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# OFFICIAL REPORT

(HANSARD)

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# NORTHERN IRELAND ASSEMBLY

## MINISTERIAL STATEMENT

### Independent Review of Economic Development Policy in Northern Ireland

Monday 1 December 2008

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

*Members observed two minutes' silence.*

### ASSEMBLY BUSINESS

**Mr Lunn:** On a point of order, Mr Speaker. Under Standing Order 18, is it appropriate for Ministers to make statements about important matters to the press before making a statement to the Assembly? I am referring in particular to the two important matters arising from last week's Executive meeting concerning the rapid-transit system and the Titanic Quarter.

**Mr Speaker:** All sides of the House know exactly how I feel about Executive statements being given to the press before being made in the House. However, the two matters that were announced last week have been debated in the House already, and having read the Executive's statements, I can say that they acted properly on both occasions.

### Suspension of Standing Orders

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I beg to move

That Standing Orders 10(2) to 10(4), inclusive, be suspended for 1 December 2008.

**Mr Speaker:** Before I put the Question, I remind Members that this motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

That Standing Orders 10(2) to 10(4), inclusive, be suspended for 1 December 2008.

**Mr Speaker:** As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

**Mr Speaker:** I have received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement on the independent review of economic development policy in Northern Ireland.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** I wish to make a statement on my intention to launch an independent review of economic development policy as it relates to my Department and to Invest NI. The review will be a strategically important exercise, and comes at a time when the Northern Ireland Executive have made the economy their top priority in the Programme for Government.

The Executive are already taking measures to help businesses to cope with the significant short-term pressures that stem from the global downturn, but we must also remain focused on the medium- to long-term priorities for the economy that are set out in the Programme for Government.

Detailed terms of reference for the review have been drawn up and are attached to the written copies of my statement at annex 1. Draft terms of reference were shared with my ministerial colleagues and with the Committee for Enterprise, Trade and Investment. I am grateful to the Committee for its comments and to those Ministers who expressed views. I have sought to accommodate, in this final version of this statement, all the points that were raised with me.

I want the review panel to report on three areas in particular. First, to ensure that the Department of Enterprise, Trade and Investment and Invest NI's policies and programmes can deliver on the productivity goal contained in the Executive's Programme for Government. Secondly, to identify whether new policies are necessary, having regard to the legislative powers of the Assembly; and thirdly, to identify any issues that might risk compromising the delivery of the Programme for Government's productivity goal, but which fall to other Departments.

I have established a review panel of high-calibre individuals from academia and business, which will be chaired by Professor Richard Barnett, vice-chancellor of the University of Ulster. He will be supported by Professor Brian Ashcroft of the University of Strathclyde; Dr Graham Gudgin of the University of Cambridge Centre for Business Research and Oxford Economics; Professor Michael Moore of Queen's University, Belfast, who is currently working at Harvard University; and John Wright, a former international banking director and current chairman

and non-executive director of a number of companies in the UK and overseas.

I had an initial and very useful meeting with Professor Barnett last week, and my officials will hold further meetings with him tomorrow. The aim is to work towards a full meeting of the review panel later this month. I asked Professor Barnett to discuss and agree a project plan to deliver on the review's terms of reference which will include timescales for delivery of the report. I hope to have the report early next summer, and I intend to publish it in full, with my reaction, as soon as possible after I receive it.

**The Deputy Chairperson of the Committee for Enterprise, Trade and Investment (Ms J McCann):**

Go raibh maith agat, a Cheann Comhairle. In my capacity as Deputy Chairperson of the Committee for Enterprise, Trade and Investment, I thank the Minister for her statement and for briefing the Committee this morning.

The Committee was given the opportunity to comment on the draft terms of reference for the review, and members spent considerable time discussing them before responding. One of the Committee's specific recommendations was that the review should take an all-encompassing approach to economic development. In other words, it should think outside the box, particularly to address the issues of support for subregional investment, attracting potential investors to areas of social and economic disadvantage, and funding for young enterprise and the social economy.

Speaking in my capacity as an MLA, I welcome the review. Sinn Féin has been calling for such a review for quite some time, because it does not believe that Invest NI's current policy delivers economic investment in areas of deprivation and need, nor does it have regional balance. Furthermore, it does not focus enough on the development of local businesses. In addition, there is too much emphasis on foreign direct investment, and although that is important, investment in local businesses is also important.

Given the current economic climate, does the Minister agree that there should be a focus on encouraging investment in areas of social and economic disadvantage and that banks and other financial institutions must be challenged to take steps to cut interest rates and avoid calling in credit from local businesses in order to enable those businesses to stabilise in the current economic crisis and, therefore, to develop?

**The Minister of Enterprise, Trade and Investment:** I will begin by addressing the comments that the Member made in her capacity as the Deputy Chairperson of the Committee for Enterprise, Trade and Investment. We had a useful engagement with the Committee, and Ms McCann and the other members of the Committee will

recognise that we tried to take on board the Committee's concerns. The Committee raised three issues. First, it requested that the terms of reference be broadened to include the subregional distribution of investment and Invest NI support. The Minister for Regional Development raised that issue as well, and I have included it as an area in which the review should make recommendations.

Secondly, the Committee asked whether the review will consider initiatives such as the Start a Business programme and social economy interventions. We have ensured also that the scope of the review will be wide-ranging enough to look at those areas, and we have asked the panel to consider all aspects of economic development policies and programmes.

Thirdly, the Committee mentioned the rationale for a commitment to secure 75% of land acquisition in areas of economic disadvantage, and I provided clarification for the rationale behind that target.

Jennifer McCann also made comments in her capacity as a Sinn Féin MLA. The subcommittee that has been set up by the Executive is looking at the issues that she raised. The review that I have announced today will relate not only to the medium- to longer-term actions of Invest NI, but to the Department of Enterprise, Trade and Investment's (DETI) economic policy. It is, therefore, a wide-ranging review, which will look beyond Invest NI. The subcommittee that has been set up by the Executive will look at the more short-term measures that are required to be taken.

I am sure that the Member will join me in congratulating the Royal Bank of Scotland for its decision to delay property repossessions, which it announced today. It is hoped that those actions will follow through to the Ulster Bank and that it takes the same measures.

I hope to have meetings with the banks in the near future to discuss the small firms loan guarantee scheme, and it is hoped that we will see more flexibility in that scheme to help small businesses throughout Northern Ireland.

There is, therefore, much going on with regard to the short-term economic problems that we face, but the review that I have announced will look at the medium- to longer-term situation.

**Mr Cree:** Her Majesty's Government's policy of being reliant on monetary policy as the primary tool with which to manage the economy shifted last week, with their announcement of plans for a £20 billion fiscal stimulus between now and 2010. That amount is equivalent to 1% of the UK's GDP. Will the Minister take that major change into account when undertaking the review?

**The Minister of Enterprise, Trade and Investment:** All the economic consequences of what has happened in the past three to six months will be considered in the review. Now, when we are looking to recruit a new CEO for Invest NI and when we are facing a downturn in the economy, is a good time to undertake a review of our policies and those of Invest NI. It is important that we consider everything that is happening nationally as we examine what we can do locally in respect of our economic-policy development.

**Dr McDonnell:** I thank the Minister for her timely statement. I support her decision to have a review, because it is necessary that we review our policies often to be as near perfect as possible. We cannot predict the future, but we can try to anticipate it. The Minister hopes to have a result in about six or seven months' time. In that context, how widespread will the consultation net be thrown? If the review recommends the establishment of an Ulster business school — which I raised with the Minister previously — we could, perhaps, call it the Arlene Foster business school. It could be a partnership between our universities and our business experts. Would the Minister support a business school from which our best economic brains could help us manage the economy in the future?

**The Minister of Enterprise, Trade and Investment:** It is hoped that the review will be as wide-ranging as possible. I am not sure about calling any business school the Arlene Foster business school, because that would mean that I would have passed on to greater things; hopefully, that will not happen too soon.

It is hoped that the review will make an open call for evidence in the same way that many reviews have done in the past. The review team will engage with the stakeholders throughout Northern Ireland and, I hope, further afield.

The Member made some useful comments the last time that I appeared before the Committee for Enterprise, Trade and Investment. I hope that the review panel will have a copy of the Hansard report of that meeting and, therefore, be able to take those comments on board.

12.15 pm

**Dr Farry:** I also welcome the Minister's statement and her initiative. In relation to the previous Member's comments, the Robinson Centre is already in existence, so a precedent has been set.

Will the Minister clarify whether some points will be taken into account within the terms of reference, given that they are not explicit in the document as it stands? For example, how will we measure the additionality of Invest Northern Ireland's work; how will Northern Ireland fit into the context of an all-island economy, and what is our position in the European Union; what potential is there to target

particular sectors — I have in mind the issue of renewables and the green economy, or the “green new deal”, as Barack Obama calls it; and how will we balance the issue of trying to target investment on a subregional basis with addressing issues about employability and labour market mobility?

**The Minister of Enterprise, Trade and Investment:** I imagine that the Member's comments about Europe and the North/South context are covered in paragraph 8 (h) in the terms of reference:

“Consider whether any improvements could be made to DETI and Invest NI's working links within the NI Executive and on an east/west and north/south basis”.

I hope that that will be taken into account.

Dr Farry and the Members opposite pushed for the subregional distribution of inward investment to be incorporated into the terms of reference, and that is included at paragraph 8 (i):

“The sub-regional distribution of inward investment and other support measures to indigenous businesses, and the effectiveness of policy in encouraging the location of investment.”

The review concerns DETI and Invest Northern Ireland; employability falls outside the review's remit. However, I have asked the review panel to highlight any issues that it identifies as being of concern and in need of change so that I can take them to people who have responsibility for those areas.

**Mr Hamilton:** I welcome the Minister's statement and the review of economic policy that she has undertaken in her Department. She made it clear that the review relates to economic policy in the Department of Enterprise, Trade and Investment. As the Minister knows, a substantial number of the goals — and the achievement of those goals — productivity and economic development lies in the hands of other Departments. The Minister said that other Ministers and other Departments have had an input into the process. However, will she outline how she hopes that the outcome of the review will affect the work of other Departments in achieving the important goals set out in the Programme for Government?

**The Minister of Enterprise, Trade and Investment:** The review is important because it relates to the goals set out in the Programme for Government. The review panel will examine the Programme for Government targets that are the responsibility of my Department. However, there are interlinking goals that may fall to my Department and may also be part of a strategic case for other Departments. When the review panel's report comes to me next summer, I will share it with ministerial colleagues and give them my reaction to it. My ministerial colleagues will then have a chance to have a say in the outworkings of the report.

**Mr McElduff:** Thank you, a Cheann Comhairle. I thank the Minister for her statement. I appreciate that it

is about medium- to longer-term priorities for the economy. May I focus the mind of the Minister and the review panel on the situation in Tyrone and Fermanagh — essentially west of the Bann, the Minister's constituency and mine — and the circumstances of an entire subregion that has suffered neglect and underinvestment? Will the Minister consider identifying a fourth area of review: how to overcome barriers to economic development west of the Bann, which is characterised by reliance on roads, poor broadband access and the importance of the construction industry, which is in decline? Will the Minister and the review panel be minded to have a specific, focused consideration of the particular circumstances and requirements, and achieve a greater regional balance of economic development, including areas west of the Bann? Mr Speaker, I would like your support on the matter.

**The Minister of Enterprise, Trade and Investment:** Mr Speaker, I would like your support, too.

If the Member reads the terms of reference, he will see that 8(i) mentions:

“The sub-regional distribution of inward investment and other support measures to indigenous businesses, and the effectiveness of policy in encouraging the location of investment.”

I think that that encapsulates what the Member is asking of the review panel.

The Member is right that, in the west, there is a reliance on roads. However, new technology is coming on stream, and I am very excited about the prospects that that will bring for the west. That new high-level technology has no reliance on roads, which is one of the reasons why I believe that Sir George Bain was a little short-sighted in his remarks, particularly about some areas in the west that have poor road infrastructure. Of course, we must work to address that poor infrastructure, but there are opportunities to develop information and communication technology and back-office services that do not require staff to use roads to travel to work every day.

The Member also mentioned broadband, and he knows that we are the only UK region that has 100% broadband availability. We in Northern Ireland should be very proud of that fact. I attended a recent seminar at which people from the Republic of Ireland expressed some jealousy about our 100% broadband coverage. Obviously, we must work on some small areas with satellite broadband, but we should be very proud of our broadband availability. That will be one of the key selling points that I cite when I seek to encourage investment in the Province.

**Mr Wells:** I thank the Minister for her statement, and I welcome the review. Point 8 of the terms of reference, which concerns the project brief, lists various other Departments that DETI hopes to liaise with during the review — DETI, the Department of

Finance and Personnel (DFP), and so on — but there is no mention of the Department of Environment (DOE). I would have thought that the planning system is one of the possible impediments to future inward investment. In her previous role, the Minister brought about the Strategic Planning Board. Is there any way that DOE can be brought under the terms of the review to ensure that the Planning Service effectively delivers new investment in the Province?

**The Minister of Enterprise, Trade and Investment:** I thank the Member for his comments. He is right to say that DETI intends to work with other Departments in the Northern Ireland Executive, but he will note the wording in 8(f) of the terms of reference: “particularly DEL...and DRD”. The DOE is certainly not excluded. I know for sure that the Minister of the Environment is willing to speak to us about economic development, especially in light of his new planning reform initiative, which he hopes to bring before the Executive soon. I certainly hope that he will play a role in the review.

**Mr P J Bradley:** I thank the Minister for her statement. She briefly referred to the small firms business scheme. Is she considering comparable schemes overseas, or is that an idea of her own? How does she plan to pursue that matter? The Minister also mentioned Ulster Bank. Does she have any plans to meet representatives of the bank to ensure that it falls in line with its parent company?

**The Minister of Enterprise, Trade and Investment:** The small firms loan guarantees scheme has existed for some time, but, unfortunately, the banks have not been forthcoming in taking it up — they saw it as too low risk and did not really want to get involved in that type of business. The Department is now hoping that, because of the economic downturn, they will become more enthusiastic about entering the small firms loan guarantee scheme so that it can help those small businesses that need liquidity at a time when many of them are under pressure.

As for the point that was made by the Committee's Deputy Chairperson, many firms feel under pressure from banks in respect of their loans and overdrafts. I want to discuss that matter with the banks at a meeting in the near future, as well as how to make the loan guarantee scheme available to more people. I hope that Ulster Bank representatives will attend that meeting, and we are certainly keen to speak to them. The matter does not fall directly within my remit — it relates to mortgage repossession — but we hope that the banks will show the same flexibility towards businesses as well.

**Mr Butler:** Go raibh maith agat. I welcome the Minister's statement. She talked about the delivery of the productivity goal of the Programme for Government. The review's terms of reference mention the lower valued-added sectors here, and low productivity.



Does the Minister plan to consult with the Department for Employment and Learning (DEL) on the issue of science, technology, engineering and mathematics (STEM) subjects to raise productivity and increase the number of value-added jobs? Her Department should look at doing that to train people and give them the necessary skills to benefit our economy.

**The Minister of Enterprise, Trade and Investment:** My Department hopes that DEL will help us on that issue. In the Programme for Government, it is made clear that we want to close the productivity gap between ourselves and the rest of the UK, excluding the greater south-east of England. One way to do that is to increase the number of value-added jobs, and to do that we need people to have the right skills to apply for such jobs. Therefore, DEL is very much part of the review and, as Mr Wells mentioned, we hope that the review team engages with DEL on skills and other issues.

**Mr Neeson:** I welcome the decision to give the go-ahead to the Titanic signature project. Hopefully, the Minister will ensure that all relevant interests are considered in that development.

We all want to create joined-up Government. Will the Minister ensure that the review team ensures that there is cross-departmental consideration? Will it also take into consideration the concerns of the Committee for Enterprise, Trade and Investment about the changes to the Start a Business programme?

**The Minister of Enterprise, Trade and Investment:** The Committee's concerns about the changes to the Start a Business programme was one of three issues that it raised, and it will be considered in the review. As the Member knows, the new Start a Business programme will hopefully come on stream in the new year, and the Committee will be able to have a look at it then. However, as the new programme is only coming on stream in the new year, it may not be the best time to look at it — perhaps, we should wait and see how it develops.

Working across Government is a key issue, which is why point 8(f) mentions the identification of:

“any issues which may inhibit the delivery of the productivity goal which falls to other Departments in the NI Executive”.

Therefore, it is very important that the review team is able to engage across Government. When my Department receives the report, I will give it to the Executive — along with my views on it — after which they will take a view on it.

**Mr Newton:** I join other Members in welcoming the Minister's statement, which is particularly relevant given our economic circumstances. I especially welcome the Minister's comments that, in the first instance, the review will consider relevant DETI and Invest NI policies that relate to the manufacturing and

private-services sectors. Many of us feel that there is a greater need to encourage the production of higher-added-value products from spin-off companies from our universities. Indigenous companies must also be encouraged to make greater investments in research and development. Will the Minister provide an assurance that those needs will form part of the review?

**The Minister of Enterprise, Trade and Investment:** Yes, they will. As the Members knows, I recently received the MATRIX report, which identified some very good work between academia, business and Government, and was facilitated by Government. It is important that that continues — tremendous work is being done in our universities, and there are spin-offs in innovation and research and design.

Towards the end of last week, I released a statement, which encouraged firms not to cut down on research and development where possible. I know that these are difficult times for firms and that, after looking at their bottom lines, they probably think that they could do without research and development this year. However, if they do that, they are cutting off their future. It is important that we keep looking to future. Even though we are in an economic downturn, it is my job to look to the future in the medium to long term, so I encourage firms to continue with their research and development.

12.30 pm

I think that it was the Member for North Down who mentioned the green economy, as I believe Lord Mandelson referred to it in a speech to the Confederation of British Industry last week. There are tremendous opportunities for us in manufacturing, research and development and innovation. In fact, we could be leaders in the green economy in all those areas, and I very much hope that some of our spin-off firms from universities take up that challenge.

## EXECUTIVE COMMITTEE BUSINESS

### Health and Social Care (Reform) Bill

#### Consideration Stage

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendments No 1, No 19 and No 35, and opposition to clauses 12 and 13 and to schedule 2, which deal with the establishment of a regional agency for public health and social well-being, elaborating on the meaning of health promotion and requiring trusts to work to reduce health inequalities.

The second debate will be on the technical amendments that are listed on my provisional grouping of amendments selected list. Those amendments deal with changing the name of one body and the abbreviated reference to another.

The third debate will be on amendments No 7, No 8, No 11, No 12, Nos 14 to 16, No 33, No 34 and No 45, which deal with relationships between bodies, their obligations to consult and take account of views received and to report where, in the case of urgency, required consultation has not been possible.

The fourth debate will be on amendment No 13, which would place a requirement on the Department to ensure that the boundaries of the local commissioning groups reflect local government districts, whether singly or grouped.

I remind Members who are intending to speak that during the debates on the four groups of amendments, they should address all the amendments in each particular group on which they wish to comment.

Once the initial debate on each group is completed, any subsequent 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 shall proceed.

We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendments No 19 and No 35, and opposition to clauses 12 and 13 and to schedule 2. Those deal with the establishment of a regional agency for public health and social well-being, elaborating on the meaning of health promotion and requiring trusts to work to reduce health inequalities.

#### *Clause 1 (Restructuring of administration of health and social care)*

**Mr Easton:** I beg to move amendment No 1: In page 2, line 5, leave out paragraph 1(5)(b).

*The following amendments stood on the Marshalled List:*

Clause 12: *The Members listed below give notice of their intention to oppose the Question that clause 12 stand part of the Bill. — [Mr Easton; Mr Buchanan.]*

No 19: In clause 13, page 8, line 15, after “health promotion” insert

“, including in particular enabling people in Northern Ireland to increase control over and improve their health and social well-being.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Clause 13: *The Members listed below give notice of their intention to oppose the Question that clause 13 stand part of the Bill. — [Mr Easton; Mr Buchanan.]*

No 35: In page 13, line 16, after “of” insert “, and reducing health inequalities between,”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Schedule 2: *The Members listed below give notice of their intention to oppose the Question that schedule 2 be agreed to. — [Mr Easton; Mr Buchanan.]*

**Mr Easton:** I also indicate my support for further associated amendments, imposing the inclusion of clauses 12 and 13 and consequently schedule 2. There are a number of other minor technical amendments from the Minister, which we are content to support.

Clauses 12 and 13 will establish a new regional public health agency. We are not convinced of the merits of that approach. Improving public health in the Province is crucial. My party has been to the fore in directing extra resources towards the promotion of good health and the prevention of illness. It has always felt that allocating funding at the earliest stages is a better use of resources than attempting to deal merely with the aftermath. Public health must be a clear and ever-increasing priority of the Health Service and the Northern Ireland Executive. The Bill’s approach is not the right way to deliver that, and we hope that the Minister will address our genuine concerns today.

A new regional body dedicated to public health appears to be a step forward; however, it will have the opposite effect. Separation of public health from the new regional health and social care board is not in the best interests of public health. Currently, a well-integrated system operates, and prising it apart is unwise. My party is opposed to isolating public health from the rest of health care. There should be no suggestion that they are separate.

My party is particularly opposed to the setting up of yet another bureaucratic body. Some argue that such a

body will provide a higher profile and greater influence for the public-health lobby. If those are the objectives, the creation of extra bureaucracies will not help to achieve them; instead, they can be achieved through leadership and prioritisation by the Department.

The DUP supports greater efficiencies, decreased bureaucracy, more streamlined decision-making and enhanced accountability. The proposed new health agency fails on every one of those grounds. It is entirely contrary to the aims of the review of public administration (RPA), which spans all sectors. The advantage of the health and social care board is that a single body would replace the other four. However, that benefit is now to be diminished and complicated by the introduction of another regional organisation. Instead of clear, straightforward decision-making, it is intended that decisions will be taken jointly between the two bodies. That is unnecessary and inadvisable.

We have to be able to hold an overall governing body to account. That cannot be done if either of the two can offload criticism onto the other. I am unaware of any example of such a convoluted arrangement of government. There does not appear to be a precedent that we can examine.

We share the concerns of Paul McBrearty of the Mental Health Commission, who wrote in evidence to the Committee for Health, Social Services and Public Safety:

“One of the major strengths of the HPSS within Northern Ireland is its integrated structure which has been the case at senior levels within the Boards for more than 35 years and is now reflected within the Trust management and operational delivery structures. The proposal to now create two separate bodies . . . has significant potential to disrupt this integration. We can see no good reason why this proposal for separation is being made. If separate divisions are necessary to ensure that different interests are served, then so be it but this can surely be achieved while retaining staff within a single corporate entity, single senior management leadership and single point accountability.”

The concerns of the Royal College of Nursing are also worthy of mention:

“The RAPHWSW creates the potential for duplication of effort and waste of resources, and is illustrative of the over complex and potentially problematic nature of the proposed governance and management relationships between the new bodies.”

A regional agency would reduce present public-health expertise and emphasis of trusts, local government and other sectors. There are no convincing arguments why two separate and costly bureaucratic systems are required. A single management tier would be more efficient. A more appropriate way to proceed would be to set up one regional body, with public health as a key priority, and with a dedicated directive or section devoted to it.

Amendment No 1 indicates our opposition to clauses 12 and 13 and to schedule 2 to the Bill.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O’Neill):** Go raibh maith agat, a Cheann Comhairle. I wish to say a few words about the Committee Stage of the Bill.

The Bill passed its Second Stage on 1 July and was referred to the Committee on 2 July. As Members know, it is a major piece of legislation that contains 35 clauses and seven schedules. It deals with the restructuring and reorganisation of the health and social care system.

Prior to the introduction of the Bill, the Committee heard evidence from several key organisations that were likely to be directly affected by the proposals as they stood. Those organisations included the Health Promotion Agency (HPA) and the Mental Health Commission (MHC), both of which will cease to exist when the new structures come into operation. The Committee also heard from the Institute of Public Health in Ireland (IPH) and the Northern Ireland Local Government Association (NILGA).

Following the introduction of the Bill, a total of 30 organisations responded to the Committee’s request for written evidence. The Committee considered all those written submissions and took further evidence from other key organisations. It heard from the health and social services boards and the health and social services councils, which will also cease to exist in their current format following the changes.

The Committee also took evidence from the Regulation and Quality Improvement Authority (RQIA), which will take on an extended role in the new system. The Committee listened to the views of the BMA (British Medical Association), the Royal College of Nursing (RCN) and the Allied Health Professions Federation (AHPF), whose members will have to work in the new structures and continue to deliver the services.

Having listened to the views of all those organisations, the Committee undertook, over five separate meetings, a detailed clause-by-clause consideration of the Bill. During that consideration, the Committee raised a number of proposals to change and, in places, strengthen the provisions. I am pleased that, in almost all cases, the Department has accepted those proposed changes. In the main, those are the amendments that are to be considered today. The Committee raised issues on several other clauses, but after consideration and explanation from the Department, we accepted those clauses as drafted.

I wish to put on record the Committee’s gratitude to all the individuals and organisations that provided evidence, particularly those who came along and gave oral evidence to the Committee. I thank the officials who took the Committee through the detailed provisions in the Bill over a number of lengthy meetings. I also

thank the Minister for the helpful way in which he and his officials have worked with the Committee in progressing the Bill. I commend the members of the Committee for their work in considering the detail in the Bill, and I thank the staff for their work in assisting the Committee.

