correct a minor drafting error in clause 14. Amendment Nos 18, 19 and 20 relate to clause 18 and provide for transitional protection to be extended to those who are eligible to join the Civil Service pension scheme.

I ask Members to oppose amendment No 21, which has been tabled in respect of clause 24. Clause 24 deals with the legislative procedure for making secondary legislation for public service pension schemes, as stated earlier at some length. We have already debated the issue, so suffice it to say that negative resolution is entirely appropriate to deal with making regulations in general and provides the opportunity for the Assembly to debate scheme changes where it determines that it is appropriate. *Amendment No 13 made:* In page 7, line 27, at end insert

"(4A) Before giving directions under this section the Department of Finance and Personnel must consult such persons (or representatives of such persons) as appear to the Department likely to be affected by the directions."— [Mr

Hamilton (The Minister of Finance and Personnel).]

Mr Speaker: Amendment No 14 is consequential to amendment No 13.
Amendment No 14 made: In page 7, line 31, leave out "(4)" and insert "(4A)".— *[Mr Hamilton (The Minister of Finance and Personnel).]*

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 (Employer cost cap)

Amendment No 15 made: In page 8, line 30, at end insert

"(10) Before giving directions or making regulations under this section the Department of Finance and Personnel must consult such persons (or representatives of such persons) as appear to the Department likely to be affected by the directions or regulations."— [Mr Hamilton (The Minister of Finance and Personnel).]

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13 (Employer contributions in funded schemes)

Amendment No 16 made:

In page 9, line 20, after "qualified" insert

"and must not be

(a) an employee of the responsible authority;

(b) the scheme manager;

(c) a scheme member; or

(d) an employee of the Department of Finance and Personnel".— [Mr McKay (The Chairperson of the Committee for Finance and Personnel).]

Clause 13, as amended, ordered to stand part of the Bill.

Clause 14 (Information about benefits)

Amendment No 17 made: In page 9, line 24, after "is" insert "a".— *[Mr Hamilton (The Minister of Finance and Personnel).]*

Clause 14, as amended, ordered to stand part of the Bill.

8.00 pm

Mr Speaker: No amendments have been tabled to clauses 15 to 17. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

Clauses 15 to 17 ordered to stand part of the Bill.

Clause 18 (Restriction of existing pension schemes)

Amendment No 18 made: In page 11, line 26, at end insert

"(5A) Scheme regulations may also provide for exceptions to subsection (1) in the case of

(a) persons who were members of a public body pension scheme specified in the regulations, or who were eligible to be members of such a scheme, immediately before 1 April 2012, and

(b) such other persons as the regulations may specify, being persons who before that date had ceased to be members of a scheme referred to in paragraph (a) or to be eligible for membership of such a scheme."— [Mr Hamilton (The Minister of Finance and Personnel).]

Mr Speaker: Amendment No 19 is consequential to amendment No 18.
Amendment No 19 made: In page 11, line 27, after "(5)" insert "or (5A)".— *[Mr Hamilton (The Minister of Finance and Personnel).]*

Mr Speaker: Amendment No 20 is consequential to amendment No 18.
Amendment No 20 made: In page 11, line 37, after "(5)" insert ", (5A)".— *[Mr Hamilton (The Minister of Finance and Personnel).]*

Clause 18, as amended, ordered to stand part of the Bill.

Mr Speaker: No amendments have been tabled to clauses 19 to 23. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

Clauses 19 to 23 ordered to stand part of the Bill.

Clause 24 (Other procedure)

Amendment No 21 proposed: In page 13, line 34, leave out from "if" to the end of line 3 on page 14.— [Mr D Bradley.]

Question put, That amendment No 21 be made.

The Assembly divided:

Ayes 26; Noes 44.

AYES

Mr Agnew, Mr Attwood, Mr D Bradley, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr F McCann, Ms J McCann, Mr McElduff, Mr McGlone, Mr McKay, Mrs McKevitt, Mr McKinney, Mr Mitchel McLaughlin, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mrs McKevitt and Mr Rogers

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negatived.

Clause 24 ordered to stand part of the Bill.

Mr Speaker: No amendments have been tabled to clauses 25 to 37. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

Clauses 25 to 37 ordered to stand part of the Bill.

Mr Speaker: No amendments have been tabled to schedules 1 to 9. I propose, by leave of the Assembly, to group these schedules for the Question on stand part.

Schedules 1 to 9 agreed to.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Public Service Pensions Bill. The Bill stands referred to the Speaker.

The report of the remainder of this day's sitting will be published on Wednesday 15 January 2014.



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