The first group of amendments relate to public health. The Committee was divided on the merits of having a separate regional agency for public health and social well-being. We discussed that issue in detail over a number of meetings, during which we questioned officials, including the Chief Medical Officer and the Chief Dental Officer, about the rationale for having a separate agency, as opposed to those functions being part of the remit of the proposed regional board. After consideration, the Committee voted by a majority of six to two in favour of the proposed agency.

Amendment 19, which proposes a change to clause 13, was put forward by the Committee and accepted by the Department. Clause 13 details the functions of the proposed regional agency, and I have already said that the Committee was divided on the idea of a separate public health agency. Notwithstanding that, there are important functions relating to health improvement and health protection that must be carried out by whichever body has such responsibility. The health protection functions relate to protection against communicable diseases and other wide-ranging dangers to the health and social well-being of the public.

The health improvement functions that are set out in clause 13 include the reduction of health inequalities, and health promotion. However, in its written submission to the Committee, Disability Action pointed out that the health promotion function was not explained or defined. The Committee took that point forward and raised it with the Department, which accepted the need for further elaboration of that function. The Committee, therefore, supports amendment 19, which effectively defines or elaborates on the health promotion function.

Amendment 35 proposes a change to clause 21. As Members will note, that is a short clause that places a duty on each trust to exercise its functions in such a way as to improve the health and social well-being of those for whom the trust provides care. That is an important duty from the perspective of public health. In written evidence to the Committee, the Community Development and Health Network proposed that each trust should also be required to exercise its functions with the aim of reducing health inequalities. The Committee fully supported that proposal and raised it with the Department, which accepted it and is proposing to amend the clause accordingly. The Committee, therefore, supports amendment 35.

The other amendments in the first group oppose the establishment of a separate regional public health agency. As I said earlier, the Committee was divided on that issue, but the majority of members fully endorsed the establishment of such an agency. As Deputy Chairperson, I completely support that position.

Proposing the amendments, Alex Easton argued that having a separate agency is unnecessary, that it will create another layer of bureaucracy, that it is contrary to the aim of creating more efficient structures and that its functions could be dealt with by the regional board.

*12.45 pm*

Contrary to that view, however, the Department, in its evidence to the Committee, argued that a new approach was needed to tackle the inequality and high mortality rates that continue to exist. It argued that public health needs a much stronger voice and a much higher profile, which would enable it to develop important partnerships with other Departments, local government and a wide range of stakeholders, in not only the public sector, but across all areas of society. The Department also pointed out that if that function were to be included in the remit of the regional board, it would take second place to the demands of acute services. That was expressed strongly and clearly by the Chief Medical Officer when he said that in a single organisation, the public-health agenda would disappear. Surely, nobody wants to see that happen.

I oppose amendment No 1, and I support amendments No 19 and No 35, clauses 12 and 13 and schedule 2. Go raibh maith agat.

**Mr McCallister:** I am extremely disappointed, but not surprised, that the DUP tabled amendment No 1. It is a deliberate piece of pageantry and opportunism that shows little genuine regard for the health and well-being of people in Northern Ireland or for the health and well-being of the Health Service itself.

The DUP's position on the issues smacks of gross hypocrisy. When the Minister presented his proposals to the Executive, DUP Ministers unanimously agreed to back the creation of a regional agency for public health. However, at Committee Stage, the DUP did a U-turn and now does not want an agency. Perhaps Mr Easton and Mr Buchanan can explain why their party has had a change of heart. I am convinced that when the public hears the DUP's arguments today, it will be equally disappointed by that party's lack of vision and its desire for confrontation with the Health Minister at any cost.

Mr Easton spoke about taking public health out of the regional board's remit. The proposal is, actually, about taking public health and health promotion to a new level, and it is very innovative. A regional agency for public health and social well-being is not only innovative but an exciting development in public-

health provision, in not just Northern Ireland, but throughout the United Kingdom and, indeed, Europe. It is, perhaps, the most innovative and proactive proposal that any Minister has made in Northern Ireland's recent devolved history, and yet, unsurprisingly, the DUP opposes it.

There are two interlinked reasons why a specific regional agency for public health and social well-being is needed. First, an agency that proactively engages in improving the health of local people has the potential greatly to improve the life chances and happiness of thousands of people throughout Northern Ireland on a yearly basis. Secondly, the future success of the health and social care system can be guaranteed only by a renewed and greater focus on prevention, improved public health and social well-being, and reduced health inequalities.

We must give people the opportunity, knowledge and facilities to look after their own health, preventing unnecessary illness. Proactively helping people with their mental and physical health is one of the best services that our Health Service can provide. That is why we need a dedicated agency for health and social well-being that places that agenda at the heart of the Health Service.

Those arguments have been supported by many experts and health professionals. The Committee heard evidence from numerous sources that supported the establishment of a regional agency. The vast majority of consultation responses were in full support of the proposals.

Dr Michael McBride, the Chief Medical Officer, gave evidence to the Committee on 9 October. I quote him at length because what he said is very important. He said:

"The challenges that we face in dealing with preventable ill-health and premature death, particularly in deprived areas, are very real and very stark. We must raise the profile of public-health challenges and increase our attention on them. ... I support the Minister's view that public health and social well-being must be at the heart of all Government policy. There are clear benefits in added value to the economy. The Wanless and Appleby reports made it clear that investment in health and well-being makes sound economic sense in Northern Ireland. It gives people better life opportunities, better employability and, ultimately, it is a good thing to do. I strongly support the Minister's outline proposals for the establishment of a separate regional agency for public health and social well-being."

I share Dr McBride's belief that the agency will, ultimately, be a good thing. However, having listened to advice from the most senior clinicians and to passionate pleas from the Chief Medical Officer and the Chief Nursing Officer, the DUP chooses to do its own thing. How can the DUP defend its position when it hears the Chief Medical Officer's sentiment? That smacks of opposition for opposition's sake.

The new agency will undertake a much wider series of functions. It will have the responsibility to improve partnership working with local government and other public-sector organisations, including educational establishments, the police and, most importantly, local communities. There is a real opportunity to put proactive health issues at the heart, not just of the Health Service, but of communities and Government in Northern Ireland. A healthier Northern Ireland is a more prosperous and happy place.

Turning to some of the specific arguments that the DUP has made today —

**Mr Easton:** Is the Member aware that his Minister, when bringing the original proposals to the Executive, said that part of the proposal was for the Health Promotion Agency to get new, enhanced powers and to be part of the new regional board, and that the plans that he has now brought to the Assembly are over and above that, and were not discussed at the Executive meeting?

**Mr McCallister:** As Mr Easton should be aware, I am not a member of the Executive, and nor is he. The Minister will be more than happy to take any points about detailed discussions at the Executive meeting.

**Mr Easton:** Answer the question.

**Mr McCallister:** You are asking me what happened at a meeting that I was not at.

**Mr Easton:** Answer the question.

**Mr McCallister:** You are asking me to answer a question about a meeting that neither of us were at.

**Mr Easton:** Answer the question.

**Mr Speaker:** Order, order. The Member has the Floor.

**Mr McCallister:** It is such a silly question to ask anyone.

The DUP has suggested that amalgamating the regional agency within the regional board would create savings and more effective structures, and reduce bureaucracy. That is a flawed and narrow-minded argument. Ensuring that public health is put first is an essential and valuable investment; as for the saving, the commitment will be met over the new structures. The commitment to save £53 million cannot be changed, no matter what the make-up of the reformed structures. Protesting about efficiency is, therefore, a false argument. In addition, three new bodies will replace eight agencies and 19 trusts.

Claiming that the agency and the board will duplicate activities is also misleading. The Minister and the Department have stated throughout the process that the agency and the board will work together in a fully integrated manner, and a framework document outlining how this process is envisaged has been

produced. Commissioning has been given much consideration, both at local and regional level. The Department is fully committed to ensuring that there is an integrated and co-ordinated approach. The pressures that the regional board will be under mean that it will seek to invest in short- and medium-term restorative measures. Social well-being and health-promotion measures will inevitably take a back seat. That is why we need an independent, separate agency.

We need a champion for local communities in order to prevent many of the illnesses that the regional board will be commissioning to treat. There is a long-overdue need for balance in the system. The DUP is again showing a tendency toward centralised bureaucracy that is far from the madding crowd. Its support for a flawed education and skills authority highlights that. However, it is right that we bring public health directly to people. It is right that we facilitate people in improving their mental and physical health.

At the previous meeting of the Health Committee, the Chairperson suggested that it carry out an inquiry into obesity in Northern Ireland. It may be hard to believe, but I support her in that. That is very much the type of issue that the new agency will address.

It is important, at all levels of the Health Service, to examine issues from obesity to alcohol and drug abuse, which have been mentioned throughout the debates that have taken place since the Assembly was restored. Those are the issues that Members, including DUP Members, have raised and called for action on, yet the DUP opposes the very agency that could take those issues to an entirely new level.

If the DUP continues in its opposition to the agency, an opportunity will be missed. Repeatedly, the DUP has brought opportunistic motions before the Assembly and is arguing now against an innovative proposal that will improve the health and the life chances of thousands of people, and of the Health Service itself.

I can find no rational reason for the DUP's continual confrontation. However, I note that at its party conference, wine was served. I wonder whether that new found liberalism is behind its rejection of the regional agency for public health and social well-being. I reject amendment No 1.

**Mrs Hanna:** As has been said, the Health Committee has spent a considerable amount of time on the Health and Social Care (Reform) Bill, and has met with and listened to many groups and organisations. The Committee has had a good working relationship with officials from the Department, and I believe that it has been listened to. Although we did not get agreement on all our concerns, we got agreement on some. I have no doubt that my colleague Tommy Gallagher will raise the concerns that I do not mention.

Setting up a separate agency for public health and social well-being was discussed at length. Although I support and encourage the focus on public health, I had concerns about the need for a separate body, and I listened to the views of bodies such as the Royal College of Nursing.

Those concerns have been allayed, in as far as they can be, and I accept that if we are to have that independent focus, we need that new body. I have been reassured that it is not about getting new staff; the body will use experienced staff from within the Health Department.

It is important that the agency has teeth; it must have real decision-making powers and be able to sign off on those decisions. The health inequalities in our society must be addressed; in particular, the difference in the mortality rate between the very poor and less-well-off areas and the more affluent areas. The challenge of changing lifestyles must be tackled, and that will be an uphill struggle, even with a new body with all that experience and expertise.

Today is World AIDS Day, and I have just come from a meeting in town on that. We must tackle the attitude that exists towards people with HIV and AIDS, and get rid of that stigma; people must come forward for testing.

Partnership working is absolutely essential and must be bottom-up as well as top-down. Those groups working on the ground in communities must be included, as only they can really change attitudes within the communities; they know the people, they know how to approach them, and they know how to get them involved. That has to happen.

I look forward to working with the new public health agency and to seeing positive results.

**Dr Farry:** I come to the debate as an outsider to the Health Committee, but, hopefully, I can provide a slightly different perspective to that of the Committee members who have spoken so far, and who are caught up in the minutiae of the Bill.

From a financial perspective, the creation of a regional agency to deal with public health and social well-being seems to be a very sensible step. I dare say that the approach the DUP is taking is a false economy.

It is a very simplistic and unsophisticated approach to efficiency savings that takes a narrow view of costs — rooting them out at source without looking at the bigger picture and assessing the real problem and true additional cost to society.

*1.00 pm*

For that reason, my party opposes the DUP's amendments in this group. The Alliance Party shares the goal with the DUP of reviewing the level of

bureaucracy in the governance of Northern Ireland in order to eliminate cost. However, that must be done with some perspective and reality, rather than by adopting a one-sided approach. For example, the problem in the health sector was not the proliferation of regional bodies; it was the proliferation of subregional bodies that were too top-heavy for a society and population size such as ours.

I am comfortable with having two different bodies at the regional level because they will have discrete functions and will sit well beside one another. We will back the DUP amendments in group 4 in relation to coterminosity and local commissioning groups because we see those as logical and not representing failed opportunities — that is a fairly one-sided and straightforward argument.

It is important to consider the context of the health budget overall. As the DUP is fond of stating in relation to the Budget from 2008 to 2011, there is a record level of investment in health. However, within that Budget, we are flatlining in comparison with the level of investment that will be required in order to keep up with trends in the rest of the United Kingdom. Therefore, by 2011, we will be £200 million short of where we need to be according to the Economic Research Institute of Northern Ireland.

The particular needs of Northern Ireland's population — the higher rate of health problems and greater morbidity levels — mean that we spend much more per capita than elsewhere in the UK on health: it is important that that is taken into account. Therefore, Northern Ireland has, proportionately, a greater call on resources that are being allocated on the basis of need. When efficiency savings and the proper use of budgets are being discussed, the issue is not about the additional small cost that may arise from having two agencies rather than one; the real prize is to reduce the levels of poor health in Northern Ireland. Success in that will ease the financial pressures on our Health Service; which, in turn, will enable the redirection of funds to address new needs or priorities or the reinvestment of money elsewhere in the system — there are acute and stressful pressures across the board.

Therefore, from a hard-nosed financial perspective, the Assembly has a real incentive to get to grips with public health, and it is important to see the proposal for a separate agency in that context.

As a lay person, I note, respect and defer to the advice from a range of health-sector practitioners, including the Chief Medical Officer. However, sufficient attention is not being paid to public health or to other areas that have been identified as important and in need of further investment. For example, in mental health, our expenditure per capita is well below the UK average. The Health Service is also under

considerable pressure to make efficiency savings. The natural reaction is for professionals to circle the wagons around perceived core and acute services, which creates the impression that services in the community are of secondary value and are more of a focus for efficiency savings.

That is a major false economy. If there is to be a proper focus on areas such as prevention and public health; potentially, a lot more will be gained in easing the pressure elsewhere in the Health Service.

My party's view is that the proposal for a separate public health and social well-being agency, which is being taken forward in legislation, is extremely sensible. My party also notes the potential that that creates for joined-up thinking on public health by various parts of Government. Public-health issues such as deprivation and social inequality are central to that thinking. The reasons why people have particular poor-health problems must be determined and tackled at source. A regional public-health body would be much better placed to do that than part of a single regional health and social care board that becomes lost in wider organisational structures, and in which the focus is not acute and priorities may, as experience has shown, lie elsewhere. I am happy to support the proposal.

**Ms S Ramsey:** Go raibh maith agat. As the Deputy Chairperson of the Committee and other Members have said, the Health and Social Care (Reform) Bill is a major piece of legislation that restructures the entire health and social care system. All Members welcome that. During many debates that have taken place in the Assembly, Health Service structures and procedures have been criticised. I for one, therefore, support major restructuring of the Health Service.

As a member of the Health Committee, I am aware of the large amount of work that has been undertaken on the Bill. I want to take the opportunity to thank the Committee staff, who have supported us throughout the Bill's Committee Stage. I also want to thank the groups and organisations that gave feedback to the Committee. It is useful, at every opportunity, for the Committee to receive feedback from people who work daily at the coalface of health and social care so that it can act as a conduit to the Department, the Minister and his officials. It is therefore important for the Committee to receive such feedback at every level.

I also want to take the opportunity to thank departmental officials, who, I am sure, are as fed up looking at us as we are at them. The Chief Medical Officer is present in the Gallery so I am sorry for that comment.

It is useful that the Committee was able to tease out certain aspects of the Bill with officials during the Committee Stage, because, sometimes — with no disrespect to those who drafted the Bill — matters can

be quite confusing. It is helpful to have matters explained.

I belong to a party that is very often at odds with the Health Minister. However, I want to commend him on the Bill and for advancing the reform of the Health Service.

The Deputy Chairperson has explained the Committee's views and outlined that it was divided on the issue of a separate regional agency. In fairness to the Committee, it worked its way through many issues with little dissent. However, it was divided on that issue by six members to two. Members tried to work out the matter prior to a vote, because we want to operate as a single unit. We agreed to postpone a vote for several weeks. It is useful that that is recorded in the Official Report. Members did not simply approach the matter with entrenched views — we put off a decision and tried to secure more detail from the Department and the Chief Medical Officer.

Other Members have also made the point that the Institute of Public Health, among other organisations, welcomes the proposed agency as a major opportunity for change and has argued that any new agency should make public health, particularly health improvement, a priority. No one can argue against that. The Chief Medical Officer, who has told the Committee that he is passionate about a new agency, said that, in a single organisation, the public-health agenda would disappear.

The Department explained that one of the driving factors that underpin current reform proposals is the need to deal with existing inequalities in morbidity and mortality. The Department also pointed out that, during the consultation period, 59% of respondents on the issue of an agency were supportive, 20% were undecided, and 21% were not supportive. That feedback from consultation with professionals, patients, and relevant groups and organisations must be taken on board. I do not believe that any Member or anyone who is involved in the health sector would disagree that health improvement must be prioritised.

If the Assembly is to bring an end to unacceptable ill-health statistics, it must reach a balance in how it invests in and tackles ill health, and in how it invests in the eradication of the social and economic causes of ill health.

On the issue of a public agency, it struck me that there must be someone fighting for the cause of public health at every opportunity. Money can easily be lost in dealing with the problems, rather than the causes, of ill-health. It was the same during Bairbre de Brún's tenure as Health Minister. She took forward Investing for Health — which was a radical and far-reaching policy at that time — to tackle the root causes of ill-health and improve the population's health in the long term. The root causes of discrimination, poverty

and social exclusion must be tackled. That will partly be the role of the public-health agency, which should fight for social housing, address the lack of leisure facilities, and so on.

Investing for Health must become a cornerstone of all our work — future generations will be condemned if it does not. Health is an area for cross-border co-operation under the Good Friday Agreement. I raise that point for Members' information, and, indeed, in response to the talk of false economies and the wasting of money. Co-operation on health matters would benefit all people on the island, and we must consider people who live in border areas. On the issue of a false economy, I say to my colleague Alex Easton that running two health services on this island costs a lot of money.

We need to get real about ensuring that money is not wasted. Why do we not take that one step further and, under the Good Friday Agreement's reference to co-operation on health, have one health service? Having two health services on the island of Ireland is the biggest false economy in health. I agree with Alex Easton that public health must be a priority, but we disagree on how that should happen. We must invest to make public health a reality. Sinn Féin opposes amendment No 1.

**Mr B McCrea:** I am not quite sure why the DUP tabled amendment No 1. Members on the DUP Benches probably wish that they had not, because they seem to be running into opposition from all other Members, and from the aggregated wisdom of the Chief Medical Officer, the Chief Nursing Officer and many other experts.

I approach this issue as a member of the Policing Board, which gives me an insight into antisocial behaviour — much of it drink-related — self harm, domestic violence and all sorts of other problems that face our society. Those problems must be tackled through the sort of focused intervention that the Minister has proposed.

History indicates that the genuinely big improvements in people's health and well-being do not come from the introduction of new drugs or other measures that grab the headlines. It is improvements in the quality of water, sanitation, housing and other forms of public intervention that increase life expectancy. The biggest challenges that face society concern lifestyle. Smoking, underage drinking, binge drinking, and obesity are some of the biggest killers.

Our society wants the Assembly and our Government to show leadership and to present a way forward. We cannot afford to carry on in the way that we are going — it is simply not sustainable. Ultimately, we will reach the stage at which we will break the bank, because the price of drugs keeps going up, as does the number of issues that people face. We must make



effective interventions to show people that there is a better way forward.

That is the principal benefit of the Minister's proposals. I simply cannot understand what the DUP thinks that it is doing by trying to remove the provision for a regional agency that, as part of a worthwhile initiative, would provide the necessary focus at an appropriate level.

1.15 pm

One need only look at the level of obesity in the United States of America to see the ticking time bomb that awaits people here if action is not taken. There, for the first time, the life expectancy of children is lower than that of their parents. If obesity is not tackled, that fate awaits everyone. We must send out a message on the importance of early intervention.

Today, I had the privilege of attending the launch, sponsored by Mr Paisley, of the Ulster Cancer Foundation calendar. The foundation has innovative and interesting ways of persuading men to check for symptoms. I commend to Members the calendar that uses models to send out to men the simple message that they should check their health and act early. Early intervention is crucial, and anything that encourages that should be supported. That, I hope, is what the new agency will achieve.

Why is the DUP opposing that initiative by tabling an amendment, particularly when the Committee discussed the issue several times? I can conclude only that it is opposition for opposition's sake. Many Members in the House claim to be the opposition, but, in performing the roles of both Government and opposition, the DUP appears somewhat schizophrenic. The DUP is opposing in the House matters on which the Executive have agreed. No coherent argument is coming from the DUP Benches, and no massed ranks of DUP Members are present to contribute. The DUP wants to play petty party politics with people's health. Shame on the DUP — that is not the way forward.

Members have heard the calls for parties to come together and rush through business after 150 days of doing nothing. Suddenly, however, that call for action does not apply, even though the parties have had plenty of time to discuss the subject. The simple fact is that confrontation is not the way forward. General agreement was reached on the right option. Other parts of the world closely observe what the Assembly is trying to achieve, and their expectation is for an innovative, imaginative project that will genuinely improve the health of our nation.

The new agency will save many, many lives. It is a travesty that some people's life expectancy is four to five years lower, depending on where they live. Such inequality requires specific intervention that can only be provided through a focused approach.

As a member of the Education Committee, I am struck by the DUP's different approaches to the new health agency and the new education and skills authority (ESA). Its entire argument against the ESA was that, as the second largest authority in Europe, it would be too big. The simple fact is that there are benefits in having a single regional body looking after finance and any other issue that can be dealt with regionally and that, indeed, is what is proposed.

However, other issues require a more tightly focused approach. Some Members often complain about inequalities in Tyrone, and so forth. Today, there is an opportunity to stop that from happening, so what is the DUP's problem? Surely it is better to have the best of both worlds, with a financial overarching body that provides economies of scale, an agency that provides the necessary focus, and links between the two bodies to ensure that one does not dominate the other.

I conclude with an impassioned plea to the only people to oppose the proposal, who do so for what I regard as party political gain. Please put the health of our people before party interests by supporting the Minister's proposals. I absolutely reject the DUP's amendment.

**Mr Gallagher:** I oppose the amendment. I welcome the Bill, as it will clarify future health structures. As I said previously, I believe that the regional agency should be separate from the regional board. Until now, the Department, the trusts and the Health Promotion Agency have handled public-health and health-promotion issues in various ways. That has been a disadvantage, because had we one voice, a much stronger message could have been sent. As other Members said, the Assembly must send a strong message about smoking, alcohol, diet, obesity and mental-health issues.

I believe that the agency will play an important role in intervention; for example, it will intervene in such a way that reduces referrals to the primary- and secondary-care systems. If it carries out that function successfully, the Health Service will be saved a good deal of money.

Sue Ramsey made an important point about economies of scale. However, I am unsure whether we are ready to appoint Michael McGimpsey or Mary Harney as Health Minister for all of Ireland. My neighbours along the border in Donegal, Leitrim and Sligo sometimes give me the impression that they would not mind a change now and again.

The regional agency will increase opportunities for co-operation with the public-health authority in the South, particularly on health-promotion issues. For example, there has been co-operation on road safety, and the media can ensure that such messages have a

powerful impact. I believe that the agency will be in a position to work in such a way.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I am grateful to the Members who participated in the debate, which was important and constructive. The public health and social well-being agenda is vital, and it requires a visible and separate regional agency. Such an agency must not be hidden within a giant regional board, as was planned originally. One of the Department's ongoing concerns has been to ensure that the profile of public health and social well-being is sufficiently focused and high on the agenda. It is inevitable that if the regional board were to assume responsibility for public health and social well-being, that board would be driven by its significant operational concerns and priorities. It is also inevitable that the prioritisation of funds that are targeted specifically at public health and social well-being would take second place.

The creation of the regional board was proposed in order to ensure that the public-health agenda is dealt with in a focused and meaningful manner. When I became Health Minister, the Department's plans, which were inherited from direct rule days, contained a proposal to create a giant Health Service authority that employed 2,200 staff. It was proposed that that authority would take responsibility for all health matters. In fact, DUP Members pressed me to introduce that body. However, I took time to consider the proposals, because they seemed to me to miss the point and to ignore many issues. One key area which was missing was the public-health agenda.

Another message expressed to me very firmly when I became Minister concerned the rate of obesity in Northern Ireland. More than 60% of the population here have a weight problem, which means that we were going to be overwhelmed by diabetes within 20 years if nothing is done about it. That was specifically an item for the public-health agenda. There were other messages, on issues such as sexual health — teenage pregnancy, for example — suicide, smoking, ill health, and alcohol; messages that we understand but that were not sufficiently expressed to the population.

Another important point that I have stressed repeatedly in the House is that it is not acceptable that one's life expectancy is determined by where one lives. In the 20% of the most deprived areas, including rural areas, the average life expectancy for a man is four years less — and for a woman two years less — than the Northern Ireland average. The life expectancy gap between those deprived areas and affluent areas for a man is seven years. That is not something that any civilised society can accept. People living in the most deprived areas are 40% more likely to die before the age of 75 than those who live in more affluent areas, and deaths among children under the age of one are

30% higher in deprived areas. That is the public-health agenda that I am talking about, and those are the challenges regarding preventable ill health and premature death that we face.

I have proposed the establishment of a public-health agency that will employ a maximum of 250 to 300 people. It will be embedded throughout Northern Ireland and will work closely with local government and councils, because local councils are best placed to deliver the policy, and local government is one of the key deliverers of the agenda. Another important point, and one that I have made after 15 years in Belfast City Council, is that Departments are good at writing policies and making plans, but delivery is for someone else. On public health, there is a need for a different delivery mechanism; and local government and local councils have a key role to play.

I do not plan to create extra bureaucracy. The individuals who will work in the agency are already there: they are employed in the trusts, boards, and in separate agencies. I am talking about bringing them together. I am not talking about moving them from their locations: I am talking about their answering to a different agenda and being given more support through a centrally driven public-health agency, which will address the issues that we have been discussing, particularly health inequalities, and that will deal with those in an important way.

My constituency office is in Sandy Row, which is one of the most disadvantaged areas in Northern Ireland — as are the other inner-south areas; Donegall Pass, the Village, the Markets and the lower Ormeau Road. Sandy Row is within a mile of the City Hospital and within a mile and a half of the Royal Victoria Hospital, two of our most important hospitals.

There is a clear paradox in that we are delivering health services to disadvantaged areas that are so close to the doorstep, yet, when one steps out of my office and turns right, those few hundred yards into South Belfast contain the addresses that will add years to one's life. That is the reality, but it is unacceptable, and that is why we are moving forward and working closely with local government, in a new enhanced and energised focus, providing a tangible impact on our society and the life outcomes of our people. That is the agenda that I am talking about, and it is the agenda that I believe most people in the House are concerned about.

Alex Easton raised a couple of points. The Royal College of Nursing does not hold a position of outright opposition.

It had concerns about duplication and overlap, which we sought to address in the legislation. A number of other bodies expressed support, including the Royal College of Physicians, the Royal College of Midwives, the Northern Ireland Chief Environmental Health Officers Group, the Institute of Public Health in Ireland, the British Dental Association, and the Health Protection Agency in London. As has been said, several health services in other parts of these islands and further afield are carefully studying the proposals and how they will work because they believe that they are radical and have huge potential.

1.30 pm

Another spurious point was raised about what I presented to the Executive Committee. The draft Bill that was brought before the Executive is the same Bill that we are considering today and included provisions for a separate agency. At earlier stages, I indicated that the proposed agency would build on the work being carried out by the Health Promotion Agency.

I never made any secret of my plans for a separate public health agency. I certainly made no secret of them during an Executive Committee meeting in July 2008, which, I think, was the first Executive Committee meeting that Peter Robinson attended as leader of the DUP and as First Minister. The Executive supported the proposals in the draft Bill — the same Bill that the House is considering today. I found it absolutely astonishing to hear Alex Easton giving reasons, chapter-and-verse, why he opposes the proposals. I have no doubt that others who have yet to speak will do the same.

Mr Easton's party leader supports the proposals, as do the other DUP Ministers, but he clearly thinks that Peter Robinson is talking through his hat. Given the importance of the issue, I find the attitude of some members of the Health Committee astonishing, given that, as has been indicated, the Committee was divided on the issue, and the DUP members on the Committee who opposed the proposals found themselves in a clear minority.

There is a time to oppose and there is a time to learn, and the time when those members of the DUP should have woken up to the reality of the situation has long passed. Their colleagues in organisations such as Belfast City Council have no qualms about the proposals because they work on the ground and understand the need. Also, I do not hear opposition coming from the DUP as a whole. Not only are those members a minority in the Chamber; it seems to me that they are a clear minority in their own party.

**Several Members:** Hear, hear.

**The Minister of Health, Social Services and Public Safety:** I have two other public-health group amendments to move. I bring to Members' attention the two other amendments in the group. Amendment No 19 was suggested by the Health Committee and

expands the previous wording in respect of the health-promotion function of the regional agency.

In addition, amendment No 35 will ensure that the overarching drive for improvement in the health and social well-being of people in Northern Ireland remains a priority for health and social care trusts. It places a requirement on them to exercise their functions with the aim of reducing health inequalities among those for whom they provide health and social care. That is consistent with the requirement that is being placed on the Department and other health and social care bodies.

**Mr Buchanan:** There has been a fairly healthy debate around the Chamber this morning. There is no getting away from the fact that the DUP supports the majority of the provisions in the Bill. When the Bill was debated initially in the House, the Minister and everyone else in the Chamber will recall that I raised concerns regarding the establishment of the new agency. Questions were subsequently put to the Minister, and he is well aware of the stance that we, as a party, have taken on the matter.

It is good to see the Bill before the House; an entire reform and restructuring of the Health Service has been needed for quite some time. I thank all the professionals and representatives from various bodies who made presentations to the Committee for Health, Social Services and Public Safety and participated in discussions.

It must be remembered that it was the DUP that pressed the Minister to introduce the Health and Social Care (Reform) Bill. The Minister was delaying, but the DUP put pressure on him to introduce the Bill. We are thankful that that has paid off and that the Minister eventually introduced the Bill.

**Mr B McCrea:** Will the Member give way?

**Mr Buchanan:** There is no getting away from it, it is crucial that we improve public health in the Province. Public health must be firm and must be an increasing priority for the Department of Health, Social Services and Public Safety and the rest of the Northern Ireland Executive. However —

**Mr B McCrea:** Will the Member give way?

**Mr Buchanan:** The establishment —

**Mr B McCrea:** Will the Member give way?

**Mr Buchanan:** The Member had his time.

**Mr B McCrea:** Is that a no? The Member was pressing this with —

**Mr Speaker:** Order, order. The Member has the Floor. Every Member who wanted to speak to the Bill has had the opportunity to do so.

**Mr Buchanan:** Thank you, Mr Speaker. However, the establishment of a public health agency would be

contrary to the commitments to improve efficiency, reduce bureaucracy, streamline decision-making and maximise accountability. Rather than having a clearly identifiable —

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

**Mr Buchanan:** A clearly identifiable body to hold to account —

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

**Mr Buchanan:** It is intended that the key decisions will be taken jointly, with the two —

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

**Mr Speaker:** Order, order. The Member should not persist. It is up to the Member who has the Floor to decide whether he will take an intervention.

**Mr Buchanan:** Thank you, Mr Speaker. I will not be taking interventions from Members of the Ulster Unionist Party, so perhaps those Members will now have got that message loud and clear, will sit quietly and show a little respect. I know that it is a thorny issue for them, but perhaps they can show a wee bit of courtesy on this occasion.

It is intended that key decisions will be taken jointly by the new regional public health agency and the regional board; therefore, it will not be possible to hold anyone to account. If the proposal is agreed, that is the bizarre situation in which we will find ourselves.

In proposing the amendment, Alex Easton mentioned the comments of the Mental Health Commission, which said:

“We can see no good reason why this proposal for separation is being made.”

We have been accused of not listening to health professionals; however, the Mental Health Commission comprises health professionals, and it is saying that it can see “no good reason” for the proposal being made.

Alex also mentioned the Royal College of Nursing, which has said that the proposal creates the potential for duplication of effort and the waste of resources. Perhaps the Minister will take on board those comments from professional bodies.

Over the past two weeks, I have spoken to professionals from the Western Board and the Eastern Board. Folk from those boards have expressed concern that a regional agency will create a level of bureaucracy that is not required, because the functions of the two bodies can be delivered equally effectively by one body. However, there are people who do not want to listen to some of the professionals from rural areas, and it is difficult to get them to listen to what those professionals are saying.

Michelle O’Neill mentioned the debates that took place in Committee and that it was argued that public

health needs a much stronger voice. Obviously, a stronger voice for public health is required.

The DUP does not disagree; however, a strong voice for public health can be provided by a single body. A separate agency, which would buckle under the weight of unnecessary bureaucracy and use up resources that could be used to provide front-line staff, is not required. That strong voice can be provided as effectively and as efficiently by a single body.

John McCallister was disappointed with the DUP’s position — how strange is that? John did not know what had happened in the Executive meeting — John’s problem is that he does not know what happens in the Health Committee either, because he is never there. Perhaps, if he were to attend more Health Committee meetings, he would know the DUP’s position on this matter and he would be aware of the concerns that had been expressed at the early stages by all members of the Committee. Of course, John does not know that because he was not there. Obviously, someone from outside the Health Committee must have written John’s speech.

The other issue concerning the agency —

**Mr B McCrea:** Will the Member not accept an intervention?

**Mr Buchanan:** I have made that clear to the Ulster Unionist Party; however, its members do not seem to listen.

Despite all the questions put to the Minister, he has refused to say how much the agency will cost the Department, and Members have been left waiting for his answer. Although the Minister’s Department receives 48% of the block grant — which is 51% of the overall grant — he is still unhappy with the amount of money that he has got. Nevertheless, he now wishes to create a new level of bureaucracy, and he is not prepared to tell the House how much it will cost. That is a ludicrous position in which he finds himself. He has even refused to specify costs through questions for written answer, and that should set alarm bells ringing for folk around the Chamber.

Carmel Hanna spoke about the concerns that she had during the Bill’s early stages in the Committee regarding setting up a new body. However, she also said that the Bill was 99% agreed by everyone on the Committee. The DUP is raising a few issues, and it has every right, and will continue to do so. The DUP is considering efficiency, so it does not agree with adding levels of bureaucracy.

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

**Mr Buchanan:** Yes.

**Mr B McCrea:** On a point of order, Mr Speaker. I am not sure whether I heard correctly, but was there

not a statement by the Member that he would not be giving way?

**Mr Speaker:** Order. The Member should, and probably does, know that that is not a point of order.

**Mr Easton:** Thank you, Mr Speaker. Does my friend agree that, under the Minister's plans for efficiency savings, he will cut thousands of jobs in the regional boards and, consequently, the new agency will have fewer staff than the existing Health Promotion Agency? Therefore, although we are attempting to improve people's health, we have a Minister who is actually cutting jobs. Does that not endanger the health of Northern Ireland's population? Indeed, we have a Minister of cuts — he is cutting 700 nursing jobs and he is closing residential and nursing homes. Is the Minister not a cutter, rather than a provider, of help for Northern Ireland people?

**Mr Buchanan:** I thank the Member for his intervention. He managed to cut to the core of the policies advocated by the Members sitting behind the Health Minister. To clarify matters for Basil McCrea — it seems that one must clarify matters for Basil three or four times — I said that I would not be giving way to members of the Ulster Unionist Party. They have nothing to say anyway. Perhaps Basil heard that message loud and clear.

1.45 pm

Sue Ramsey mentioned health provision across Northern Ireland and the Republic of Ireland. Sue may seek to continue to peddle all-Ireland status for health and other issues, but that will not be taken on board, it will not be recognised, and it will never come to the fore.

Basil McCrea's speech was full of hot air, but it lacked substance. Let me remind Basil of what the DUP has done for the Minister. The DUP made sure that the Minister had an extra £500 million in his budget. Perhaps Basil will take that on board.

**Mr Speaker:** Order. I remind the Member that he should not use Members' Christian names in the Chamber.

**Mr Buchanan:** Like Mr McCallister, Mr Basil McCrea got it wrong when he spoke about the proposal that was brought to the Executive. The proposal that was actually brought to the Executive, despite what the Minister said, was that the Health Promotion Agency would receive enhanced powers within the board; it would not be a separate agency. That was what the Executive agreed.

**Mr B McCrea:** On a point of order, Mr Speaker. I distinctly heard the Member say that the Minister has misled the Assembly. The Minister made it quite clear that the Bill is the same Bill that was brought to the Executive. He has made his position absolutely clear. I call on the Member to retract his previous comment.

**Mr Speaker:** Let me make it absolutely clear that I will read the Hansard report, and I will be happy to come back to the House or to the Member himself. The Member may carry on.

**Mr Buchanan:** Again, when we look at the proposed health agency and the points that Mr Basil McCrea made, we must remember that the DUP is not seeking to close nursing homes or to cut front-line nursing staff, yet the Minister —

**Mr Speaker:** Order. I have given Members some latitude in the debate, and quite a few have gone outside the motion and especially the amendment. I ask the Member to try to return to the amendment.

**Mr Buchanan:** I will soon be finished, Mr Speaker, but I wanted to point out that the proposals would create an extra level of bureaucracy by creating an agency while cutting front-line staff. I have made that absolutely clear.

The Minister spoke of the level of life expectancy that should be afforded to everyone, irrespective of where they live. I could not agree more; a reasonable life expectancy should be afforded to everyone, irrespective of where they live. I hope that the Minister will take that equality right across the board, not only in public health, but in acute services. He has stripped County Tyrone of every acute service to the extent that it has none. Therefore, I hope that the Minister takes that —

**Mr Speaker:** Order. Is the Member finished? *[Laughter.]* Order. I remind the Member to try, as far as possible, to stick to the amendment.

**Mr Buchanan:** Again, I ask the Minister to acknowledge that and to provide equality right across the board, for all the people of Northern Ireland. I support the amendment.

**Mr Speaker:** Members should be aware that if amendment No 1 is made, it would signal the Assembly's opposition to the establishment of the regional agency. Should amendment No 1 be made, I would, therefore, not call amendments No 12, No 14, No 15 and No 19, which refer to the role of the regional agency, nor would I call any of the technical amendments replacing the acronym "RAPHSW" with "the Regional Agency". I will put the Question on clauses 12 and 13 and on schedule 2 when we come to them in the Bill.

*Amendment No 1 negatived.*

**Mr Speaker:** We move to the second group of amendments for debate. We will debate amendment No 2, with which it will be convenient to debate the other technical amendments in this group that are listed on the provisional grouping of amendments. Those amendments deal with changing references in the Bill from the acronym "RAPHSW" to "the Regional Agency" and changing the name of the Regional Support Services

Organisation to the Regional Business Support Services Organisation.

I call the Minister of Health, Social Services and Public Safety to move amendment No 2 and to address the other amendments in the second group.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I beg to move amendment No 2: In page 2, line 6, leave out “RAPHSW” and insert “the Regional Agency”.

*The following amendments stood on the Marshalled List:*

No 3: In page 2, line 7, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 4: In page 2, line 8, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 5: In clause 2, page 2, line 41, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 6: In clause 2, page 2, line 41, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 9: In clause 6, page 4, line 35, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 10: In clause 6, page 4, line 36, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 17: In clause 12, page 8, line 5, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 18: In clause 13, page 8, line 7, leave out “RAPHSW” and insert “The Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 20: In clause 13, page 8, line 23, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 21: In clause 13, page 8, line 27, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 22: In clause 13, page 8, line 33, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 23: In clause 13, page 8, line 34, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 24: In clause 13, page 9, line 1, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 25: In clause 13, page 9, line 3, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 26: In clause 14, page 9, line 10, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 27: In clause 14, page 9, line 12, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 28: In clause 15, page 9, line 14, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 29: In clause 15, page 9, line 28, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 30: In clause 15, page 9, line 35, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 31: In clause 15, page 9, line 37, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 32: In clause 17, page 11, line 6, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 36: In clause 24, page 15, line 11, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 37: In clause 26, page 15, line 39, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 38: In clause 27, page 16, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 39: In clause 27, page 16, line 34, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 40: In clause 31, page 19, line 17, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 41: In clause 31, page 19, line 19, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 42: In clause 31, page 19, line 19, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 43: Leave out schedule 2 and insert

“SCHEDULE 2

THE REGIONAL AGENCY FOR PUBLIC HEALTH AND SOCIAL WELL-BEING

*Status*

1.—(1) The Regional Agency shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of the Regional Agency shall not be regarded as property of, or held on behalf of, the Crown.

(3) Where land in which the Department has an interest is managed, used or occupied by the Regional Agency, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.

(4) The Regional Agency shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Regional Agency in its own name.

(5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to the Regional Agency.

*General powers*

2.—(1) Subject to any directions given by the Department, the Regional Agency may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But the Regional Agency may not borrow money.

*Membership*

3.—(1) The Regional Agency shall consist of—

- (a) a Chair appointed by the Department;
- (b) a prescribed number of persons appointed by the Department;
- (c) the chief officer of the Regional Agency;
- (d) such other officers of the Regional Agency as may be prescribed;
- (e) not more than a prescribed number of other officers of the Regional Agency appointed by the Chair and the members specified in heads (b) and (c); and
- (f) a prescribed number of members of district councils appointed by the Department in such manner as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of the Regional Agency may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

*Remuneration and allowances*

4.—(1) The Regional Agency shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

*Term of office*

5.—(1) The term of office of members of the Regional Agency appointed under paragraph 3(1)(a), (b), (e) or (f) shall be 4 years or such other period as may be determined by the Department at the time the appointments are made.

(2) A member of the Regional Agency specified in paragraph 3(1)(c), (d) or (e)—

- (a) who ceases to hold the qualifying office, shall cease to be a member of the Regional Agency;
- (b) who is suspended from the qualifying office, shall be suspended from membership of the Regional Agency while suspended from that office.

(3) In sub-paragraph (2) “the qualifying office” in relation to a member of the Regional Agency means the office under the Regional Agency which the member held at the time of becoming a member of the Regional Agency.

(4) A member of the Regional Agency specified in paragraph 3(1)(f) who ceases to be a member of a district council shall cease to be a member of the Regional Agency.

*Resignation and removal*

6.—(1) A member of the Regional Agency appointed under paragraph 3(1)(a), (b) or (f)—

- (a) may resign membership by serving notice on the Department;
- (b) may be removed from office by the Department.

(2) A member of the Regional Agency appointed under paragraph 3(1)(e) may be removed from office by the Chair and the members specified in paragraph 3(1)(b) and (c).

(3) Where any member of the Regional Agency—

- (a) is absent from the meetings of the Regional Agency for more than 6 months consecutively, except for an approved reason; or
- (b) is convicted of an indictable offence;

the Regional Agency shall forthwith, by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit, and thereupon the office shall become vacant.

(4) In sub-paragraph (3)(a) “approved reason” means a reason approved—

- (a) in the case of members appointed under paragraph 3(1)(e), by the Chair and the members specified in paragraph 3(1)(b) and (c);
- (b) in the case of any other member, by the Department.

(5) Where the place of a member specified in paragraph 3(1)(a), (b), (e) or (f) becomes vacant before the expiration of the member’s term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment—

- (a) in the case of a member specified in paragraph 3(1)(a) or (b), by the Department;
- (b) in the case of a member specified in paragraph 3(1)(e), by the Chair and the members specified in paragraph 3(1)(b) and (c);

(c) in the case of a member specified in paragraph 3(1)(f), by the Department in such manner as may be prescribed;

and any person so appointed shall hold office for the remainder of the term of office of the former member.

#### *Committees*

7.—(1) The Regional Agency may appoint one or more committees to which it may delegate such of its functions as it thinks fit.

(2) References in this Schedule to a committee are to a committee appointed under this paragraph.

(3) A person who is not a member of the Regional Agency shall not, except with the approval of the Department, be appointed to a committee.

(4) The Regional Agency may pay to members of its committees who are neither members nor employees of the Regional Agency such remuneration and allowances as the Regional Agency may, with the approval of the Department, determine.

(5) Every member of a committee who, at the time of appointment, was a member of the Regional Agency shall, on ceasing to be a member of the Regional Agency, also cease to be a member of the committee.

#### *Sub-committees*

8.—(1) The Regional Agency or a committee may appoint a sub-committee to consider and report to the Regional Agency or, as the case may be, the committee on any matter within the competence of the Regional Agency or the committee.

(2) References in this Schedule to a sub-committee are to a sub-committee appointed under this paragraph.

(3) A sub-committee may include persons who are not members of the Regional Agency or the committee which appoints the sub-committee.

#### *Proceedings*

9. Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954 (c. 33), the Regional Agency shall make standing orders regulating the procedure of the Regional Agency, its committees and sub-committees, including provision regulating—

- (a) the convening of meetings;
- (b) the fixing of the quorum; and
- (c) the conduct of business at meetings.

#### *Validity of proceedings*

10. The proceedings of the Regional Agency or of any committee or sub-committee are not invalidated—

- (a) by any vacancy in the membership of the Regional Agency or the committee or sub-committee;
  - (b) by any defect in the appointment of any of its members;
- or
- (c) by any failure to comply with paragraph 9.

#### *Disclosure of pecuniary, etc., interests and related provisions*

11.—(1) Subject to sub-paragraph (2), sections 28 to 33 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) and section 148 of that Act so far as it applies for the interpretation of

those sections, shall apply to the Regional Agency, a committee or sub-committee and to a member of the Regional Agency, a committee or sub-committee as if—

(a) in those sections—

(i) any reference to a council were a reference to the Regional Agency, a committee or sub-committee,

(ii) any reference to a councillor were a reference to a member of the Regional Agency, a committee or sub-committee,

(iii) any reference to the clerk of the council were a reference to the chief officer of the Regional Agency, and

(iv) any reference to that Act were a reference to this Act;

(b) in section 28(4) of that Act the words “or 46” were omitted and for the words from “by any local elector” onwards there were substituted the words “by any person.”.

(2) Notwithstanding anything in sub-paragraph (1), an officer of the Regional Agency who is a member of the Regional Agency may vote upon any matter which affects the interests of officers of the Regional Agency or such officers of any class (including a class to which the officer belongs), but must not vote upon any matter affecting only the officer’s individual interest.

#### *The chief officer and other staff*

12.—(1) There shall be a chief officer of the Regional Agency who shall be a member of the staff of the Regional Agency and shall be responsible to the Regional Agency for the general exercise of its functions.

(2) Subject to paragraph 13—

(a) the first chief officer shall be appointed by the Department; and

(b) any subsequent chief officer shall be appointed by the Regional Agency.

13.—(1) The qualifications, remuneration and conditions of service of officers of the Regional Agency may be determined by the Department.

(2) Regulations may make provision with respect to—

(a) the method of appointment of officers of the Regional Agency;

(b) the qualifications, remuneration and conditions of service of such officers of the Regional Agency as may be prescribed;

and an officer such as is mentioned in head (b) shall not be employed otherwise than in accordance with the regulations.

(3) Determinations or regulations under sub-paragraph (1) or (2) may provide for approvals or determinations to have effect from a date specified in them.

(4) The date mentioned in sub-paragraph (3) may be before or after the date of giving the approvals or making the determinations but may not be before if it would be to the detriment of the officers to whom the approvals or determinations relate.

(5) The appointment and removal from office of such officers of the Regional Agency as may be prescribed is subject to the approval of the Department.



*Application of the seal*

14. The application of the seal of the Regional Agency shall be authenticated by the signatures of—

- (a) at least one member of the Regional Agency appointed under paragraph 3(1)(a) or (b); and
- (b) the chief officer of the Regional Agency.

*Execution of documents*

15.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of the Regional Agency by any person generally or specially authorised by the Regional Agency for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of the Regional Agency shall be deemed to be so executed until the contrary is proved.

*Finance*

16.—(1) The Department may make payments to the Regional Agency out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

(3) Subject to sub-paragraph (4), the Regional Agency must pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) does not apply to such sums, or sums of such description, as the Department may, with the approval of the Department of Finance and Personnel, direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

*Accounts*

17.—(1) The Regional Agency shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Regional Agency shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

(a) examine, certify and report on every statement of accounts received from the Regional Agency under this paragraph; and

- (b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

*Annual report*

18.—(1) The Regional Agency shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) The Department shall lay a copy of the report before the Assembly.

*Interpretation*

19. In paragraphs 17 and 18—

“Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“financial year” means—

- (a) the period beginning with the day on which the Regional Agency is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

*Information*

20.—(1) The Regional Agency shall record such information with respect to the exercise of its functions as the Department may direct.

(2) Information shall be recorded in such form, and retained for such period, as the Department may determine.

(3) The Regional Agency shall, in relation to its functions, furnish to the Department, such reports, returns and other information as the Department may require.

*Default powers of Department*

21.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that the Regional Agency has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

- (a) make an order declaring the Regional Agency to be in default; and
- (b) direct the Regional Agency to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If the Regional Agency fails to comply with the Department's direction under sub-paragraph (2), the Department may—

- (a) discharge the functions to which the direction relates itself; or
- (b) make arrangements for any other person to discharge those functions on its behalf.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 44: Leave out schedule 3 and insert

“SCHEDULE 3

THE REGIONAL BUSINESS SERVICES ORGANISATION

*Status*

1.—(1) RBSO shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of RBSO shall not be regarded as property of, or held on behalf of, the Crown.

(3) Where land in which the Department has an interest is managed, used or occupied by RBSO, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.

(4) RBSO shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against RBSO in its own name.

(5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to RBSO.

*General powers*

2.—(1) Subject to any directions given by the Department, RBSO may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But RBSO may not borrow money.

*Membership*

3.—(1) RBSO shall consist of—

- (a) a Chair appointed by the Department;
- (b) a prescribed number of members appointed by the Department;
- (c) the chief officer of RBSO; and
- (d) such other officers of RBSO as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of RBSO may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

*Remuneration and allowances*

4.—(1) RBSO shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

*Appointment, procedure etc.*

5. Regulations may make provision as to—

- (a) the appointment of members of RBSO under paragraph 3(1)(b) and (d) (including any conditions to be fulfilled for appointment);
- (b) the tenure of office of the Chair and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office);

(c) the appointment of, constitution of, and exercise of functions by, committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members of RBSO);

(d) the procedure of RBSO and any committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment);

(e) the staff, premises and expenses of RBSO;

(f) such other matters in connection with RBSO as the Department thinks fit.

*The chief officer*

6.—(1) There shall be a chief officer of RBSO who shall be a member of the staff of RBSO and shall be responsible to RBSO for the general exercise of its functions.

(2) Subject to regulations made under paragraph 5(e)—

- (a) the first chief officer shall be appointed by the Department;
- (b) any subsequent chief officer shall be appointed by RBSO.

*Application of the seal*

7. The application of the seal of RBSO shall be authenticated by the signature—

- (a) of any member of RBSO; and
- (b) of any other person who has been authorised by RBSO (whether generally or specifically) for that purpose.

*Execution of documents*

8.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of RBSO by any person generally or specially authorised by RBSO for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of RBSO shall be deemed to be so executed until the contrary is proved.

*Finance*

9.—(1) The Department may make payments to RBSO out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

*Accounts*

10.—(1) RBSO shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) RBSO shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received from RBSO under this paragraph; and
- (b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

*Annual report*

11.—(1) RBSO shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) RBSO shall publish any report prepared under sub-paragraph (1) in such manner as the Department may direct.

(3) The Department shall lay a copy of the report before the Assembly.

*Interpretation*

12. In paragraphs 10 and 11—

“Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“financial year” means—

- (a) the period beginning with the day on which RBSO is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

*Information*

13.—(1) RBSO shall at such times as the Department may direct—

- (a) provide the Department or a specified body with such information, and
  - (b) permit the Department or the specified body to inspect and take copies of such documents,
- relating to RBSO's functions as the Department may direct.

(2) In sub-paragraph (1) “specified body” means a body specified in directions under that sub-paragraph.

*Default powers of Department*

14.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that RBSO has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

- (a) make an order declaring RBSO to be in default; and
- (b) direct RBSO to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If RBSO fails to comply with the Department's direction under sub-paragraph (2), the Department may—

(a) discharge the functions to which the direction relates itself; or

(b) make arrangements for any other person to discharge those functions on its behalf.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 46: In schedule 5, page 43, line 13, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 47: In schedule 6, page 44, line 2, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 48: In schedule 6, page 44, line 7, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 49: In schedule 6, page 44, line 30, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 50: In schedule 6, page 44, line 31, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 51: In schedule 6, page 45, line 19, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 52: In schedule 6, page 45, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 53: In schedule 6, page 45, line 28, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 54: In schedule 6, page 46, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 55: In schedule 6, page 46, line 25, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 56: In schedule 6, page 47, line 34, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 57: In schedule 6, page 47, line 38, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 58: In schedule 6, page 47, line 39, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 59: In schedule 6, page 48, line 41, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 60: In schedule 6, page 49, line 4, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 61: In schedule 6, page 51, line 14, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 62: In schedule 6, page 51, line 15, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 63: In schedule 6, page 51, line 20, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 64: In schedule 6, page 51, line 21, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 65: In schedule 6, page 51, line 33, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 66: In schedule 6, page 51, line 34, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 67: In schedule 6, page 52, line 2, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 68: In schedule 6, page 52, line 6, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 69: In schedule 6, page 52, line 7, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 70: In schedule 6, page 52, line 9, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 71: In schedule 6, page 53, line 8, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 72: In schedule 6, page 53, line 23, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 73: In schedule 6, page 53, line 38, leave out “the Regional Board or RAPHSW” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 74: In schedule 6, page 54, line 4, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 75: In schedule 6, page 54, line 5, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

**The Minister of Health, Social Services and Public Safety:** It is helpful that the 75 amendments are grouped as they are. It should help to ensure a more coherent debate and to make the best use of Assembly time. All the amendments that stand in my name have

been discussed in detail and agreed with the Health Committee during its clause-by-clause scrutiny of the Bill. I am grateful to the Committee Chairperson and members for their efficiency, diligence and patience in dealing with such a substantial Bill.

Amendment No 2 and a number of others in the group propose that the acronym RAPHSW, which is used as an abbreviation for the Regional Agency for Public Health and Social Wellbeing, is unwieldy and should be changed to “the Regional Agency”. That will not change the name of the proposed agency, but the shortened version will be used for ease of reference in the text of the Bill. That change will require a number of similar changes to other clauses and schedules throughout the Bill, and the rationale for those changes remains the same.

Amendment No 3 and others propose that the name “Regional Support Services Organisation” be changed to “Regional Business Services Organisation”, as that would better reflect the functions that the organisation is expected to carry out. Likewise, it has been agreed that the acronym RSSO be changed to “RBSO”. That will require a number of similar changes to other clauses and schedules throughout the Bill, and the rationale for those changes remains the same. Furthermore, in order to avoid a further raft of amendments, which would need to be tabled as a result of such a decision, amendment No 43 proposes that schedule 2 be replaced, changing all the references to RAPHSW to read “the Regional Agency”.

During the process of redrafting schedule 2, the need for other minor alterations came to light in paragraph 7. Those amendments are included in the redrafted schedule and are intended to ensure that members of the regional agency who are district councillors would be treated in the same way as other members appointed by the Department in relation to permitting their resignation or removal from office.

The proposed changes will ensure also that in relation to the length of the period of appointment of a successor where an elected representative resigns or is removed from the post, the provisions are consistent with those in place for other appointed members.

There is a further amendment at paragraph 7 of schedule 2, which is intended to rectify a textural error. That provision covers the committees of the regional agency. The amended reference should always have referred to “the Regional Agency” and never to “the Regional Board”. Similarly, in order to avoid the tabling of further amendments as a result of the decision to rename the RBSO, amendment No 44 proposes that schedule 3 be replaced, changing all the references to the Regional Support Services Organisation to “the Regional Business Services Organisation” and all references to RSSO to “RBSO”.

Amendment No 73 in relation to schedule 6 to the Bill is intended to rectify a textural error. The agency referred to in that provision is the Central Services Agency, as it deals with the provision of information about births and deaths. Given that the work of the Central Services Agency will be carried out by RBSO, that reference should read “RBSO”.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O’Neill):** A Cheann Comhairle. As the Minister said, this group of amendments to the Bill are technical amendments.

The Committee raised concerns that the abbreviation of the title of the regional agency for public health and social well-being to RAPHSW resulted in a cumbersome and unwieldy acronym. The Department agreed to use the shortened version “the Regional Agency” instead.

The other issue raised by the Committee related to the title of the new central body, which will replace the Central Services Agency and take on some additional functions. In evidence to the Committee, the Central Services Agency suggested that the title should be changed to the Regional Business Services Organisation to reflect better the business and support services that it will provide. The Committee is pleased that the Minister has accepted those changes, and that this batch of amendments will simply change those titles throughout the Bill. The Committee supports the technical amendments.

**The Minister of Health, Social Services and Public Safety:** I thank Mrs O’Neill for her comments. The amendments have been agreed with the Health Committee, and my gratitude goes to the Committee, which supported the proposed amendments during its scrutiny of the Bill.

*Amendment No 2 agreed to.*

*Amendment No 3 made:* In page 2, line 7, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 4 made:* In page 2, line 8, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

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

**Clause 2 (Department’s general duty)**

*Amendment No 5 made:* In page 2, line 41, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 6 made:* In page 2, line 41, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

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

*Clause 3 ordered to stand part of the Bill.*

**Clause 4 (Department’s priorities and objectives)**

**The Minister of Health, Social Services and Public Safety:** I beg to move amendment No 7: In page 3, line 32, leave out subsection (3) and insert

“(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to act under subsection (1) without consultation—

(a) subsection (2) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to such bodies as it thinks appropriate of the grounds on which the Department formed that opinion.”

*The following amendments stood on the Marshalled List:*

No 8: In clause 5, page 4, line 27, leave out “may” and insert “must”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 11: In clause 6, page 4, line 40, leave out subsection (3) and insert

“(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the body concerned —

(a) subsection (2) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to that body of the grounds on which the Department formed that opinion.

(3A) Where the Department is of the opinion that (for any reason other than the urgency of the matter) it is not reasonably practicable to comply with subsection (2) —

(a) that subsection does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the body concerned of the grounds on which the Department formed that opinion.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 12: In clause 8, page 5, line 33, leave out lines 33 and 34 and insert

“(3A) The Regional Board —

(a) must, in drawing up the commissioning plan, consult the Regional Agency and have due regard to any advice or information provided by it; and

(b) must not publish a commissioning plan unless it has been approved by the Regional Agency.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 14: In clause 9, page 6, line 21, leave out “consult RAPHSW” and insert “work in collaboration with the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 15: In clause 9, page 6, line 23, leave out “other”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 16: In clause 10, page 7, line 10, leave out subsection (4) and insert

“(4) Where the Regional Board is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the HSC trust concerned —

(a) subsection (3)(a) does not apply; but

(b) the Regional Board must as soon as reasonably practicable give notice to the HSC trust concerned of the grounds on which the Regional Board formed that opinion.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 33: In clause 18, page 12, line 2, after “have” insert “due”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 34: In clause 20, page 13, line 5, after “have” insert “due”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 45: In schedule 5, page 41, line 38, after “of a” insert “transferor or”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

**The Minister of Health, Social Services and Public Safety:** Amendment No 7 was suggested by the Health Committee during its scrutiny of the Bill, and I am grateful to the Committee for its input. Amendment No 7 is intended to ensure that in cases where, because of the urgency of the matter, the Department does not consult with appropriate bodies or persons before determining or revising the priorities or objectives in relation to health and social care provision, it will report retrospectively to those bodies or persons, giving reasons for taking that course of action.

There is a very slight difference in the wording of the amendment with that agreed with the Health Committee. The Committee agreed that the word “practical” would be used, but the word “practicable”, which was chosen by the legislative draftsman, is consistent with other wording in the Bill and does not alter the principle or import of what was agreed with the Committee.

Similarly, amendment No 11 will ensure that in cases where the Department does not consult with the regional board, regional agency or the RBSO prior to issuing directions in relation to the exercise of their functions because of the urgency of the matter or for any other reason, the Department will report retrospectively to the appropriate body giving reasons for taking that course of action.

Again, there are some differences to the wording of amendment No 11 with that agreed by the Committee. Those differences involve the use of the word “practicable” instead of “practical”, on two occasions, and the use of the words “give directions” rather than “to act”. However, I believe that the wording chosen by the legislative draftsmen is consistent with drafting principles and does not alter the principle or import of what was agreed with the Committee.

In the same vein, amendment No 16 will now mean that in cases where the regional board does not consult with a health and social care trust before issuing a

direction because of the urgency of the matter, the regional board will report to the trust concerned retrospectively, giving reasons for taking that course of action.

2.00 pm

Amendment No 8, which was suggested by the Health Committee during its scrutiny of the Bill, is intended to clarify that the Department has to consult with other bodies and persons as it considers appropriate in preparing or revising the framework document. I must also point out that there is a slight difference to the wording of amendment No 8 with what was agreed with the Health Committee, which was that the word “may” will be replaced by “will”. However, the use of the word “must” is again consistent with drafting principles and does not alter what was agreed with the Committee because the Department still has to consult with other bodies and persons.

Amendment No. 12 relates to the requirement on the regional board to produce a commissioning plan. It is intended to emphasise the integrated and joined-up nature of the commissioning plan developed and produced by the regional board and regional agency, of which both have approval and ownership.

Amendment No 14, which was suggested by the Health Committee during its scrutiny of the Bill, is intended to emphasise the strong and cohesive working relationship that should exist between the local commissioning groups as committees of the regional board and the regional agency. Rather than simply require the groups to consult with the regional agency, the amendment requires that there be a continuous collaborative relationship.

Amendment No 15 is intended to provide logical consistency with the revision to clause 9 at amendment No 14. As the words “consult RAPHSW” are being removed by means of that amendment, it would no longer make sense to retain the word “other” before the word “consultation”.

Amendment No 33 means that health and social care bodies must have due regard to comments received from the patient and client council. In essence, that means that a sound reason must be provided for not accepting advice provided by the patient and client council. Similarly, amendment No 34 will give greater force to the requirement for health and social care bodies to have due regard to comments received in response to their consultation schemes.

Finally, amendment No 45 means that the consideration stage of grievance procedures following the transfer of staff must not involve transferor bodies, which are the bodies from which the persons are transferred. That provision was not included in the Bill, since it was thought that all such bodies would cease to be in existence after 2009. However, it is likely that transfers from one body to another under the Bill will be

possible after April 2009. Those transfers are likely to involve the phased implementation of the functions in relation to shared services, and it is therefore appropriate to include a reference to transferor bodies.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill):** The 10 amendments in this group relate mainly to the changes proposed by the Committee and taken on board by the Minister. The Minister has gone through the amendments, so I do not propose to repeat what he has said, but I want to refer to a few of the amendments.

Amendment Nos 7 and 11 to clause 4 and 6 respectively deal with the requirement on the Department to consult before using its powers to determine priorities and issue directions. In each case, the Department is released from the requirement to consult where there is a need to act urgently. The amendments have the effect that where the Department acts without consultation because of the urgency of the situation, it will have to provide a report afterwards.

Amendment No 12 relates to clause 8, which sets out the functions of the regional board — chiefly those functions transferred to it from the existing four health and social services boards and any other function that the Department directs. The Committee also noted that the regional board will be required to draw up an annual commissioning plan, and, in doing so, it must consult the regional agency and have due regard to its views. Uncertainty about the relationship between the various bodies, and particularly the regional board and the regional agency, has been a recurring theme of the written submissions that the Committee received. The Committee accepts that, to some extent, those concerns may be addressed in a framework document to be drawn up under clause 5. However, the Committee recognises the importance of the role of the two main bodies in drawing up the commissioning plans.

Therefore, the Committee welcomes amendment No 12, which provides for the board and the agency to sign off jointly on the commissioning plan.

Amendment No 14 relates to clause 9 and, as drafted, requires local commissioning groups to consult with the new regional agency. The Committee had a concern, which the Royal College of Nursing highlighted, that a simple requirement to consult is not enough — in practice, an LCG could consult with the regional agency and, if it so decided, ignore any advice that it was given. The amendment is welcome and means that LCGs will be required to collaborate with the regional agency rather than just to consult it.

Amendments No 33 and No 34, which relate to clauses 18 and 20 respectively, impact on consultations among health and social care bodies, the new patient and client council and other consultees. In each case,

the requirement on the bodies “to have due regard to” the views of the patient and client council, and the views expressed during a consultation, is being strengthened. The Committee raised that issue, and we welcome the proposed change. The Committee supports all 10 amendments in the third group.

**Mr Gallagher:** I thank the Minister for his clarification on several points, in particular the issue of having “due regard” to consultees. There has been public concern that lip service is often paid to the consultation process, meaning that the population’s real needs are often not met. By setting out clearly how a consultation process will proceed, there is a greater chance that consideration will be given to the public requirements that are expressed in different consultations.

**Ms Lo:** I am not a member of the Health Committee, but, in Dr Deeny’s absence, on behalf of the United Community group, I support the third group of amendments.

I want to comment on amendments No 7, No 11 and No 16. Should those amendments be made, the legislation will permit the regional agency not to consult the trusts in matters of urgency. However, I hope that such cases prove to be exceptions rather than the norm.

I welcome the fact that the agency and trusts plan to strengthen public consultation, because it is important that health authorities pay attention to their stakeholders. That will improve services to the public.

**The Minister of Health, Social Services and Public Safety:** I am grateful to the Deputy Chairperson of the Health Committee and to those Members who contributed. I also thank the Committee for its valuable input and its helpful suggestions.

The general thrust of the third group of amendments is to provide greater clarity on certain provisions in the Bill. For example, greater emphasis has been placed on the joined-up nature of the commissioning plan, which will the regional board and the regional agency will develop and produce. In addition, the integrated relationship that should exist between the local commissioning groups and regional agency is now stated more explicitly in the legislation.

The amendments, with requirements to report to the appropriate health and social care bodies in urgent cases, in which action had to be taken without prior consultation, are perfectly reasonable and make good sense. The inclusion of those amendments will help to foster solid working relationships in the organisations concerned.

I say to Ms Lo that consultation on public health should be carried out at every level of health and social care. Consultations through trusts will be vital, and the public-health agency will play an important role in developing commissioning plans for the trusts to

deliver. Taking the steps to which the amendments refer will prove to be the exception.

In considering those amendments, my key criterion was always to ask whether they would improve the overall content of the Bill. It is my belief that the proposed amendments will do so.

*Amendment No 7 agreed to.*

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

**Clause 5 (The framework document)**

*Amendment No 8 made:* In page 4, line 27, leave out “may” and insert “must”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

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

**Clause 6 (Power of Department to give directions to certain bodies)**

*Amendment No 9 made:* In page 4, line 35, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 10 made:* In page 4, line 36, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 11 made:* In page 4, line 40, leave out subsection (3) and insert

“(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the body concerned —

(a) subsection (2) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to that body of the grounds on which the Department formed that opinion.

(3A) Where the Department is of the opinion that (for any reason other than the urgency of the matter) it is not reasonably practicable to comply with subsection (2) —

(a) that subsection does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the body concerned of the grounds on which the Department formed that opinion.” [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7 ordered to stand part of the Bill.*

**Clause 8 (Functions of the Regional Board)**

*Amendment No 12 made:* In page 5, line 33, leave out lines 33 and 34 and insert

“(3A) The Regional Board —

(a) must, in drawing up the commissioning plan, consult the Regional Agency and have due regard to any advice or information provided by it; and

(b) must not publish a commissioning plan unless it has been approved by the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 8, as amended, ordered to stand part of the Bill.*

**Clause 9 (Local Commissioning Groups)**

**Mr Speaker:** We now come to the fourth group of amendments for debate. There is only one amendment, which is amendment No 13. It deals with a requirement that the boundaries of our new local commissioning groups reflect local government boundaries.

**Mr Buchanan:** I beg to move amendment No 13: In page 6, line 11, at end insert

“( ) The area prescribed under section (2) must consist of the whole of one or more local government districts.”

The boundaries for local commissioning groups should be coterminous with those in local government and also in education. It is not too much for the public to expect that we can keep their public services organised within one framework without people being left not knowing in which area they reside and whom they should contact for assistance.

Coterminosity has been a key objective in the review of public administration to encourage agencies to collaborate, with the advantage that the provision of services would be as simple as possible for the public to understand and to negotiate.

We would not be prescriptive that every council area would have to have its own local commissioning group. If adjoining areas felt that there was an advantage in clustering, we would find that quite acceptable. As we move forward, every effort should be made to allow the relationship between local government and healthcare to develop and flourish. The extra powers that councils will have from 2011 will require them to contribute more actively to the public health agenda. Much good work has already been done by the health action zones, Healthy Cities and Investing for Health partnerships.

2.15pm

That work should not be compromised, but built upon and developed. If health trusts, rather than council districts, were to be considered as boundaries for local commissioning groups, they would not be coterminous with organisations in any other sector. We would, from the outset, be making health different from all other services and condemning people to have to fit into multiple subsets among numerous boundaries drawn across different sectors.

I refer Members to one other issue, a matter on which the DUP did not table an amendment because we were advised that it would have the potential to torpedo the entire Bill, and that is not something that we want to do as there is much in the Bill that we value. That issue is the extent of commissioning. The legislation is unclear about the extent of the commissioning powers of the local commissioning groups. The presumption must be that local commissioning groups will be responsible for commissioning services, unless there is a specific reason why they should not. There needs to be a genuine potential to effect local change. Professionals



will not use their valuable time and energies unless there is real autonomy locally.

Commissioning at local level has to be meaningful. We know only too well of the problems that arose when the forerunners of the LCGs, the local health and social care groups, were not given sufficient responsibility and general practitioners failed to participate because they did not feel it worth their while. That cannot be allowed to happen again; and, therefore, we propose this amendment, so that everyone is clear that local commissioning groups' powers will be sufficient to meet their needs.

This is not the last Stage at which the Bill can be opposed, and I want the Minister to give the House the certainty that it needs in order to allow the Bill to proceed smoothly into law from this Stage onwards. What guarantees can he give the Assembly that the powers of the local commissioning groups will be adequate, or that the Health Committee and Assembly will have the opportunity to influence the extent of those powers? I would appreciate the Minister addressing that matter specifically during his contribution.

I have pleasure in proposing amendment 13.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Health (Mrs O'Neill):** This clause deals with the area to be covered by each local commissioning group. It was not the subject of any discussion in the Committee, so I am unable to provide the Committee's view on the amendment. I can say only that the Committee, in general, supported the overarching principles of the Bill and the tabling of the Bill in the Chamber today.

As an individual member of the Committee, I can say that the clause, as originally drafted, provides that the Department must make regulations setting out the boundaries of each LCG. Officials indicated to the Committee that the Department proposes five LCGs aligned to existing trust boundaries, but that that may change depending on the outcome of local government reforms. Any change could be implemented by regulations, and that would remove the need for a further Bill.

The proposed amendment provides that each LCG will have to be aligned to one or more local council areas, and there will be no room for leeway in that. It could, therefore, hold up the reform process; and it is not beneficial to anyone — least of all to staff, whose morale is low as a result of all the changes.

I oppose the amendment tabled by the DUP.

**Mr Gallagher:** I have no difficulty with the notion of coterminosity in relation to all of the new authorities. As Members know, that was the aim at the outset of the review of public administration. So far, however, it has not worked out well.

I would be happy to support the amendment, but I would like to see more detail as the process of the review

of public administration unfolds. If we stick with having LCGs coterminous with the new council boundaries, it may have implications for the boundaries of the five new trusts. I want to hear the Minister's views on that: we need more information from the Minister. It may be that his Department does not have such information available. It is worth trying to achieve that if the detail works out.

**Mr McCallister:** It has been interesting to listen to the Laurel and Hardy of the Health Committee in full swing and to hear them check up on everyone's attendance. It is strange that the one meeting of the Health Committee that Mr Buchanan claims to have missed was the most important one, given that a vote was taken on the subject of what later turned out to be his amendment. He was not even at the meeting to support his colleagues; perhaps he was too embarrassed that day.

The main point about amendment No 13 is that it does not add positively to the Bill; it is an unnecessary attempt at tidying it up. If the amendment had been considered necessary, the Minister or the Committee would have introduced it. It highlights the DUP's desire to centralise and overprescribe. The party also took that approach to local government boundaries; it seemed hell-bent on imposing boundaries from on high. It appears that, in the absence of something constructive to say on the legislation, the DUP will come up with anything. The Ulster Unionist Party opposes the amendment.

**Mr B McCrea:** Does the Member expect the proposer of the amendment to cry out for it when it is put to the vote? He does not normally do so, but I wonder whether he will do so on this occasion.

**Mr McCallister:** That was a useful intervention. Earlier today, the DUP barely voted for its own amendment. Perhaps we can encourage the Member to back up what he said with his vote. The Ulster Unionist Party opposes amendment No 13.

**Dr Farry:** I have considerable sympathy for amendment No 13, which contrasts with the shambles of the DUP's previous amendment. To be fair to the DUP, amendment No 13 is well-intentioned. It reflects the poor way in which the review of public administration has been taken forward in Northern Ireland. It has been carried out piecemeal: local government should have been the starting point around which everything else was based.

At the time, we were told that coterminosity was going to be at the heart of the new vision for public service delivery in Northern Ireland. Since then, other bodies have carried out their own reforms without considering the way in which local government boundaries were being developed. Those boundaries should be in place by May or June 2009, and there is an opportunity to align them with the provision of local commissioning groups and healthcare.

It is worth stressing that the new councils are to be the focal point for a lot of local services. In particular,

they are to be given new powers of community planning in order to identify the needs of the communities that the councils represent and the power of general well-being to advocate on behalf of those communities. In the context of the discussion on public-health issues, we should be conscious of that opportunity.

I am conscious of the dilemma facing the Assembly on the issue, and I am disappointed that more debate has not taken place on it. The dilemma is whether, given the way that trust boundaries have been set up, local commissioning groups based on councils will be plugging into one or more trusts, or whether the trusts end up talking to more than one council or to bits of councils.

Neither outcome is entirely satisfactory: inefficiencies will arise from both. However, the Alliance Party is fundamentally associated with the good of the people of Northern Ireland and with allowing their voices to be heard. Given that fact and the significance that has been placed on local councils as the vehicle for that, the overwhelming logic and more compelling argument would be to base the local commissioning groups, as far as is possible, within the same boundaries that will emerge for the new district councils.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. As a member of the Committee for Health, Social Services and Public Safety, I, in common with other Members, agree with Thomas Buchanan's intentions, which he explained when he moved amendment No 13. Other Members spoke about the view and the vision that Mr Buchanan outlined. However, I also share the concern of other Members who spoke during the debate that we do not know where we will be if we wait until the reform of local government is complete before establishing local commissioning groups.

Committee member John McCallister said that we have a Laurel and Hardy in the House. However, it strikes me that, on the UUP Benches, we have either an Abbott and Costello, or a Zig and Zag. There are "double" double acts in the House today.

The Minister and his Department have said that the proposals on local commissioning groups are not set in stone; therefore, we need to be mature and adult about that matter. The legislation may need to be tweaked further down the line, and I will be interested to hear what the Minister has to say about that. I understand the intentions of Thomas Buchanan and Alex Easton; however, someone had to start the ball rolling, and the Minister needs to be commended for taking the lead.

**Mr Speaker:** As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Mr Basil McCrea.

*The debate stood suspended.*

2.30 pm

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

## Oral Answers to Questions

### REGIONAL DEVELOPMENT

**Mr Deputy Speaker:** Question 1 has been withdrawn.

#### Non-Domestic Water Users

2. **Mr Bresland** asked the Minister for Regional Development how many churches and community organisations, which are classified as non-domestic water users, have received or will receive a bill based on the rateable value of the property in 2008-09.

(AQO 1365/09)

**The Minister for Regional Development (Mr Murphy):** Go raibh maith agat, a LeasCheann Comhairle. I have been advised by Northern Ireland Water (NIW) that a total of 1,758 churches and community organisations classified as non-domestic water users will receive a bill based on the rateable value of their property.

**Mr Bresland:** I thank the Minister for his response. I have been contacted by a number of churches in my constituency, expressing their dismay about water charges, especially churches that use little or no water and yet have received bills for hundreds of pounds. What assistance can the Minister offer to small congregations who feel unfairly treated by excessive water bills?

**The Minister for Regional Development:** From 1 April 2008, all non-domestic customers are subject to water and sewerage charges, and trade effluent charges where applicable. Non-domestic customers include farms; small, medium and large businesses; industrial users; voluntary organisations; charities; public bodies; and places of worship, as well as any property not intended for permanent household use.

Although some places of worship are not liable to pay rates, the strand two report of the Independent Water Review Panel concluded that everyone should contribute towards water and sewerage costs. Places of worship are classified as non-domestic, and NIW's policy is to roll out the installation of water meters for billing purposes on all properties that are not used exclusively for domestic purposes, including charities and other non-profit organisations, such as churches and schools. That policy has been in place for a number of years, and prior to the recent extension of non-domestic

payments, the company was already sending metered bills to some 1,200 church properties.

Although the Executive decided not to impose new water and sewerage charges in 2007-08, they agreed with the panel's recommendation that billing for water and sewerage services should be extended to all non-domestic properties from 1 April 2008. They also agreed to phase in the new non-domestic charges over a two-year period, with customers paying half of the new water and sewerage charges in 2008 and full charges in 2009-2010.

The Executive have to make more decisions about water charging following recent discussions with the Treasury, but that is the policy. Many church and community-sector properties were already paying for water through metered accounts prior to the advent of NIW and its billing system. The Executive concluded, in agreement with the Independent Water Review Panel, that all non-domestic properties should be charged, and that has been rolling out since that decision was taken.

**Mr Elliott:** There is a huge disparity between the amounts that were billed for under the capital charge and the amounts billed for after the installation of water meters. Do the Minister or the Department have any thoughts on compensating those premises, voluntary organisations or businesses for the overcharge, as I would call it, on the rateable value compared to the metered amount?

**The Minister for Regional Development:** The policy is to install meters in all non-domestic properties where possible. That has been, and will continue to be, rolled out as quickly as possible. The only other basis for assessing a bill for non-domestic customers — and that includes farms, churches, voluntary and community organisations, and small and large businesses — is on the rateable value of the property. The Member's contention is that metered customers pay less; the intention is to roll out that programme of installing water meters as quickly as we possibly can in order to reach all those affected. There will be some cases where metering will not suit, but, where applicable, metering will be rolled out as soon as possible.

**Mr Dallat:** The Minister will be aware that thousands of incorrect bills have been sent out, some too high and some too low. What steps have been taken to ensure that, in future, water bills are accurate?

**The Minister for Regional Development:** The issue that the Member has raised is a matter of concern for me as well. I have communicated that concern to Northern Ireland Water, and I know that the Regional Development Committee, on which the Member sits, has done that also. He will understand from his discussions with Northern Ireland Water that it has inherited information and databases that are not what they should be.

A lot of work has been ongoing to try to rectify that situation so that the organisation is brought up to speed and its databases are as accurate as possible.

NIW will try to address those cases where bills have been sent out erroneously. I have asked it to ensure that that does not happen in future and to take the necessary steps to make sure that its information systems provide a professional billing system for customers.

### Road Safety: Public Transport

3. **Mr Savage** asked the Minister for Regional Development what discussions he has had with the Minister of the Environment on improving the road safety of public transport, particularly in built-up urban areas. (AQO 1464/09)

**The Minister for Regional Development:** On Tuesday 25 November, following the recent fatal accident in Royal Avenue, I met with the Mayor of Belfast to discuss traffic management in Belfast city centre. I have written to the Minister for Social Development and the Minister of the Environment inviting them to meet me to discuss the cross-departmental action on traffic management for the city centre that should be considered in the near future.

I assure Members that I give a high priority to road safety, and I am committed fully to making a significant contribution towards reducing the number of casualties on the roads. To that end, on 10 July 2007 and 10 March 2008, I met with the previous Environment Minister to discuss a range of safety issues that are associated with the road-safety strategy for the North.

In addition, Roads Service officials meet with the Department of the Environment (DOE) officials regularly to review the current strategy and to exchange ideas on improving road safety. As a result, DOE is preparing a new road-safety strategy, which is due for publication in 2010. I have agreed that the Department for Regional Development (DRD) officials should participate in the development of that strategy.

When it comes to improving the road safety of public transport, I should explain that bus-operational matters are addressed by the individual bus companies, with Translink being the largest service provider. My Department works with all other statutory bodies to ensure that all statutory requirements are adhered to. Translink monitors safety on an ongoing basis and maintains a significant supervisory presence on the ground through mobile patrols and bus inspectors, who monitor services.

**Mr Savage:** I thank the Minister for his answer. Given recent events on the roads, which have resulted in the deaths of teenage girls and boys, and given the tragic accident in Belfast last month, will he commit to

reviewing, with the Department of the Environment, urban bus routes and their safety and the traffic-calming measures that were to be introduced in many villages across the Province?

Will the Minister ask his Department to install pelican crossings that will enable senior citizens and young people to cross the road in safety? Nothing stops the speed of traffic as much as pelican crossings.

**The Minister for Regional Development:** I am sure that I speak for everybody when I say that my deepest sympathies are with the family of young Ciara Park at this very difficult time. I very much regret her tragic death.

The Member will know that we roll-out traffic-calming measures across all the divisional areas. However, as with everything that Roads Service does, demand far exceeds our ability to put traffic-calming measures in place. Given that demand outstrips supply, we try to create criteria so that those areas that are most in need or that present the most danger are dealt with first. We try to apply as many resources as we can to that.

The importance of road safety has been brought home to us in the past 10 days or so through a number of tragic incidents on the roads. Although DOE takes the lead responsibility for road safety, we work very closely with that Department, with my Department coming at the issue from an engineering perspective. We try to prioritise areas in which the needs are greatest and to get resources to those areas in order to put in place traffic-calming measures, including pelican crossings.

**Mr Deputy Speaker:** I remind Members that when they are speaking, they should not allow their papers to hit the microphones; it interferes with the transmission system.

**Mr Shannon:** I thank the Minister for his comprehensive response.

Although the incident in Belfast was very tragic, there are a great many people with disabilities — for example, those who are registered blind — who are concerned about accessing public transport in urban and rural areas. They find accessibility and safety a challenge, and they need to be assured and encouraged that those issues are being addressed to their satisfaction so that they can access and use public transport in safety.

**The Minister for Regional Development:** The Member is correct. There are many issues. It is not simple and straightforward: get all vehicles out of an urban centre and everybody is safe. There are people who need access. In squeezing cars out of Belfast city and other urban centres, we must be conscious that there are blue badge holders — people with disabilities — who must be able to access town and city centres.

In respect of Belfast, plans have been developed over the years, such as the metropolitan transport plan. Those plans involve several Departments, including those with responsibility for streetscape and road safety. What is needed — and I have written to the Minister for Social Development and the Minister of the Environment to arrange it — is an early discussion about how to accommodate an increase in pedestrian traffic that is welcome for Belfast city centre, but which must be managed in conjunction with public and private transport requirements. There is quite a balance to be struck. It is not a simple, black-and-white solution of removing public transport in order to safeguard pedestrians.

However, I support the general drift of making pedestrians, rather than transport services, the dominant users of public spaces in urban centres. That presents challenges not only to my Department, through public transport and roads, but to all other Departments. Therefore, it is necessary to follow my discussion with the Mayor of Belfast with an early meeting with officials from other Departments in order to form a plan that addresses all stakeholders' concerns.

**Dr McDonnell:** In the context of road safety, I understand that £3.4 million that was budgeted for road-safety signage on school buses was not drawn down and used last year. Is the Minister aware of any plans to use that budget this year for safety signage on school buses?

**The Minister for Regional Development:** Safety signage on school buses is more the responsibility of other Departments than mine. However, DRD is a high-spending Department and very rarely returns money that it is not able to spend. If there is a particular issue that prevented the installation of signage on school buses last year, I will want to look at that.

My Department is dealing with the Department of the Environment and the Department of Education about the overall safety of school buses. That includes signage inside the buses and externally, because we want to make school buses more visible to the travelling public. Perhaps that matter was put back for a broader discussion on school buses and other measures, but I assure the Member that road safety is a priority, particularly around school buses, and the tragic accident that we had this year brought that home even more starkly.

I intend to ensure that whatever money is available to my Department for safety measures will be spent. If that money was not spent because it was cross-cutting with other Departments and co-ordination was a problem, I will ensure that an effort is made to spend it this year.

## Road Signage: Playgroups

4. **Mr Lunn** asked the Minister for Regional Development what plans he has to provide road signage outside playgroups which are not funded by the Department of Education. (AQO 1444/09)

**The Minister for Regional Development:** My Department's Roads Service assesses the need for road signage in accordance with the national guidelines, namely the traffic signs manual. Those guidelines have been developed in order to ensure that the correct signs are provided where needed, and in a consistent manner. The traffic signs manual is specific in its guidance. It provides for signs to be erected to warn of the likelihood of encountering children on the road ahead near schools or playgrounds.

The Member has written to me about a playgroup near Upper Ballinderry. Unfortunately, playgroups are not provided for in the traffic signs manual. Playgroups are for children below school age who are expected to be accompanied by adults and would not, therefore, be on the road without close supervision.

The source of funding, from the Department of Education or elsewhere, is not taken into account when deciding what signs might be appropriate in a given situation. It is not proposed to extend the provision of road signage beyond present guidelines.

**Mr Lunn:** I thank the Minister for his response and his emphasis on road safety in his previous answer. However, since playgroups and pre-school groups fulfil the same function, whether funded privately or publicly, and the danger to children is similar in each case, should the same road-safety considerations in relation to warning signage not apply? I am well aware of the regulations, but I am querying them.

2.45 pm

**The Minister for Regional Development:** I sympathise with and understand the Member's point. One problem is that there is no generally accepted definition of a playgroup. As I said in my previous answer, playgroups are deemed to be for children who are younger than school age. As a result, it is not expected that a playgroup's gates would be opened at a certain time and that children would go onto the road to make their own way home. Those children are expected to be accompanied by adults at all times and to not leave the premises unless they are picked up by adults. Therefore, playgroups are considered differently to primary schools and playgrounds.

I sympathise with the Member's point. If there are specific road-safety issues at a particular playgroup, I will certainly investigate them. However, as regards general provision, there are differences between playgroups, primary schools and playgrounds.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. The points that I wished to raise have been well covered. Therefore, there is no need for me to ask a supplementary question.

**Mr Beggs:** Will the Minister accept that playgroups provide an essential community service by supporting children's early-years development? The manual to which he refers may predate the emergence of playgroups, nurseries and other early-years education. Will he accept that there may be a need to review that guidance in light of new educational provision? Will he ensure that he will instruct his officers to do so, so that directional and warning signage is erected where appropriate?

**The Minister for Regional Development:** As I explained in my previous answer, the difference between playgroups and primary schools is that it is considered unlikely that children would emerge from playgroups and have to make their own way home. Those cases are considered differently, but policies are not set in stone. Certainly, if there are developments in the provision of playgroups or pre-school activity — particularly that which is offered by independent providers, as current provision is found mainly on existing primary-schools' premises — I am happy to re-examine the matter. However, I reiterate the point that playgroups are a different type of educational provision to primary schools, where it is generally accepted that children are not released unless they are accompanied by adults and that, therefore, the likelihood that they will go onto the road unaccompanied or unsupervised should be non-existent.

## Off-Vehicle Ticketing

5. **Mr Cree** asked the Minister for Regional Development what plans he has to introduce off-vehicle ticketing for Metro bus services. (AQO 1465/09)

**The Minister for Regional Development:** Translink has advised me that, at present, more than 40% of ticket sales are made off buses. That is achieved through the Smartlink system that is available in more than 100 outlets in Belfast. Recently, sales of Smartlink top-ups have been made available online. I understand that Translink is examining the feasibility and practicality of introducing ticket-vending machines at selected sites. A working group has been established to identify a suitable pilot.

**Mr Cree:** I thank the Minister for his answer. Will he accept that off-vehicle ticketing would increase the Metro service's efficiency and punctuality? In light of the fact that the Minister has made a commitment to provide off-vehicle ticketing for the new rapid-transport system, will he consider it to be a good opportunity to create a co-ordinated, interlinked ticketing service across Translink services?

**The Minister for Regional Development:** I agree with the Member's point that the service's efficiency and punctuality would be improved; obviously, if passengers already have their tickets when they get on a bus, no time is wasted on financial transactions with the driver. I understand that Translink intends to introduce integrated bus and rail tickets in a pilot project in greater Belfast in early 2009. I am keen to achieve maximum integration in public transport and, consequently, in public-transport ticketing, so that passengers can readily move from one form of transport to another. As the Member said, that will be particularly important when the pilot rapid-transport network is introduced in Belfast.

### Flashing Warning Lights

6. **Mr Craig** asked the Minister for Regional Development how many road safety schemes with flashing warning lights have been completed for primary schools in (i) Lisburn City; and (ii) Dromore. (AQO 1405/09)

**The Minister for Regional Development:** My Department's Roads Service is committed to installing road-safety facilities outside schools as part of the Travelwise Safer Routes to Schools initiative. Typically, that involves the installation of flashing school warning signs and enhanced road-safety features near schools. Locations are prioritised by taking into account the history of collisions that have resulted in personal injury and the volume and speeds of vehicles on the road in question. Other factors, such as existing road-safety features near the school, are also taken into account.

I can advise the Member that, under that initiative, Roads Service has provided flashing school warning signs at seven schools in the Lisburn City Council area, namely Moira Primary School; Oakwood Integrated Primary School in Dunmurry; Derriaghy Primary School; Carr Primary School; Lower Ballinderry Primary School; Ballymacward Primary School; and Riverdale Primary School in Legacurry.

Although Roads Service has provided flashing warning signs at a number of schools in the Banbridge Council area, of which Dromore is a part, it has not received any request to provide such signs in the Dromore area. Therefore, none has been provided in that area.

**Mr Craig:** I thank the Minister for his detailed answer, and I appreciate what he has said. All boards' adoption of the policy of withdrawing crossing patrols at schools makes it increasingly difficult to address road safety at schools. As a general policy, will the Minister consider providing flashing lights at all schools, particularly at primary schools where road safety seems to be a huge issue?

**The Minister for Regional Development:** Requests for flashing signs have to be assessed. As with the traffic-calming measures to which Mr Savage alluded, demand for such signs often outstrips the Department's ability to supply them. Therefore, criteria have to be examined and areas prioritised. The safety of kids in and around schools is an increasing concern for parents. Several Departments have responsibilities in that regard. However, we are keen to play our part, and we will consider any requests for additional traffic measures at schools as sympathetically as the constraints of our budget allow.

**Mr Butler:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his reply. Will he outline how many schools in Lisburn, both primary and post-primary, have benefited from the Safer Routes to Schools initiative in the past three years?

**The Minister for Regional Development:** Since 2005-06, 174 schools have participated in Safer Routes to Schools projects.

**Mr Kennedy:** In Lisburn?

**The Minister for Regional Development:** No; 174 is the total number of schools that have participated. Mr Kennedy should know that, because one of those schools is on Convent Hill in Bessbrook, with which he is quite familiar. *[Laughter.]* Success has many fathers, and failure is an orphan.

This year, approximately 40 schools will participate in the programme. Individual schools may self-nominate to participate. Although Roads Service funds are finite, an average of £600,000 per year is set aside for work on the Safer Routes to Schools initiative. Assessing the cycle and pedestrian infrastructure, and the potential for improvement, is part of the consideration process in the development of any safer-routes-to-school project.

Representatives of Sustrans, who work closely with several Departments on the Safer Routes to Schools initiative, are in room 21 of the Building explaining what they do. It would be valuable for any Member who has an interest in this matter to go to room 21 — after I have finished speaking, of course — *[Laughter]* — to get information about the valuable work that Sustrans has undertaken.

**Mrs M Bradley:** Will the Minister outline his proposals for road-safety measures at all primary and post-primary schools in Northern Ireland?

**The Minister for Regional Development:** The requirement for safety measures outside primary schools varies from school to school. Some schools are in urban areas, some are on roads that have speed limits, and some are on roads on which the national speed limit applies.

The Member will be aware of a couple of 20 mph signage pilot schemes outside schools — including one

in the north-west. Driver behaviour dictates that permanent signs tend to become less noticed and less adhered to. In those pilot schemes, signs are activated only when the schools need them, which may have more bearing on driver behaviour. The results of the pilot schemes will be very interesting.

Almost every primary school has a different set of circumstances. A large number of schemes have been rolled out at primary schools, and that will continue. I look forward to the results of the pilot schemes; and I think that if they prove fruitful, the scheme can be rolled out across the North.

### Rebranding the Enterprise Rail Service

7. **Mr G Robinson** asked the Minister for Regional Development to give a timescale for the rebranding of the Enterprise rail service. (AQO 1448/09)

**The Minister for Regional Development:** Translink informed me that there are no plans to rebrand the Enterprise rail service. The service is operated by NIR (Northern Ireland Railways) and Iarnród Éireann. Those two rail companies view the Enterprise to be a well-established brand in the minds of consumers. However, the companies are in regular contact in order to explore ways of improving the Enterprise service.

**Mr G Robinson:** What consideration have the Minister, Translink and their Southern counterparts given to extending the rebranded Enterprise service to Londonderry to remove the current requirement for passengers to change trains at Belfast?

**The Minister for Regional Development:** The Enterprise service is jointly operated by the two rail companies, but whether they would operate together on a service from Belfast to Derry is a separate question.

Since taking up office, my priority has been to upgrade the line to Derry. I want to remove the investment ban on the line between Coleraine and Derry. As the Member will be aware, work is ongoing to upgrade the line in the Ballymoney area, but I want a substantial upgrade further along the line between Coleraine and Derry. I want to provide a passing loop and additional train sets for the line when it is complete, and that will facilitate passengers' arrival in Derry by 9.00 am — the first time that that has been possible.

Beyond that, I will assess how the rail service operates on that line and whether there is a need for that service to have its own brand. In the first instance, however, I want to improve the track and provide a better service on the line between Belfast and Derry.

**Mr Kennedy:** I thank the Minister for his earlier response. Does he accept that a rebranding of the Enterprise service will not alter the fact that it needs substantial investment? What recent discussions has

the Minister had with his counterpart in the Republic of Ireland about long-term investment? What impact will the recent economic downturn have on the long-term plans for the service?

**The Minister for Regional Development:** As I said in response to the earlier question, I have no plans to rebrand the Enterprise, and the description of the service will not change. The service can, of course, be improved, and I took the opportunity to discuss the Enterprise service several weeks ago, when I met my counterpart, Noel Dempsey TD, the Minister for Transport.

The Member may be aware that NIR and Iarnród Éireann developed a long-term initiative called Vision 2020 that includes a reduction in the timetabled travel between Belfast and Dublin. The full range of options to deliver that reduction in travel time has not yet been given a full economic appraisal. To achieve the objective, resources must be secured and an economic case made.

Provisional figures suggest that the capital cost of Vision 2020 could be between £500 million and £700 million, mainly for the required upgrades to the infrastructure and track. That amount does not take into account the potential revenue consequences for the two companies. Therefore, I have no plans in the foreseeable future to announce a reduction in timetabled travel between Belfast and Dublin.

A substantial amount of public money would be required to upgrade the line. I am in discussion with both rail companies, and I look forward to a more formal meeting of the transport sector of the North/South Ministerial Council to discuss such issues. My most recent discussion was at an informal meeting with my counterpart in the South.

When looking ahead to the future transport requirements, there is a strong case for advancing the project, but Members must bear in mind the substantial costs associated with it.

### Belfast to Dublin Train Delays

8. **Mr Simpson** asked the Minister for Regional Development what action he has taken to reduce the number of occasions on which the Belfast to Dublin train has been delayed. (AQO 1351/09)

**The Minister for Regional Development:** According to the monitor of Translink's passenger's charter, punctuality on the line is at an acceptable level. The charter's punctuality target for the Dublin, Derry and Portrush lines is that 90% of trains should arrive no more than 10 minutes late. Performance against that target is independently monitored twice a year, most recently in spring 2008, when 99% of trains arrived no more than 10 minutes late.

A significant number of delays are caused by factors beyond Translink's control. Adverse weather conditions and security issues have been responsible for many delays. To minimise delays outside its control, NIR works closely with Iarnród Éireann's security personnel and others.

NIR remains committed to delivering a level of punctuality and reliability that exceeds the targets in the passenger's charter. Some delays are caused by locomotive failures, and options are being explored to deal with those.

Recently, I met the Minister for Transport, Noel Dempsey, to discuss related issues, and we asked the two rail companies to firm up proposals for a limited capital investment in the existing trains to improve their reliability.

3.00 pm

## ENVIRONMENT

### Protection of Coastline and Surrounding Waters

1. **Mr P J Bradley** asked the Minister of the Environment what discussions he has had with the UK Government over concerns about protecting the coastline and surrounding waters from nuclear power plants in Great Britain. (AQO 1393/09)

**The Minister of the Environment (Mr S Wilson):** Since the 1970s, the Department has operated a comprehensive monitoring programme to assess the impact of discharges from nuclear power plants into the Irish Sea along the Northern Ireland coastline.

To date, results indicate that contamination levels and the radiological impact on the population are negligible. I have not had any discussions with my counterparts in the UK Government on that issue. However, my officials have been working closely with their counterparts in GB to develop a UK strategy for radioactive discharges for 2006-30, which aims to reduce aerial and liquid discharges from nuclear and non-nuclear industries.

**Mr P J Bradley:** I thank the Minister for his answer, which has covered part of my supplementary question. Will the Minister outline his views on nuclear energy, regardless of consequence?

**The Minister of the Environment:** As I said, the impact of existing nuclear power plants has been negligible. That is an excepted matter and, therefore, this Administration cannot make a decision on nuclear power plants.

I refer the Member to a report that was released today by the Committee on Climate Change. Given that the Assembly is hugely interested in climate change, I am sure that Members will want to avidly read that report before they go to bed tonight. It states that nuclear power is cost-competitive with conventional fossil fuel generation. Indeed, if we are to meet targets for reducing CO2 emissions — an issue that is dear to the heart of many Members — we must consider nuclear power. That would ensure cost-competitive power for the people of the United Kingdom and, therefore, have an impact on fuel poverty.

**Mr Ross:** I thank the Minister for his answer. How often does his Department monitor radiation levels in the Irish Sea? Given that nuclear power may not be as dangerous as some Members would have us believe, does he agree that its use as an energy resource must be considered?

**The Minister of the Environment:** The Department monitors radiation levels in the Irish Sea annually. Furthermore, one-off monitoring is permitted when necessary. We take measurements at 50 points along the coastline. As a result, the Member will be pleased to know that the figures indicate that people in Northern Ireland are 500 times more likely to be exposed to radiation from appliances and radon in the home than from effects of nuclear discharges into the Irish Sea.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I want to question the Minister on his favourite topic — North/South co-operation. What discussions has he had with his counterpart in Dublin on combating pollution in shared waterways such as Carlingford Lough and Lough Foyle? Go raibh maith agat.

**The Minister of the Environment:** Unfortunately, I have had no opportunity to have such discussions with my counterpart in the Irish Republic because the party opposite has denied us the possibility of holding North/South Ministerial Council meetings.

I volunteered to meet him. However, given that he is a member of the Green Party, I thought that he would be concerned about the carbon footprint created by my travelling to Dublin or by his travelling here. I offered to meet him by video conference, but he did not think that that was appropriate.

### Illegal Dumping

2. **Mrs D Kelly** asked the Minister of the Environment to provide an update on his Department's actions against illegal dumping. (AQO 1392/09)

**The Minister of the Environment:** I have been very encouraged by what the Northern Ireland Environment Agency has achieved this year. To date, it has overseen 66 successful prosecutions, and an associated £120,850



in fines, against illegal waste offenders. Those have included individual fines of £75,000 — with associated ongoing confiscation proceedings — £17,000, £6,500, and £6,000.

**Mrs D Kelly:** Unfortunately, I do not share the Minister's enthusiasm for such high targets, because they represent only the tip of the iceberg — or, as we are talking about illegal dumping, the tip of the pile. Any Member could take the Minister to his or her constituencies and draw his attention to more than 66 illegal landfill sites. What assurances can the Minister give that farmers and other landowners will not be liable for clearing waste that has been illegally dumped on their land by a third party?

**The Minister of the Environment:** I listened to what the Member said, and noted it very carefully. She said that any Member of the Assembly could take me to their own constituency and identify 66 illegal dumping sites. All I can say is that I have not received 66 letters from the Member who asked the question, let alone any other Member. If the Member is going to make such a claim, and if there are 66 illegal dumping sites in her constituency, I should have thought that her first duty would be to write to me, so that I could ask my officials to investigate — and I can assure the Member that they would have done so.

I think that I have probably got a reputation for refusing to defend my Department when it is in the wrong. Some people have said that perhaps I should have gone native and been more defensive of my Department. However, the record shows — and I have given that record to the Member — that, when we have the opportunity, we will pursue those who dump illegally. The Department will prepare cases — it has improved its capacity to do so — will pass those cases on to the Public Prosecution Service, and will go to court to defend the decision that it has made. The figures that I have given indicate that the Department does that job, and does it rigorously.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. With regard to the Minister's offer to go native, perhaps we should leave that for this week; he can do it in his own privacy. Can he outline how many enforcement officers are currently in place, and indicate whether he feels that that number is adequate, and also whether he intends to reimburse any council that clears up any illegal dumping?

**The Minister of the Environment:** I have a book of answers here, but it does not include the exact number of enforcement officers. I will, however, write to the Member and let him know. What I can say is that the number of officers has been increased fairly substantially.

As for reimbursing councils for cleaning up waste sites, until 2006 — I will have to check the date — councils were responsible for the clearing of sites of

illegal dumping, some of that illegal dumping carried out by councils themselves. I do not think that the Member would expect that, due to the inactivity of councils prior to that date, and to some of the dumping activities that were tolerated by councils prior to that date, the Department of the Environment should now take responsibility for clearing those sites. Where it was the council's responsibility to clear those sites, they are expected to do so.

However, when illegal dumping occurs as a result of council waste or other waste from the Irish Republic, we pursue the councils and the relevant Department in the Republic so that they bear the costs of removing the waste from illegal sites in Northern Ireland and transferring it to authorised sites.

**Mr McClarty:** I am still trying to get over the vision of the Minister going native. *[Laughter.]*

Does the Minister agree that action to combat illegal dumping would be greatly assisted if we adopted the type of measures that are included in the Clean Neighbourhoods and Environment Act 2005, which applies in England and Wales? Now that the Executive are up and running again, will he give a commitment that the clean neighbourhoods agenda will be progressed by way of legislation as a matter of priority?

**The Minister of the Environment:** The clean neighbourhoods agenda covers a whole range of activities, including illegal dumping, for which councils should have responsibility. However, between now and 2011, the Member will be aware that councils will do considerable work on the basis of simply preparing for the new council structure.

In respect of time thresholds, it is much more appropriate to make those new powers available to the new councils when they are established, rather than at a time when considerable work will already be taking place. Many councils make representations to me about the time demands that will be placed on their officers and councillors in the run-up to the implementation of the review of public administration. It is much better that those additional powers be given to councils when they are most capable of effectively using them.

**Mr Deputy Speaker:** Question 3 has been withdrawn.

## Flood-Mapping System

4. **Mr K Robinson** asked the Minister of the Environment how the new flood-mapping system will be integrated into the planning system. (AQO 1439/09)

**The Minister of the Environment:** The strategic flood map will be used to inform the planning process about managing development — including the zoning of land for development — and decisions on planning applications. As far as is practical, the map will ensure

that new developments are not exposed to the direct threat of flooding and that they will not increase flood risk elsewhere.

My Department will also use other sources of information to inform planning decisions, such as local evidence and detailed study maps, where available. The information that is contained in the strategic flood map will be transferred to the internal computer system of the Planning Service, which will highlight all of the areas that are subject to flood risk. The data transfer is now almost complete.

Advice and guidance is in the process of being finalised and will be provided for planning staff so that they can interpret and assess the strategic flood map in the context of planning policy statement 15 on planning and flood risk.

**Mr K Robinson:** I thank the Minister for his very detailed response on this extremely important issue. We have waited a long time for the flood map to come along.

Will the flood map become an essential and effective stage in the planning process so that all Departments — particularly the Department of Agriculture and Rural Development and its Rivers Agency — are able to provide their input on any potential flooding problems that may arise?

**The Minister of the Environment:** The whole point of the flood map — now that the various layers have been provided — is to do exactly what the Member said. As I stated in a previous answer to him, a risk assessment should immediately be available to the Planning Office when it considers a planning application. The flood maps show historical data and predictive data, although it must be remembered that the predictive data is subject to all of the imperfections that are present in any such model.

The Planning Service will also study other local information if it is available. Flood maps show coastal and river flooding, but local flooding may also occur due to inadequate drainage facilities. The Member's constituency has suffered from that type of flooding in the past. Local information from public representatives or objectors will be useful in arriving at a final decision.

3.15 pm

**Mr Wells:** As the Minister may be aware, 63,000 houses in Northern Ireland are at risk from flooding. Despite that, Planning Service officials in the Newcastle area continue to blindly give planning approval for developments that they know will either lead to further flooding or will be prone to flooding. At Monday night's Down District Council meeting, an application for 99 houses on the Dundrum Road was recommended for refusal, even though residents were able to show photographs of that site under 3 ft of water on 16 August this year. There must have been a breakdown

in communications between the Rivers Agency and the planners on that issue. We must ensure that we do not inflict potential flooding on any future residents of that area who buy new homes.

**The Minister of the Environment:** I assume that the Member meant to say that the application was recommended for approval rather than refusal.

**Mr Wells:** Yes; I did — sorry.

**The Minister of the Environment:** I must first make it clear that just because an area is located on a flood map where it is indicated that flooding is likely, that does not mean that planning permission will automatically be refused — a number of issues must be taken into consideration. When the flood maps were published, both I and the Minister of Agriculture and Rural Development made it clear that development would not be excluded on sites that have already been developed; otherwise, it would not be possible to rebuild a lot of town centres and they would have to be left as they are.

Secondly, there will be occasions when a developer can show that action can be taken to ensure that the flood risk is reduced or removed. That can be achieved either by raising the properties or by taking some other kind of measures that would adapt the site to ensure that flooding does not occur.

My third point is that, as I have pointed out, some flooding situations may be caused by deficiencies in local infrastructure. Therefore, if plans are in place to improve that infrastructure, which would, in turn, reduce or remove the risk of flooding, it would be totally inappropriate to refuse permission on such sites.

I am not familiar with the particular case that the Member mentioned; therefore, I cannot say which of those categories that application would fall into. However, the Department has an obligation under PPS 15, which states that if there is a risk of flooding on a site, that site must be examined very closely before any decision to grant permission is made.

**Ms Purvis:** Other than what he has already outlined, will the Minister outline how his Department is working with Northern Ireland Water and the Rivers Agency to address the issues of flooding? Will the Minister also state when those who have been affected by flooding can hope to see measures introduced to deal with that problem in the short term?

**The Minister of the Environment:** I know that there has been continual flooding in a number of areas in the Member's constituency, and that it would seem that remedial action could have been taken some time ago but has not been taken.

The next step in the strategic flood plan is to consider what investment is required to reduce the risk of flooding in areas that have been developed already and where there has been continual flooding. That support will

come in the form of capital programmes and capital schemes. The one thing that my Department can do is ensure that we work with the Department for Regional Development and all the other agencies, so that when it comes to deciding on capital spending priorities, we have identified the areas that are at risk and make the effort that is required to reduce the risk of further flooding.

### UN Association United Kingdom Conference on Climate Change

5. **Mr Savage** asked the Minister of the Environment if his Department was represented at the UN Association United Kingdom Conference on Climate Change, held in Belfast on 6 November 2008. (AQO 1446/09)

**The Minister of the Environment:** My Department was represented at the UN Association United Kingdom conference on climate change, which was held in Belfast on 6 November.

**Mr Savage:** Does the Minister seek advice on the issue of climate change from officials from his own Department or experts from the United Nations, or does he still prefer to get his guidance from individuals from so-called think tanks such as the Heartland Institute — which he has quoted many times in the House — that are funded largely by oil companies such as Exxon Mobil? Has the Minister ever considered asking the Department of Agriculture and Rural Development for its assessment of the issue of climate change?

**The Minister of the Environment:** I consult widely, and, given the Member's question, I suspect that I probably read more widely about climate change than he does. In fact, given that the report from the Committee on Climate Change was published today — to which I have already referred — it is appropriate that the Member should raise the subject. Although I will avidly read that report in order to inform myself — as I always do — the summary that I have read so far indicates several interesting facts about which I am sure Members would like to know.

First, by 2050, reducing CO2 emissions will cost 2% of GDP, which is equivalent to spending approximately 16% of GDP today. Secondly, the Member might be interested to hear that the climate-change measures that are being contemplated would result in an increased number of households falling into fuel poverty. Furthermore, given that the Member grows a large herd of cows on his farm, he will be particularly interested to hear that —

**Mr Elliott:** One does not grow cows. *[Laughter.]*

**The Minister of the Environment:** I do not know about growing them — I eat them. The Member might be interested to hear that the Committee on Climate Change is concerned about farming activities and,

indeed, it wishes us all to eat less meat, drink less milk and, probably, eat grass instead. Therefore, if the Member wishes to inform himself, he should read the report and, as a result, he might become a little less enthusiastic about the matters that he raised.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. The Minister's efforts to inform the debate with comments about growing cows reflect, perhaps, his window-box attitude to farming. Nevertheless, the Minister has been articulate in making the case against measures to alleviate the consequences of climate change, and I have listened. However, is he aware that most experts accept the reality of climate change and predict that, in coming years, it will lead to the displacement of 300 million people worldwide, with huge increases in poverty, and major economic and environmental implications for the world?

**The Minister of the Environment:** Although I have raised this matter before in the House, I must say that, when I was at school, the same figures were quoted by some of the same scientists, who claimed that hundreds of millions of people would be displaced and would starve as a result of the planet cooling. That was in 1975, but now the same figures are used in the opposite direction.

The Member's alarmist comments are in keeping with those of people who wish to promote the scare stories. This is what a leading climate-change scientist, Dr Stephen Schneider — whose opinions fall on the same side as the Member's — said:

“we have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts that we might have... the right balance is between being effective and being honest.”

That is exactly the type of debate that I want to move away from — away from the alarmism and towards the facts. If we can do that, we might be able to have a proper debate.

**Dr Farry:** Is the Minister prepared to adjust his head-in-the-sand attitude to climate change? Furthermore, although he talks about the costs of dealing with the effects of climate change, does he recognise the huge opportunities that could come about from choosing to re-orientate our economy to address the new necessities, such as renewable energy and energy efficiency? We should follow the example of the United States, where the Obama Administration is about to introduce the “green new deal”.

**The Minister of the Environment:** I don't know what Dr Farry is a doctor of, but I do not believe that he is a doctor of economics. Let us look at the logic of his statement. He tells us to think of the economic opportunities of changing from the existing power sources to renewables. That would mean closing down our existing infrastructure and introducing a new one. That is supposed to make us richer, according to the Member.

That is a bit like saying that, if one broke all the windows in one's house and spent money replacing them, there would be some sort of net benefit to the economy, because one would have bought all that glass. One would be no better off; one would still have window panes but would have spent money on them. That is the sort of voodoo economics that the Member for North Down is proposing. I would love to have an economic debate with him on the issue, because he is as rubbish on the economics of the issue as he is on the science of it.

**Some Members:** Hear, hear.

### Meeting with Republic of Ireland Counterpart

6. **Mr W Clarke** asked the Minister of the Environment when he will next meet with his counterpart in the Republic of Ireland; and to detail the items on the agenda for that meeting. (AQO 1429/09)

**The Minister of the Environment:** As I said earlier, I have no plans to meet my counterpart in the Irish Republic in the near future. Unfortunately, in the — however many — months that I have been Minister, I have had no opportunity to meet him due to the activities of the Members on the opposite Benches.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer, even though it did not consist of a whole lot.

A feasibility study is under way for a plan to create the first geopark to span the border. The proposed park would stretch from the Mourne Mountains, taking in Carlingford Lough and the Cooley Mountains, to Slieve Gullion in County Armagh, and include several forests, including Ravensdale.

The Minister has not yet met his counterpart in the Dublin Government, but will he do so in the near future?

**The Minister of the Environment:** The timing of any such meeting will depend on the arrangements that will be made between the Executive and the Government in the Republic. I have made it clear that, if meetings are to be held, I will attend them. I will talk to the Minister about the issues that are mandated for discussion at those meetings. However, I wish to give the Member a commitment that, should there be other cross-border issues that I believe to be important for Northern Ireland and the Irish Republic and that are not within the mandated structure of the North/South Ministerial Council meetings, I will hold bilateral meetings with my counterpart, and my officials will hold bilateral meetings with officials in the Republic.

**Mr Weir:** Has the Minister made any arrangements to meet Minister Gormley or any environment Ministers

from the British Isles at a British-Irish Council environment sectoral meeting?

**The Minister of the Environment:** A British-Irish Council meeting is due to be held in April 2009, in Jersey. I might actually go to that one; I have never been to Jersey. *[Laughter.]* I hope that it has nothing to do with Jersey cows. The agenda for that meeting has not been settled; its planning is still at an early stage.

**Mr A Maginness:** It is to be regretted that the Minister has not met his counterpart, because there are serious issues to discuss, such as cross-border co-operation on road safety, which are pertinent and quite pressing, given the tragedies that have taken place on the roads, both North and South. Will the Minister tell the House whether any contact has been made with the Department in the South on that matter?

**The Minister of the Environment:** I am glad to see the Member; I did not recognise him without his moustache. He looks well; in fact, I think that he looks much younger without it. Will the voters recognise him when it comes to the election next year? *[Laughter.]*

One of my first meetings, Minister to Minister, was with the Minister with responsibility for road safety in the Irish Republic, and we examined a range of issues.

We discussed ways of ensuring how people who were banned from driving in the Republic could be banned from doing so in Northern Ireland, and vice versa. Those discussions are coming to fruition, and it is hoped that regulations will be in place fairly soon. There is an important road-safety issue at play. The Member is right: there are a number of cross-border approaches to road safety in which we can engage. I have made representations to the Irish Government on lorries that come from the Republic, and those contacts have proved useful. Many of the lorries are not in a good condition, and that contributes to problems on the roads in Northern Ireland.

3.30 pm

## FINANCE AND PERSONNEL

### Small Business Rates Relief Scheme

1. **Mr Hamilton** asked the Minister of Finance and Personnel what consideration he is giving to a small business rates relief scheme. (AQO 1368/09)

**The Minister of Finance and Personnel (Mr Dodds):** I am considering a number of options, including more targeted schemes, which address wider social needs, such as sustaining services for local communities. I am attracted to elements of the Welsh scheme, but before I decide on anything and bring it to the Assembly, I need

to be satisfied that it is necessary, effective and affordable. New legislation will be required, and that will take over a year to work through. I hope to make an announcement shortly.

**Mr Hamilton:** I thank the Minister for his response on the important issue of a possible small business rates-relief scheme. The Minister will know that a large section of all rates bills goes to local councils. Can the Minister comment on recent reports that rates arrears of up to £124 million, which are being managed by Land and Property Services, have created financial difficulty for district councils across Northern Ireland.

**The Minister of Finance and Personnel:** I am grateful to the Member for his question, because it allows me to clarify the position. It is important that rates arrears are followed up by Land and Property Services, because it is only fair to all ratepayers that everyone pays their rates on time.

It is important to highlight that the figure of central rate debt managed by Land and Property Services does not impact directly on district councils. The income due to each council is paid over each month, regardless of the amount of debt outstanding. I assure the House that Land and Property Services pursue all debts until all prospect of recovering the money has gone, and only then will debt be written off. When that happens, the amount written off is charged in appropriate shares to the regional rate and the district rate.

Some of the press speculation and statements that have been made about the £124 million debt and its impact on councils is nonsense.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. In the context of addressing the challenges facing the small- and medium-sized enterprises, will the Minister consider reviewing the public procurement policy so as to enable local SMEs to tender for the procurement of elements of the major capital projects?

**The Minister of Finance and Personnel:** That question is far removed from the subject of the original question about small business rates-relief, but I accept the Member's comments. There are already a number of processes in the procurement system, which are designed to ensure that local companies get a fair crack of the whip. I am always prepared to look at other ways in which that can be done, and I will bear in mind his comments when I discuss the issue with officials in due course.

**Mr McNarry:** I appreciate the Minister's mood of caution in answering the original question. Nevertheless, his response on rates relief is disappointing. May I provoke the Minister and ask him whether he has any suggestions as to how the cash flow of small business might be strengthened. Has he considered asking for a reduced differential rate of corporation tax for small-

and medium-sized businesses, for instance, that will reflect their immediate needs during the recession, or will he consider doing so?

**The Minister of Finance and Personnel:** The Member will be aware that the study into the small business rates-relief scheme that was undertaken by the Economic Research Institute of Northern Ireland (ERINI) concluded that there was not a strong economic case for such a scheme and that it would prove ineffective.

However, I have decided to have another look at the issue. The report stated that a more targeted scheme might be justified on wider social grounds, and the Committee for Finance and Personnel also recommended that the matter should be looked at further. I want to lift the Member's mood of pessimism by saying that the Department will look at ways in which it can have a more targeted scheme. However, we must ensure that it is necessary, affordable and effective.

As regards what we can do to help small businesses; corporation tax, which is within the gift of the national Government, is important, and we have pressed them on that and on other issues. However, ultimately, it is a matter for them, and there will always be difficulties when it comes to having different tax rates within the UK. Nevertheless, we have taken measures to help businesses, and I will give the Member four examples. First, the decision was made to freeze the level of industrial rating at 30%. Under direct rule, rating liability this year would have been 50% and 75% next year. Secondly, we have ensured that empty property rate relief of 50% will be retained here, unlike the rest of the UK where it is 100%. Thirdly, freight transport relief has also been retained, and that is important for our ports and harbours, as they will be able to pass on those savings to Northern Ireland businesses. Fourthly, last year's Budget stated that the non-domestic regional rate would not increase in real terms.

Those four specific, substantive measures that we have introduced under devolution mean real help and assistance to small and medium-sized enterprises in Northern Ireland, and they would not have happened under direct rule. We must remind ourselves and the community that as well as doing more — and we need to do more and look at ways of doing more — a considerable amount of work has already been done.

Nevertheless, we face challenging times. The pre-Budget report announced by the Chancellor on Monday also contained measures to help small companies: deferment of the 1% corporation tax rise; giving them longer periods of time to pay, and enabling them to offset corporation tax liability by offsetting the three years' prior losses. All of those measures provide substantial help for our small and medium-sized enterprises.

## Corporation Tax

2. **Dr McDonnell** asked the Minister of Finance and Personnel what action he has taken to advance the case for a 12.5% rate for corporation tax, since taking up office. (AQO 1375/09)

**The Minister of Finance and Personnel:** On 8 May, in his response to the second Varney Review, the Prime Minister confirmed that fiscal dispensations, including a reduction in corporation tax, would not be granted to Northern Ireland. I still believe that a lower rate of corporation tax would be beneficial for our local economy. In recent weeks, I have had several discussions with the Prime Minister, the Chancellor and other Treasury Ministers on a range of other financial matters that are critical to the Executive and the Assembly, securing material improvements in our finances rather than just focusing on issues such as corporation tax.

**Dr McDonnell:** Will the Minister share his thoughts on the progress made or the progress he might be able to report, since May 2007, in relation to our level of economic activity generally, as regards taxation? Are we moving up or down, or are we standing still?

**The Minister of Finance and Personnel:** I take it that the Member is looking for a fairly general economic update. He will know that taxation is a matter for the Westminster Government, and I have set out the position on corporation tax. As regards the general position, it is fair to say that a number of major difficulties and challenges confront us — not just here in Northern Ireland, but elsewhere across the world. However, it is important to note that the local manufacturing sector expanded by 4% over the year to the second quarter of 2008.

It is also important to bear in mind that we have the lowest recorded rate of unemployment of any UK region. As regards the current downturn, it is also important to note that our 60% level of GVA in the public sector helps us in comparison with some other regions of the UK. Employment levels, at 788,000, is an increase of 6.4% over the corresponding period in 2007. The investment strategy has a substantial amount of money — £5 billion — to roll out over the next five years.

When one considers that in 2003-04 that figure was £670 million, and the figure for this year is over £1.2 billion, one realises that the increase is substantial. Thus, there are positive aspects, including the Euro exchange rate and the reduction in VAT that was announced by the Chancellor in his pre-Budget report, which is helping to bolster our retail sector. Anyone who travels through any of our border towns knows that only too well.

There are also negative factors to consider. For instance, there are very real concerns about the impact

of the present economic situation on house-building and the construction industry — about which we will talk more shortly — our local banking sector, the liquidity squeeze, and so on. The Assembly and the Executive have a limited number of tools at our disposal, but we are determined to do what we can in the circumstances to help people in small businesses and the construction industry through the worst of a very difficult situation.

**Mr Simpson:** Can the Minister give an assessment of the likely impact of the Chancellor's pre-Budget report on small businesses in Northern Ireland?

**The Minister of Finance and Personnel:** I have already mentioned some of the highlights of the pre-Budget report. VAT will be reduced by 2.5%, at a time when the Irish Republic is implementing a 0.5% increase in VAT. Although one may argue and debate the nature of a fiscal stimulus and the appropriate approach to take, that kind of fiscal stimulus is welcomed by most sensible people.

The pre-Budget report also defers the 1% increase in the rate of corporation tax for small companies. The rate will now stay at 21% during the next financial year. Businesses can now reduce corporation tax liability by offsetting three years' prior losses against any corporation tax liability — previously, it was only one year's losses. A new business payment support service will allow businesses that find themselves in temporary financial difficulty to pay their tax bills according to a timetable that they can afford. There is also a new small business finance scheme to support bank lending. Those measures are in the pre-Budget report, but it should be borne in mind that the Assembly, too, has introduced significant measures to help small businesses.

**Mr Neeson:** Has the Minister, in his current or previous portfolio, met economists such as Sir George Quigley or the Economic Research Institute to discuss fiscal incentives that could assist the economy here?

**The Minister of Finance and Personnel:** In my previous incarnation as Minister of Enterprise, Trade and Investment, corporation tax and the Varney Review were major parts of my work. Of course, the Department talked to many people involved in that area to see what could be done to help us, what responsibilities we could be given in those areas and what might be the best way forward. We should not overlook the fact that, at the moment, without tax-varying powers, public expenditure is not related to the amount of money recouped here in Northern Ireland. With tax-varying powers, that would become an issue — we should be cognizant of that fact, given the £7 billion subvention from the UK Exchequer. We must also be cognizant of the fact that a reduced rate of corporation tax is likely to cost the Northern Ireland block grant some £300 million per annum. We must

bear those issues in mind. Nevertheless, everyone in the Assembly and Executive was persuaded that a reduction in corporation tax should be pursued — that remains a desirable outcome. However, we have not sat back, put all our eggs in one basket and waited for the Government to do something. We have pursued our own measures to try to help small- and medium-sized businesses, as well as urged the Government to adopt measures apart from corporation tax reductions.

### Northern Ireland Water: Treasury Reclassification

3. **Mr Dallat** asked the Minister of Finance and Personnel if, as a result of the Treasury reclassification of Northern Ireland Water from a public corporation to being within central government, there is effectively a new charge on the Northern Ireland block this year of £130 million; and what action he is taking to address this. (AQO 1394/09)

**The Minister of Finance and Personnel:** In light of the increased costs of living faced by households in Northern Ireland in the past year, the Executive, as the House will know, decided to defer the introduction of domestic charges for water and sewerage services beyond 2009-10.

3.45 pm

In considering the case for a further deferral, the Department for Regional Development identified a potential capital expenditure pressure of approximately £130 million for this financial year due to the reclassification of Northern Ireland Water. That figure is a worst-case scenario. Although it will be for the Department for Regional Development to address that pressure in the first instance, the latest assessment is that most of the additional capital costs are not expected to materialise in this financial year.

In addition to the capital expenditure implications of the reclassification, there was also a potential pressure of over £400 million per annum in non-cash costs. However, as part of the financial support package that was negotiated with the Prime Minister and the Treasury last month, the UK Government has agreed to meet those costs for 2008-09 and 2009-2010.

**Mr Dallat:** I thank the Minister for his comprehensive answer. Am I to assume from it that the reclassification of Northern Ireland Water will not appear in the 2009-2010 Budget?

**The Minister of Finance and Personnel:** As the Member and the House know, the Budget for those years has already been set, because it is part of a three-year Budget. In-year pressures will always emerge — issues like the reclassification of Northern Ireland Water, unequal pay, or a legal liability that arises through the

courts. It is important that, through careful and proper management of the financial position, we offset those pressures with easements and reduced requirements. I assure the honourable gentleman that if and when the issue emerges, it will be dealt with as part of the in-year monitoring process.

**Mr McQuillan:** Will the Minister give his assessment of how Northern Ireland compares with the rest of the UK in relation to average household and Government expenditure on water supply?

**The Minister of Finance and Personnel:** I thank the honourable Member for his question. The average level of household expenditure on water supply in Northern Ireland compared with other parts of the UK is important and raised its head in our negotiations with the Treasury. From the latest figures, the average level of household expenditure on water supply is £7.40 in England, £6.90 in Wales, £6.40 in Scotland and 40p in Northern Ireland. Public expenditure on water supply in Northern Ireland was £325 million in 2006-07, compared with £7 million in England.

**Mr McClarty:** In his recent monitoring statement, the Minister said that he had only £130 million of capital available. Has he put any pressure on Departments to underspend in the current fiscal year so that he can balance the books?

**The Minister of Finance and Personnel:** I have been bringing pressure to bear on Departments not to underspend, and I recently wrote to my ministerial colleagues on that issue. It is essential that there not be substantial underspends in Government expenditure at the end of the fiscal year, not least because such underspends, in capital and resource, go back to Her Majesty's Treasury and have to be bid for again — they do not automatically roll into subsequent years.

The Chancellor has made it clear that it will be extremely difficult to bid for such resources, not just for the Northern Ireland block grant but across all Whitehall Departments. Therefore, in order to get the best value for money from the Northern Ireland block grant, it is imperative that there not be underspends. To ensure that that happens, Ministers in every Department must keep a tight focus on the delivery of Programme for Government objectives, ensure that the money is spent and, if it is likely that it will not be spent, declare it as a reduced requirement as quickly as possible so that we are able to spend it in other areas of Government.

It would be catastrophic if any Minister withheld underspend money and, at the end of the year, told the Department of Finance and Personnel, the Executive, the Assembly and the public that he or she was unable to use it.

Therefore, it is imperative that every last penny of that money be used for the good of the people of Northern Ireland so that the objectives and goals of the

Programme for Government are achieved and, at the same time, our hard-pressed construction industry can secure the benefits of public expenditure.

### Construction Industry

4. **Mr McKay** asked the Minister of Finance and Personnel for his assessment of the problems that face the construction industry. (AQO 1407/09)

**The Minister of Finance and Personnel:** The construction industry makes an important contribution to the Northern Ireland economy. Its output in 2007 was a record £3.4 billion to £3.5 billion. However, we recognise that the downturn in the housing sector has placed particular difficulties on the construction industry. The Northern Ireland construction bulletin, which was published by NISRA in November, shows that output for the second quarter of 2008 for the private housing sector declined by some 20% compared with the same period in 2007. However, expenditure on infrastructure increased by 15% over the same period.

Government spending on construction has been increasingly significant in recent years, and it now represents around 40% of the industry's total turnover. That high level of public-sector expenditure is set to continue with the roll-out of the investment strategy. Planned expenditure for the initial three-year period is approximately £5 billion.

A significant number of public-sector work projects are already under way. Work has just commenced on the £30 million Public Record Office headquarters at Titanic Quarter. Other projects include the RVH critical care unit development, which will cost £113 million, the A1 road in Newry, which will cost £180 million, and the waste-water treatment projects, which will cost £90 million.

I continue to meet with a range of key industry stakeholders to hear their concerns at first hand. All Departments have a responsibility for the delivery of the strategy, and I will continue to work with ministerial colleagues to ensure that the Government work in partnership with the construction industry to deliver the investment strategy effectively.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Many Members will be aware of the effect that the downturn is having on our communities. Small contractors, in particular, play a massive role in the construction industry, and representatives of the respective trades have told us that work is drying up.

Will the Minister introduce any measures that will assist the smaller contractors, who do not have substantial capital to fall back on and who are, therefore, more vulnerable to pressure from financial institutions?

**The Minister of Finance and Personnel:** I appreciate what the Member has said. There is no doubt that, anecdotally as well as factually, the construction industry, and particularly the house-building sector, is in a very difficult position.

It should be noted that, between 2003-04 and 2006-07, there was a sharp rise in output. The output in the private sector during that period rose from under £1.4 billion to a peak of nearly £2.1 billion, which represents an increase of 50% in only three years. We have seen a fallback to around £1.9 billion in 2007-08, and that is likely to fall further this year.

In 2003-04, the output in the public sector was £900 million. In 2007-08, that rose to £1.4 billion, which represents a two-thirds increase. That is the difference between the private sector and the public sector. Therefore, the public sector is providing some comfort or insulation against the worst effects of the downturn in the construction industry. Nevertheless, as the Member said, there are real concerns about the current situation, particularly in the house-building sector.

It is absolutely essential that we consider small and medium-sized enterprises in particular. Centres of procurement expertise recognise the importance of SMEs to the Northern Ireland economy, and they encourage such enterprises that join together as consortia to bid for contracts and to look for opportunities in the supply chain. The Northern Ireland sustainable development action plan includes a provision that construction contracts include a requirement that main contractors publish opportunities in their supply chain on their website and in the local press, and it requires Departments to have sustainable development action plans in place by the end of this year.

**Mr Newton:** I welcome the Minister's outline of expenditure.

I believe that all Members are glad that the investment strategy is rolling out, and the impact that that makes, particularly on the construction industry, is significant. As the strategy is rolled out, what steps are being taken to monitor the delivery and success of the various projects?

**The Minister of Finance and Personnel:** The Member is right to point to the scale of the delivery through the investment strategy, and that is good news. However, it needs to become reality, and effective monitoring is important. To that end, the Strategic Investment Board, with input from the Central Procurement Directorate, is introducing a delivery tracking system that will capture the status of all major capital procurements, and Departments are entering all the details into that system. That work is scheduled to be completed soon, and it will allow us to have an efficient, up-to-date, day-by-day handle on the progress that Departments and public bodies are making on delivering major projects and programmes of investment.



**Mr K Robinson:** I thank the Minister for a comprehensive response to those important questions. The Minister will recall that, prior to 1972, the former Northern Ireland Government advanced money and built factories so that when the economic upturn came, we were in a position to take maximum advantage of it. Will the Minister encourage the Executive to make further major infrastructure programmes available, so that the money that he mentioned earlier might be used?

**The Minister for Finance and Personnel:** I thank the Member for his question and he is right to point to the lesson of history. The Northern Ireland Government took a wise decision then; and in the debate between those who want to provide a stimulus and build for the future, and those who say do nothing, the Member is on the right side of the argument. Most economists and most Governments are on that side — with, unfortunately, one or two notable exceptions.

The capital Budget for each year in Northern Ireland is a limited, fixed amount. However, we now have, though the pre-Budget report, a degree of flexibility to accelerate some £86.5 million of capital investment in the local economy over the next two years. We will be looking at that carefully. Most large construction projects have a large lead-in time, and it is not always easy to bring them forward. However, the Strategic Investment Board, Departments and I are working hard to identify specific infrastructure projects that can be brought forward in the current climate.

### Civil Service: Equal Pay Costs

5. **Mr Durkan** ask the Minister of Finance and Personnel what is his current estimate of the cost of the equal pay issue in the Civil Service (i) in this financial year; and (ii) in each of the next two financial years.

(AQO 1399/09)

**The Minister of Finance and Personnel:** Resolution of the equal pay claim could have a significant implication for the Northern Ireland Civil Service pay bill. The extent of the financial implications will, ultimately, depend on the outcome of discussions between officials and the trade unions and on the approach approved by the Executive. Details of any potential settlement will be progressed over the coming period, and exact figures will not be available until that process has concluded, as I am sure the Member understands. However, as I made clear in the September monitoring statement, the one-off payment to staff could cost in excess of £100 million, although Members will appreciate that that figure will depend on a broad range of factors that we are in the process of considering.

**Mr Durkan:** I thank the Minister for his answer. I appreciate that, in circumstances where negotiations with the unions are ongoing — and, I assume, ongoing

negotiations at another level with the Treasury — his answer must be a limited one.

However, prior to devolution, some of us asked the civil servants who were briefing the Committee on the Preparation of Government whether there were public pay issues or public-sector pension issues that might hit the Executive over the head and of which we needed to be aware. We were told that there was nothing there. It seems, however, that that issue was apparent to the Civil Service at the time and should have been flagged up. It was known about in the early days of devolution, but it was not addressed in January's Budget statement to this House.

Is that not one of a number of issues that highlight the need for a proper Budget statement for last year, because the figures that were approved earlier this year will, clearly, not form the basis of the Budget that will see us through next year?

**The Minister of Finance and Personnel:** As I said earlier, there is a Budget for next year and it has been discussed and agreed by the Assembly and Executive. Issues will emerge, as I have explained, in-year and over a period of years. The strategic stocktake, which we are undertaking, will look at issues over the next year, 18 months and two years.

The Member is right to point to the difficulties with trying to quantify the equal pay claim, but he is wrong to say that it should have been addressed back in January. The issue was not in a position to be crystallised, and there was no indication that it would be crystallised during this financial year. It appears to have been brought to a head by the decision of the unions to seek some kind of legal redress to the issue. Negotiations were taking place, but the situation has moved on considerably since then.

4.00 pm

Given the fact that the Member was part of the previous Executive, he will be aware that, during previous periods of devolution, the Executive took measures to try to address the issue. That stopped when direct rule returned, so the equal pay claim is a legacy issue of direct rule. I am pleased that, in the recent discussions with the Prime Minister and the Chancellor, we managed to obtain some financial cover for that issue and for several other issues. We are making progress in seeking to address the issue, and it is my desire to bring it to completion as quickly as possible.

**Mr Deputy Speaker:** That ends Question Time. Members may take their ease for a few moments before we return to the debate on the Health and Social Care (Reform) Bill.

*(Mr Speaker in the Chair)*

## EXECUTIVE COMMITTEE BUSINESS

### Health and Social Care (Reform) Bill

#### Consideration Stage

*Debate resumed:*

**Mr B McCrea:** When we left the debate, we had just heard about Laurel and Hardy and Abbott and Costello. I thank French and Saunders for their intervention, and, later on, we shall see who Mr Blobby is. As it is germane, I am happy to take interventions, not only from my party but from any party, including the Alliance Party, which tried to intervene earlier. I am confident in my ability to answer any questions.

**Mr McCallister:** I thank my honourable friend for giving way. In the earlier part of the debate, attention was drawn to attendances at the Health Committee. It was questioned whether my attendance record was up to the standard of that of Mr Buchanan and whether that qualified me to speak.

**Mr Easton:** On a point of order, Mr Speaker. Is it in order for Members to get involved in a discussion that has nothing to do with the Bill?

**Mr Speaker:** Earlier in the debate, I warned Members to try, as far as possible, to stay within the remit of the Bill. The issue to which Mr McCallister referred was already raised earlier in the debate.

**Mr McCallister:** I am grateful to Mr Easton, because, if he had been more patient, I would have linked his comments to the debate. Does my honourable friend Mr McCrea believe that attendance at Committee meetings gives people more or less right to speak on the matter? Does he have any knowledge of the figures for attendance of the relevant members of the Health Committee?

**Mr B McCrea:** The point that my colleague Mr McCallister raised earlier was important and germane.

I am happy to note that Mr McCallister attended 25 of out of a possible 32 Committee meetings. I note that Mr Buchanan also attended 25 of those Committee meetings. That is a useful piece of information.

**Dr Farry:** A score draw.

**Mr B McCrea:** Absolutely; it was a score draw.

**Mr Easton:** Is the Member aware that his colleague arrived late to every single one of those meetings and that he always leaves by 4.00 pm?

**Mr B McCrea:** I am grateful to my friend for his intervention. Of course, Mr Easton will be aware that, since those figures were released, the Committee has held 11 subsequent meetings, of which Mr McCallister attended 10. He missed one meeting to attend a

wedding. However, his Committee colleague Mr Buchanan attended only eight of those subsequent meetings. The point, of course, is that —

**Mr McCallister:** Is it possible that Mr Buchanan will apologise to the House on his return to the Chamber? Mr Buchanan's lecturing Members on attendance is a bit rich when he is not here to make his point himself — instead relying on his colleague do it for him.

**Mr Speaker:** Order. I must insist that Members address the business that is presently before the House. I have allowed some latitude, but it has come to the point where some Members are discussing issues outside the Bill.

**Mr B McCrea:** Thank you, Mr Speaker. The matter that we are here to discuss is extremely important. There has been some discussion about coterminosity, and how that will affect matters. Obviously, coterminosity is the ideal; the problem, however, is that we cannot afford to wait to find out exactly what the Boundaries Commissioner will say on the matter. As a member of the Policing Board, I am aware of some difficulty with the PSNI having moved almost too early. How do those ideals line up?

**Dr Farry:** Far be it from me to take on the task of arguing in favour of the DUP's amendment, but I think that someone needs to. Does Mr McCrea accept that, under a legal process set in train by the House, the boundaries of the new councils will be legally in place, at the very latest, by 30 June 2009? Does he agree that, consequently, there will be a lead-in time during which we can establish the local commissioning groups and, therefore, that we have the opportunity to create certainty?

**Mr B McCrea:** I thank the Member for his point. He need not fear because Mr Buchanan has now arrived in the Chamber, so he can no doubt support the amendment. I am quite sure that the Minister will address the very important issues that the Member raised — he knows where the parties stand on that.

We are pleased that a Minister is taking an imaginative process through to its conclusion. We want to see action, and I am sure that the Minister supports that view. The Minister is to be congratulated for his efforts. I thank all Members of the House for their contributions. I am sure that Mr Buchanan will apologise to Mr McCallister in due course.

**The Minister of Health, Social Services and Public Safety:** I thank all the Members who spoke during the debate. That has added value to the process. I firmly believe that effective commissioning is the link between policy and delivery. Strong devolved commissioning will play a leading role in the delivery of health and social care across Northern Ireland. To that end, I have increased and altered the membership of the commissioning groups from that which was originally proposed. I have listened carefully to

representatives of voluntary and community groups, as well as to others involved in health and social care.

A key measure that I took was to include local elected representatives on the commissioning groups. As Members may remember, under the original proposals — made during the old days of the direct rule — there were to be no elected representatives involved anywhere in those structures. I have tried to include elected representatives throughout the new structures and on each commissioning group. Four locally elected representatives will sit on each commissioning group. Confident, locally elected representatives will provide strength to the commissioning groups and will ensure that commissioning groups are not and will not be ignored.

The creation of the local commissioning groups and the regional board brings together the innovation and expertise of local health and social care professionals, as well as local government and lay representatives, to identify and address the needs of their communities, planning services in partnership with the voluntary and community sectors, and with other key stakeholders.

I have decided to proceed with the existing degree of coterminosity offered by creating five local commissioning groups aligned with the five health and social care trusts, and the proposed local offices of the patient and client council, as well as subordinate legislation that I will bring forward to reflect that. Since the areas covered by the new trusts are made up of clusters of local government areas, the object of the proposed amendment will be achieved by the line that I propose to take. Furthermore, when I addressed Members during the debate on the Second Stage of the Bill on 1 July, I went on record as saying that I would give further consideration to the matter when the local government boundaries were finalised. I am prepared to restate the commitment that, on completion of local government reform, the boundaries of the local commissioning groups will be reviewed in order to ensure appropriate coterminosity.

Stephen Farry mentioned the target time frame for reforming the local government boundaries; I hope that we will meet that target. There are also issues around education and policing boundaries, so there are a lot of different pieces to the jigsaw. I have said to the House and the Executive, and I will say again, that wherever local government boundaries fit — wherever they are — the Health Service can and will easily accommodate them.

Nobody is more committed to the importance of co-operative working with local councils than I am, and local government will play a key role with the regional agency in my plan. It is wise for me to keep my options open and not be too restrictive on the face of the Bill. Therefore, I do not support the proposed amendment. Although I understand the reasons for it,

and have sympathy with the thrust behind it, I will require a degree of flexibility until these matters are finally settled. In the meantime, I expect a high degree of engagement and partnership among the new health and social care bodies and district councils within the present local government arrangements, and in line with agreed transitional arrangements.

**Mr Easton:** Local commissioning groups will be vital, and need to have a strong voice. They need to be very effective, and I believe that a lot of what the Minister has said shows that he is trying to achieve that. However, my concerns are that there will be no coterminosity between the different councils and the local commissioning groups, which will lead to ineffective local commissioning groups. It will lead to confusion and disruption, and there will be overlaps between the different bodies, between the local commissioning groups and councils. That will leave them extremely weakened.

It was good that in this debate — which was slightly more civilised — most of the political parties were quite supportive of the amendment. My colleague Thomas Buchanan said that coterminosity was the aim of the RPA, that good work had been done and should not be compromised by commissioning groups' not having those strong powers, and that those powers had to be coterminous.

Michelle O'Neill thought that the amendment might hold up the entire process, but I do not think that that is the case in the slightest. Tommy Gallagher was happy with the amendment but wanted more information from the Minister — sadly, Tommy is not here. Mr McCallister has stated that the amendment would not do anything for the Bill, and it is sad that his party wants to see confusion within the local commissioning groups, which would disrupt their initiation. It is sad that he supports that.

Stephen Farry had sympathy with the amendment, and wanted coterminosity to be at the heart of local government. He hoped that that coterminosity would lead to efficiencies. It is good to know that he supports efficiencies, especially when he voted against them in the Bill.

4.15 pm

Sue Ramsey agreed with the DUP on this issue, which is good. Mr Basil McCrea is an expert on absolutely everything, including health; but if his expertise on office costs allowance is anything to go by, his constituents are in for a hard time on health issues.

The Minister said that he has altered the make-up of local commissioning groups by adding elected representatives; however, if those groups are not coterminous, different councils will be fighting for the four positions. That will lead to complete confusion and to councillors

battling one another to get onto the local commissioning groups.

I am disappointed that the Minister will not accept the amendment, even though he said that a review will take place; however, a review does not mean that the result will be coterminous. If the Minister really supports coterminosity, he should put it in the Bill. I support the amendment.

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 30; Noes 38.*

#### AYES

*Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Dr Farry, Mr Ford, Mr Hamilton, Mr Hilditch, Ms Lo, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.*

*Tellers for the Ayes: Mr Buchanan and Mr Easton.*

#### NOES

*Mr Adams, Mr Attwood, Mr Beggs, Mr Boylan, Mr Brady, Mr Brolly, Mr Butler, Mr W Clarke, Mr Cobain, Mr Cree, Mr Durkan, Mr Elliott, Mr Gallagher, Mrs Hanna, Mr G Kelly, Mr Kennedy, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McClarty, Mr B McCrea, Dr McDonnell, Mrs McGill, Mr McGimpsey, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Ms Ni Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms S Ramsey, Mr K Robinson.*

*Tellers for the Noes: Mr McCallister and Mr B McCrea.*

*Question accordingly negated.*

*Amendment No 14 made: In page 6, line 21, leave out “consult RAPHSW” and insert “work in collaboration with the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

*Amendment No 15 made: In page 6, line 23, leave out “other”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

*Clause 9, as amended, ordered to stand part of the Bill.*

#### **Clause 10 (Power of Regional Board to give directions and guidance to HSC trusts)**

*Amendment No 16 made: In page 7, line 10, leave out subsection (4) and insert*

“(4) Where the Regional Board is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the HSC trust concerned—

(a) subsection (3)(a) does not apply; but

(b) the Regional Board must as soon as reasonably practicable give notice to the HSC trust concerned of the grounds on which the Regional Board formed that opinion.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clause 11 ordered to stand part of the Bill.*

#### **Clause 12 (The Regional Agency for Public Health and Social Well-being)**

*Amendment No 17 made: In page 8, line 5, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

**Mr Speaker:** Opposition to clause 12 has already been debated as part of the public-health debate.

*Clause 12, as amended, ordered to stand part of the Bill.*

#### **Clause 13 (Functions of RAPHSW)**

*Amendment No 18 made: In page 8, line 7, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

*Amendment No 19 made: In page 8, line 15, after “health promotion” insert*

“, including in particular enabling people in Northern Ireland to increase control over and improve their health and social well-being.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 20 made: In page 8, line 23, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

*Amendment No 21 made: In page 8, line 27, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

*Amendment No 22 made: In page 8, line 33, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

*Amendment No 23 made: In page 8, line 34, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

*Amendment No 24 made: In page 9, line 1, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

*Amendment No 25 made: In page 9, line 3, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

**Mr Speaker:** Opposition to clause 13 has already been debated as part of the public-health debate.

*Clause 13, as amended, ordered to stand part of the Bill.*

#### **Clause 14 (The Regional Support Services Organisation)**

*Amendment No 26 made:* In page 9, line 10, leave out “Support” and insert “Business”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 27 made:* In page 9, line 12, leave out “RSSO” and insert “RBSO”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 14, as amended, ordered to stand part of the Bill.*

**Clause 15 (Functions of RSSO)**

*Amendment No 28 made:* In page 9, line 14, leave out “RSSO” and insert “RBSO”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 29 made:* In page 9, line 28, leave out “RSSO” and insert “RBSO”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 30 made:* In page 9, line 35, leave out “RSSO” and insert “RBSO”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 31 made:* In page 9, line 37, leave out “RSSO” and insert “RBSO”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 15, as amended, ordered to stand part of the Bill.*

*Clause 16 ordered to stand part of the Bill.*

**Clause 17 (Functions of the Patient and Client Council)**

*Amendment No 32 made:* In page 11, line 6, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 17, as amended, ordered to stand part of the Bill.*

**Clause 18 (Duty to co-operate with the Patient and Client Council)**

*Amendment No 33 made:* In page 12, line 2, after “have” insert “due”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clause 19 ordered to stand part of the Bill.*

**Clause 20 (Public involvement: consultation schemes)**

*Amendment No 34 made:* In page 13, line 5, after “have” insert “due”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 20, as amended, ordered to stand part of the Bill.*

**Clause 21 (Duty on HSC trusts in relation to improvement of health and social well-being)**

*Amendment No 35 made:* In page 13, line 16, after “of” insert “, and reducing health inequalities between,”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clauses 22 and 23 ordered to stand part of the Bill.*

**Clause 24 (Transfer of functions of Health and Social Services Boards)**

*Amendment No 36 made:* In page 15, line 11, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 24, as amended, ordered to stand part of the Bill.*

*Clause 25 ordered to stand part of the Bill.*

**Clause 26 (Transfer of functions of the Mental Health Commission)**

*Amendment No 37 made:* In page 15, line 39, leave out “RSSO” and insert “RBSO”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 26, as amended, ordered to stand part of the Bill.*

**Clause 27 (Amendment of statutory and other references to dissolved bodies, etc)**

*Amendment No 38 made:* In page 16, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 39 made:* In page 16, line 34, leave out “RSSO” and insert “RBSO”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 27, as amended, ordered to stand part of the Bill.*

*Clauses 28 to 30 ordered to stand part of the Bill.*

**Clause 31 (Interpretation)**

*Amendment No 40 made:* In page 19, line 17, leave out “RAPHSW” and insert “the Regional Agency”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 41 made:* In page 19, line 19, leave out “RSSO” and insert “RBSO”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 42 made:* In page 19, line 19, leave out “Support” and insert “Business”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 31, as amended, ordered to stand part of the Bill.*

*Clauses 32 to 35 ordered to stand part of the Bill.*

*Schedule 1 agreed to.*

**Schedule 2 (The Regional Agency for Public Health and Social Well-being)**

*Amendment No 43 made:* Leave out schedule 2 and insert

## “SCHEDULE 2

THE REGIONAL AGENCY FOR PUBLIC  
HEALTH AND SOCIAL WELL-BEING*Status*

1.—(1) The Regional Agency shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of the Regional Agency shall not be regarded as property of, or held on behalf of, the Crown.

(3) Where land in which the Department has an interest is managed, used or occupied by the Regional Agency, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.

(4) The Regional Agency shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Regional Agency in its own name.

(5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to the Regional Agency.

*General powers*

2.—(1) Subject to any directions given by the Department, the Regional Agency may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But the Regional Agency may not borrow money.

*Membership*

3.—(1) The Regional Agency shall consist of—

- (a) a Chair appointed by the Department;
- (b) a prescribed number of persons appointed by the Department;

(c) the chief officer of the Regional Agency;

(d) such other officers of the Regional Agency as may be prescribed;

(e) not more than a prescribed number of other officers of the Regional Agency appointed by the Chair and the members specified in heads (b) and (c); and

(f) a prescribed number of members of district councils appointed by the Department in such manner as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of the Regional Agency may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

*Remuneration and allowances*

4.—(1) The Regional Agency shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

*Term of office*

5.—(1) The term of office of members of the Regional Agency appointed under paragraph 3(1)(a), (b), (e) or (f) shall be 4 years or such other period as may be determined by the Department at the time the appointments are made.

(2) A member of the Regional Agency specified in paragraph 3(1)(c), (d) or (e)—

(a) who ceases to hold the qualifying office, shall cease to be a member of the Regional Agency;

(b) who is suspended from the qualifying office, shall be suspended from membership of the Regional Agency while suspended from that office.

(3) In sub-paragraph (2) “the qualifying office” in relation to a member of the Regional Agency means the office under the Regional Agency which the member held at the time of becoming a member of the Regional Agency.

(4) A member of the Regional Agency specified in paragraph 3(1)(f) who ceases to be a member of a district council shall cease to be a member of the Regional Agency.

*Resignation and removal*

6.—(1) A member of the Regional Agency appointed under paragraph 3(1)(a), (b) or (f)—

(a) may resign membership by serving notice on the Department;

(b) may be removed from office by the Department.

(2) A member of the Regional Agency appointed under paragraph 3(1)(e) may be removed from office by the Chair and the members specified in paragraph 3(1)(b) and (c).

(3) Where any member of the Regional Agency—

(a) is absent from the meetings of the Regional Agency for more than 6 months consecutively, except for an approved reason; or

(b) is convicted of an indictable offence;

the Regional Agency shall forthwith, by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit, and thereupon the office shall become vacant.

(4) In sub-paragraph (3)(a) “approved reason” means a reason approved—

(a) in the case of members appointed under paragraph 3(1)(e), by the Chair and the members specified in paragraph 3(1)(b) and (c);

(b) in the case of any other member, by the Department.

(5) Where the place of a member specified in paragraph 3(1)(a), (b), (e) or (f) becomes vacant before the expiration of the member’s term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment—

(a) in the case of a member specified in paragraph 3(1)(a) or (b), by the Department;

(b) in the case of a member specified in paragraph 3(1)(e), by the Chair and the members specified in paragraph 3(1)(b) and (c);

(c) in the case of a member specified in paragraph 3(1)(f), by the Department in such manner as may be prescribed;

and any person so appointed shall hold office for the remainder of the term of office of the former member.

#### *Committees*

7.—(1) The Regional Agency may appoint one or more committees to which it may delegate such of its functions as it thinks fit.

(2) References in this Schedule to a committee are to a committee appointed under this paragraph.

(3) A person who is not a member of the Regional Agency shall not, except with the approval of the Department, be appointed to a committee.

(4) The Regional Agency may pay to members of its committees who are neither members nor employees

of the Regional Agency such remuneration and allowances as the Regional Agency may, with the approval of the Department, determine.

(5) Every member of a committee who, at the time of appointment, was a member of the Regional Agency shall, on ceasing to be a member of the Regional Agency, also cease to be a member of the committee.

#### *Sub-committees*

8.—(1) The Regional Agency or a committee may appoint a sub-committee to consider and report to the Regional Agency or, as the case may be, the committee on any matter within the competence of the Regional Agency or the committee.

(2) References in this Schedule to a sub-committee are to a sub-committee appointed under this paragraph.

(3) A sub-committee may include persons who are not members of the Regional Agency or the committee which appoints the sub-committee.

#### *Proceedings*

9. Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954 (c. 33), the Regional Agency shall make standing orders regulating the procedure of the Regional Agency, its committees and sub-committees, including provision regulating—

(a) the convening of meetings;

(b) the fixing of the quorum; and

(c) the conduct of business at meetings.

#### *Validity of proceedings*

10. The proceedings of the Regional Agency or of any committee or sub-committee are not invalidated—

(a) by any vacancy in the membership of the Regional Agency or the committee or sub-committee;

(b) by any defect in the appointment of any of its members; or

(c) by any failure to comply with paragraph 9.

#### *Disclosure of pecuniary, etc., interests and related provisions*

11.—(1) Subject to sub-paragraph (2), sections 28 to 33 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) and section 148 of that Act so far as it applies for the interpretation of those sections, shall apply to the Regional Agency, a committee or sub-committee and to a member of the Regional Agency, a committee or sub-committee as if—

(a) in those sections—

(i) any reference to a council were a reference to the Regional Agency, a committee or sub-committee,

(ii) any reference to a councillor were a reference to a member of the Regional Agency, a committee or sub-committee,

(iii) any reference to the clerk of the council were a reference to the chief officer of the Regional Agency, and

(iv) any reference to that Act were a reference to this Act;

(b) in section 28(4) of that Act the words “or 46” were omitted and for the words from “by any local elector” onwards there were substituted the words “by any person.”.

(2) Notwithstanding anything in sub-paragraph (1), an officer of the Regional Agency who is a member of the Regional Agency may vote upon any matter which affects the interests of officers of the Regional Agency or such officers of any class (including a class to which the officer belongs), but must not vote upon any matter affecting only the officer’s individual interest.

*The chief officer and other staff*

12.—(1) There shall be a chief officer of the Regional Agency who shall be a member of the staff of the Regional Agency and shall be responsible to the Regional Agency for the general exercise of its functions.

(2) Subject to paragraph 13—

(a) the first chief officer shall be appointed by the Department; and

(b) any subsequent chief officer shall be appointed by the Regional Agency.

13.—(1) The qualifications, remuneration and conditions of service of officers of the Regional Agency may be determined by the Department.

(2) Regulations may make provision with respect to—

(a) the method of appointment of officers of the Regional Agency;

(b) the qualifications, remuneration and conditions of service of such officers of the Regional Agency as may be prescribed;

and an officer such as is mentioned in head (b) shall not be employed otherwise than in accordance with the regulations.

(3) Determinations or regulations under sub-paragraph (1) or (2) may provide for approvals or determinations to have effect from a date specified in them.

(4) The date mentioned in sub-paragraph (3) may be before or after the date of giving the approvals or making the determinations but may not be before if it

would be to the detriment of the officers to whom the approvals or determinations relate.

(5) The appointment and removal from office of such officers of the Regional Agency as may be prescribed is subject to the approval of the Department.

*Application of the seal*

14. The application of the seal of the Regional Agency shall be authenticated by the signatures of—

(a) at least one member of the Regional Agency appointed under paragraph 3(1)(a) or (b); and

(b) the chief officer of the Regional Agency.

*Execution of documents*

15.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of the Regional Agency by any person generally or specially authorised by the Regional Agency for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of the Regional Agency shall be deemed to be so executed until the contrary is proved.

*Finance*

16.—(1) The Department may make payments to the Regional Agency out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

(3) Subject to sub-paragraph (4), the Regional Agency must pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) does not apply to such sums, or sums of such description, as the Department may, with the approval of the Department of Finance and Personnel, direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

*Accounts*

17.—(1) The Regional Agency shall—

(a) keep proper accounts and proper records in relation to the accounts; and

(b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

(a) be in such form; and

(b) contain such information,



as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Regional Agency shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

(a) examine, certify and report on every statement of accounts received from the Regional Agency under this paragraph; and

(b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

#### *Annual report*

18.—(1) The Regional Agency shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) The Department shall lay a copy of the report before the Assembly.

#### *Interpretation*

19. In paragraphs 17 and 18—

“Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“financial year” means—

- (a) the period beginning with the day on which the Regional Agency is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

#### *Information*

20.—(1) The Regional Agency shall record such information with respect to the exercise of its functions as the Department may direct.

(2) Information shall be recorded in such form, and retained for such period, as the Department may determine.

(3) The Regional Agency shall, in relation to its functions, furnish to the Department, such reports, returns and other information as the Department may require.

#### *Default powers of Department*

21.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that the Regional Agency has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

(a) make an order declaring the Regional Agency to be in default; and

(b) direct the Regional Agency to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If the Regional Agency fails to comply with the Department's direction under sub-paragraph (2), the Department may—

(a) discharge the functions to which the direction relates itself; or

(b) make arrangements for any other person to discharge those functions on its behalf.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

**Mr Speaker:** Opposition to schedule 2 has already been debated as part of the public-health debate.

*Schedule 2, as amended, agreed to.*

#### ***Schedule 3 (The Regional Support Services Organisation)***

*Amendment No 44 made:* Leave out schedule 3 and insert

#### “SCHEDULE 3

#### THE REGIONAL BUSINESS SERVICES ORGANISATION

##### *Status*

1.—(1) RBSO shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of RBSO shall not be regarded as property of, or held on behalf of, the Crown.

(3) Where land in which the Department has an interest is managed, used or occupied by RBSO, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.

(4) RBSO shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in

respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against RBSO in its own name.

(5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to RBSO.

#### *General powers*

2.—(1) Subject to any directions given by the Department, RBSO may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But RBSO may not borrow money.

#### *Membership*

3.—(1) RBSO shall consist of—

- (a) a Chair appointed by the Department;
- (b) a prescribed number of members appointed by the Department;
- (c) the chief officer of RBSO; and
- (d) such other officers of RBSO as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of RBSO may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

#### *Remuneration and allowances*

4.—(1) RBSO shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

#### *Appointment, procedure etc.*

5. Regulations may make provision as to—

- (a) the appointment of members of RBSO under paragraph 3(1)(b) and (d) (including any conditions to be fulfilled for appointment);
- (b) the tenure of office of the Chair and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office);
- (c) the appointment of, constitution of, and exercise of functions by, committees and sub-committees (including committees and sub-

committees which consist of or include persons who are not members of RBSO);

(d) the procedure of RBSO and any committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment);

(e) the staff, premises and expenses of RBSO;

(f) such other matters in connection with RBSO as the Department thinks fit.

#### *The chief officer*

6.—(1) There shall be a chief officer of RBSO who shall be a member of the staff of RBSO and shall be responsible to RBSO for the general exercise of its functions.

(2) Subject to regulations made under paragraph 5(e)—

- (a) the first chief officer shall be appointed by the Department;
- (b) any subsequent chief officer shall be appointed by RBSO.

#### *Application of the seal*

7. The application of the seal of RBSO shall be authenticated by the signature—

- (a) of any member of RBSO; and
- (b) of any other person who has been authorised by RBSO (whether generally or specifically) for that purpose.

#### *Execution of documents*

8.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of RBSO by any person generally or specially authorised by RBSO for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of RBSO shall be deemed to be so executed until the contrary is proved.

#### *Finance*

9.—(1) The Department may make payments to RBSO out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

#### *Accounts*

10.—(1) RBSO shall—

- (a) keep proper accounts and proper records in relation to the accounts; and

(b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) RBSO shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received from RBSO under this paragraph; and
- (b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

#### *Annual report*

11.—(1) RBSO shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) RBSO shall publish any report prepared under sub-paragraph (1) in such manner as the Department may direct.

(3) The Department shall lay a copy of the report before the Assembly.

#### *Interpretation*

12. In paragraphs 10 and 11—

“Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“financial year” means—

- (a) the period beginning with the day on which RBSO is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

#### *Information*

13.—(1) RBSO shall at such times as the Department may direct—

(a) provide the Department or a specified body with such information, and

(b) permit the Department or the specified body to inspect and take copies of such documents, relating to RBSO's functions as the Department may direct.

(2) In sub-paragraph (1) “specified body” means a body specified in directions under that sub-paragraph.

#### *Default powers of Department*

14.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that RBSO has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

- (a) make an order declaring RBSO to be in default; and
- (b) direct RBSO to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If RBSO fails to comply with the Department's direction under sub-paragraph (2), the Department may—

- (a) discharge the functions to which the direction relates itself; or
- (b) make arrangements for any other person to discharge those functions on its behalf.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey)*]

*Schedule 3, as amended, agreed to.*

*Schedule 4 agreed to.*

#### ***Schedule 5 (Transfer of assets, etc)***

*Amendment No 45 made:* In page 41, line 38, after “of a” insert “transferor or”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey)*]

*Amendment No 46 made:* In page 43, line 13, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey)*]

*Schedule 5, as amended, agreed to.*

#### ***Schedule 6 (Minor and consequential amendments)***

*Amendment No 47 made:* In page 44, line 2, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey)*]

*Amendment No 48 made:* In page 44, line 7, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey)*]

*Amendment No 49 made:* In page 44, line 30, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey)*]

*Amendment No 50 made:* In page 44, line 31, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 51 made:* In page 45, line 19, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 52 made:* In page 45, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 53 made:* In page 45, line 28, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 54 made:* In page 46, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 55 made:* In page 46, line 25, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 56 made:* In page 47, line 34, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 57 made:* In page 47, line 38, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 58 made:* In page 47, line 39, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 59 made:* In page 48, line 41, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 60 made:* In page 49, line 4, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 61 made:* In page 51, line 14, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 62 made:* In page 51, line 15, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 63 made:* In page 51, line 20, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 64 made:* In page 51, line 21, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 65 made:* In page 51, line 33, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 66 made:* In page 51, line 34, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 67 made:* In page 52, line 2, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 68 made:* In page 52, line 6, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 69 made:* In page 52, line 7, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 70 made:* In page 52, line 9, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 71 made:* In page 53, line 8, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 72 made:* In page 53, line 23, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 73 made:* In page 53, line 38, leave out “the Regional Board or RAPHSW” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 74 made:* In page 54, line 4, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 75 made:* In page 54, line 5, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Schedule 6, as amended, agreed to.*

*Schedule 7 agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Health and Social Care (Reform) Bill. The Bill stands referred to the Speaker.

4.45 pm

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

## PRIVATE MEMBERS' BUSINESS

### Health Service Vacancies

**Mr Deputy Speaker:** Order, Members. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech, and all other Members who wish to speak will have five minutes. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech.

**Mr Easton:** I beg to move

That this Assembly notes with concern the current number of vacancies in the Health Service; and calls on the Minister of Health, Social Services and Public Safety to review, as a matter of urgency, how his Department recruits staff and to look at more efficient and effective processes for the recruitment and retention of staff.

My party will be accepting the amendment.

When the House addresses vacancies in the Health Service, it is dealing with a matter that affects each and every one of us. We have all benefited from the excellence that is the National Health Service at some stage in our lives, and in the lives of our family circles. Therefore, given the critical importance of the Health Service, which touches our lives, it is entirely right and proper that we look at methods through which we can continually improve that service.

Vacancies in the Health Service is an issue that should distress the minds of all Members. Jobs in the Health Service are identified after a process of rigorous evaluation and are deemed necessary to the task of providing the Health Service that we all require. Accordingly, when a vacancy arises, it opens a gap in that service, and that places a burden on other staff, who must try to close that gap. Gaps can be plugged temporarily but not indefinitely. Let no one doubt that vacancies in the Health Service present a real danger to the continued effective working of the Health Service. In order to allow the Health Service — so dependent on the skills and expertise of our health professionals, who consider their employment to be a vocation — to function well, we need to tackle radically the current vacancies that exist.

It would be nice to inform the House that there is, more or less, an adequate staffing complement in the health and social care organisations and that, across the programme of care, good cover is provided for the jobs

that the public correctly expect to be performed. However, the reality is somewhat different. The number of vacancies that currently exists is a matter of deep concern, and a matter that cannot, and must not, be ignored. The Health Minister really must step up to the plate and take note of the current number of vacancies, which is, rightly so, disturbing Members.

One thing that I know will unite all Members is the high value in which we hold our Health Service staff. Therefore, it is essential that the Minister address, by means of reassessment, the numbers of staff that are enlisted into the Health Service, and also how we can retain of their skills and expertise for the benefit of the patient and the client.

Disraeli referred to statistics in his famous adage:

“There are three kinds of lies: lies, damned lies, and statistics.”

Although I acknowledge that sentiment, I also acknowledge that statistics provide the evidence base for which today we, rightly, highlight the need for action.

Time does not allow for a comprehensive repetition of the statistics that detail all vacancies across the programme of care. However, given the importance of the evidence base, I direct Members to the key-facts workforce bulletin for the quarter ending September 2008 for factual numerical analysis of the vacancies that are causing Members so much angst. I do not consider it productive to highlight individual situations, such as the 447 vacancies in nursing and health-visiting staff at March 2008, or — more worrying still — the 127 long-term vacancies in nursing, midwifery and health-visiting staff as at 31 March 2008.

That said, it is my duty to highlight that there are a staggering 295 nursing vacancies, 20 of which are, as of March 2008, in my South Eastern Health and Social Care Trust area. More worrying still, some 74 long-term nursing vacancies — unoccupied posts that have been vacant for three months or more — have existed since March 2008. Are we not staggered that 74 nursing posts have been vacant since 31 December 2007? Surely that is an intolerable situation, which requires urgent redress.

I value all our social-services staff, from medical and dental, professional and technical, through ancillary and general, to ambulance, administrative and clerical staff. Every job in the Health Service is vital to the strategic delivery of high-quality services. Vacancies must be addressed. Where there are high numbers of vacancies, the calls for review must target and prioritise delivering an end to those vacancies.

It must be remembered that all our services are under stress. Although time does not allow for detailed analysis across the board, it is valuable to consider a specific example, such as family and childcare social-work staff. Although I acknowledge the increase in

numbers of social-work students, let us not underestimate the skills and the knowledge base that are required to provide child-protection services, or the stresses that are inherent in doing so.

We all recoiled in horror at the unspeakable deeds that were perpetrated on Baby P. That case left us with feelings of revulsion and deep shock. It must be remembered that social-work staff encounter child-protection matters daily. Therefore, vacancies that place additional stress on that service should be tackled urgently.

I put on record my appreciation of those agency staff who, at short notice, come and work in areas of high importance in our Health Service. Equally, however, I place on record my belief that agency staff are an inadequate substitute for highly motivated and trained permanent staff. That is not only my view; it is the message from occupational-psychology research, as well as that of distinguished organisations such as the Royal College of Nursing.

I have previously spoken about the matter, but I again stress that I find it unacceptable that some £40 million was spent on agency staff in 2008. We can, and must, do better. There should be no cuts in our front-line services. I warn the Minister that his plans that suggest that 3,000 Health Service jobs are at risk in order to save £130 million will be scrutinised robustly. Our front-line-service staff will have not only my support but that of all right-thinking Members.

Effective recruitment and retention processes — including human-resources policies that are dedicated to acting as model employers, and using the skills-escalator model to motivate and encourage staff into developing and enhancing existing skills — are vital if we are to support a workforce on which we all rely.

Nobody should underestimate the magnitude of the task. Departmental figures reveal that, from 1995 to December 2005, the Health Service workforce was increased by 23,000, with an NHS training budget of £4 billion and a corresponding social-care figure of £0.5 billion. However, we should rise to the challenge locally by ensuring that local staff are equipped to deliver high-quality, patient-centred social care. The substance of the motion allows us to make that a reality.

If the Minister takes on board the constructive advice that is offered in the motion, we will have gone some way towards delivering for clients and patients not only the high-quality outcomes that patients deserve but a high-quality patient experience. We will have achieved that with Health Service staff who are professional and patient-centred, and who have the adequate knowledge and skills base to meet the changing demands and demographic of the twenty-first century. That will be a challenge, but it is undoubtedly one for which it is worth striving. Therefore, I have no hesitation in commending the motion to the House.

**Mr McCarthy:** I beg to move the following amendment: Leave out “his Department recruits” and insert

“health and social care organisations recruit”.

I thank Mr Easton for accepting our amendment.

It is difficult to understand the reason that there are so many vacancies across the Health Service at a time when there is so much demand in every department for services to patients. As I understand it, there are around 1,400 vacancies in the health and social services, covering a wide range of work that includes administrative, professional and technical duties. Such vacancies have arisen at a time when, as a result of a forced 3% efficiency drive, some 700 front-line nursing staff are being targeted for layoffs. It seems to me that one side of the business does not know what the needs of the other side are.

The motion and the amendment simply call on the Health Minister to, at the earliest possible time, examine ways and means of recruiting enough suitable staff right across the Health Service and, more importantly, to retain a good body of staff as that will, inevitably, result in our community getting a good service. I believe that a good body of staff, working in good conditions and being rewarded fairly, will want to stay in that working environment. The end result of that will, most certainly, be beneficial to patients and to the Department of Health, Social Services and Public Safety.

I was alarmed to hear recently of the Health Service's huge dependence on agency staff. I am quite sure that nursing professionals and other Health Service workers who have been recruited through outside agencies perform their duties to the highest possible standards; however, I am not sure that that is the most cost-effective way to fill vacant posts in the Health Service. The Alliance Party amendment seeks to ensure that all health and social care organisations in the Health Service use the best and most effective ways of recruiting staff. The Department spent between £30 million and £50 million on agency staff over a three-year period. That seems to be a lot of money that could have gone a long way towards improving front-line services, while recruitment could have been carried out by the Health Service's human resources department.

The information pack provided by the Assembly's Research Services shows that the Department relies on the workforce planning unit. That group recognises the importance of workforce planning in identifying appropriate staffing levels and structures. However, information on that unit states that:

“Local staffing arrangements are the responsibility of individual HPSS employers, taking into account factors such as service needs and available resources. The Department has a role in ensuring that sufficient suitably qualified staff are available to meet the needs of the service overall.”

Perhaps that area ought to be examined if improvements are to be made.

The information from Research Services also shows that both the BMA and the RCN are greatly concerned at the lack of workforce planning. The chairman of the BMA called recently for the reinstatement of more effective planning strategies to avoid wasting millions of pounds of public money. He said:

“Workforce planning is difficult at the best of times but becomes virtually impossible in the context of the rapid implementation of so many NHS reforms. We are concerned that cash strapped trusts will look to save money by not replacing consultant posts or looking for cheaper options, with obvious results.”

Our community values the work of the National Health Service highly. We look forward to receiving nothing but the best of treatment from all our health professionals when we need it. Now that there is a local Assembly in Northern Ireland, we expect that our Health Minister will ensure that the level of staff vacancies throughout the Health Service will be kept to the very minimum. With a determined workforce planning unit in place, that problem could be overcome, and that would be beneficial for all our community. I support the motion and the amendment.

5.00 pm

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. Given the subject of the previous debate, this debate is timely. I commend Mr Buchanan and Mr Easton for tabling the motion. Sinn Féin supports both the motion and the amendment.

The motion expresses concern about the number of vacancies in the Health Service, and when one considers the statistics one cannot help but be concerned. Mr Easton mentioned some of the statistics but was reluctant to quote more. However, in this instance, I believe that it is important to quote more statistics. I will focus particularly on vacancies in programmes of care for the elderly, people with mental-health disabilities, and those with learning disabilities. Although we are talking about jobs, I am thinking about the impact that those vacancies would have on families and patients in relation to programmes of care. We are not just talking about a skilled workforce; we are talking about a gap in provision that needs to be addressed.

As far as the provision of services for the elderly is concerned, there are: 12 administration and clerical staff vacancies; 70 ancillary and general staff vacancies; 28 nursing, midwifery and health visitor vacancies; 115 social services staff vacancies, which has a big impact on the elderly; and 33 professional and technical staff vacancies. Although this is not all about figures, totting them up provides a graphic illustration of the problem.

The number of vacancies in the mental-health sector is greater than those for the others. There are: nine administration and clerical staff vacancies; 24 ancillary

and general staff vacancies; 24 nursing, midwifery and health visitor vacancies; 10 social services staff vacancies and 16 professional and technical staff vacancies.

In addition, the figures for those with a learning disability are as follows: eight administration and clerical staff vacancies; 88 ancillary and general staff vacancies; 74 nursing, midwifery and health visitor staff vacancies; 10 social services staff vacancies and 15 professional and technical staff vacancies.

Those three groups —

**Mr Easton:** The Minister, in reply to my question for written answer, informed me that there are 82 vacancies in the Province for doctors. The fact that so many vacancies are not filled is an extremely serious problem for Northern Ireland.

**Mrs McGill:** I thank the Member for his intervention. Although he is correct about the large number of vacancies for doctors, I chose not to quote every statistic. The elderly, and people with mental-health or learning disabilities are the most vulnerable groups in the community, and we repeatedly say that we care about them. Therefore, I selected those groups, and the vacancy statistics illustrate graphically that their situation is particularly marked and acute. Although the debate is about highlighting vacancies and encouraging the recruitment and retention of well-qualified staff, we must consider the people for whom the Health Service is providing.

Mr Easton referred to the number of agency staff in the Health Service, and I was shocked to see that on 6 August 2008 the ‘Belfast Telegraph’ stated that £30 million had been spent by three trusts over three years on providing agency staff. The article went on to say that when the figures for the other two trusts are known the costs might be considerably higher — perhaps £50 million. Why are the trusts so keen to employ agency staff?

I very much welcome this debate. It is timely that there should be a review of Health Service recruitment. Although I read that reviews take place every three years, I am not sure whether that practice continues. I support the motion; it is important that we look at the situation. Go raibh maith agat.

**Mr Deputy Speaker:** I advise Members that there is electrical interference on the sound system, and I remind them that all mobile phones should be switched off and not simply put on standby.

**Mr McCallister:** As other Members have said, it is important to note that recruitment and retention issues are matters for individual health and social care trusts. The trusts’ commitment to recruitment cannot be questioned; it is evident in the provision of a one-stop shop for all potential employees through the online point of advertisement for health and social care jobs.

The Department, in conjunction with the trusts, promotes Health Service careers generally through recruitment fairs and departmental and trust websites. It is obviously in each trust's interests to recruit the best people to fill as many vacancies as possible.

At present, more than 60,000 individuals are employed in the Health Service. That is a substantial number, and the Health Service is the single biggest employer in Northern Ireland. Each of the 60,260 individuals has a vital role to play in providing help when people need it most. Whether they are in the background, providing administrative support, or in more visible roles, such as doctors and nurses, every person who is employed by the Health Service is invaluable.

The Health Department has already recognised how important workforce planning is in identifying appropriate staffing levels and structures. The workforce planning unit has implemented a programme of comprehensive workforce-planning reviews to be carried out at regional level across the main professions and a number of supporting groups in the Department of Health, Social Services and Public Safety (DHSSPS).

The workforce-planning cycle comprises a major review of each group every three years, which is supported by annual updates. The main aims of the reviews are to establish information on supply-and-demand dynamics in order that the Department makes appropriate decisions on the number of training places to be commissioned and to develop an understanding of issues that impact on the recruitment, retention and career progression of those employed. The Minister and the trusts have been taking action, and will continue to do so, because it is in their own best interests.

Where the Department of Health has noticed significant shortfalls in particular sectors, the Minister has not simply sat back and watched as the crisis unfolds. To the contrary, he and his Department have been proactive in recruitment. For example, in November 2007, the Minister launched a nursing recruitment campaign in response to the recognised shortage of mental-health and learning-disability nurses in Northern Ireland. That campaign was designed to encourage individuals who were setting out on their careers, or seeking a change in direction, to consider mental-health and learning-disability nursing. That is innovative recruitment, but we cannot force people to make those decisions.

Many Health Service positions require years of dedicated academic study and training. Recruitment is a constant effort, and it requires persistent innovative thinking and review. The increase in private practice has also had a serious impact. However, the Minister is fully aware of the issues and is working closely with the Minister for Employment and Learning to address strategically recruitment in relevant areas that require specialised study. Ensuring that an adequate number of

trained people come through the system is the only way to ensure a sustainable Health Service. However, it is not an exact science, and we cannot predict every eventuality or change in service-provision requirements.

Every regional health service in the UK faces the same recruitment problem. At present, vacancies in Northern Ireland amount to only 2% of the workforce. Although we must constantly work on and review the situation, there is no sense in blowing the issue out of proportion.

I am sure that the Minister will have no problem in reviewing the current recruitment and retention process; however, I remind Members that they can compete strongly with comparable regions in the United Kingdom. There is always room for improvement, but the Health Minister and the trusts are always looking for ways of making improvements because it is in the interests of everyone that they do so.

**Mrs Hanna:** The staff of the National Health Service are still our best asset, and that is demonstrated day in, day out by all healthcare and ancillary staff. They require job security, proper support, effective management and adequate resources if they are to fulfil their duties to the best of their ability.

The DHSSPS requirement to achieve efficiency savings challenges the desired provision of good service. I hope that we do not lose front-line jobs, and I know that the Minister is concerned that that does not happen, but if we do, it will put the remaining staff under more pressure than ever.

I am also worried about the effects of using redundancies, the possible freezing of recruitment and reducing staff numbers as a means of balancing a budget, which always fell short of the mark. That is why the SDLP voted against the draft Budget and the draft Programme for Government: they relied far too heavily on efficiency savings.

All parties agree that there must be investment in training and recruitment if the Health Service is to be improved. As has been said, it is worrying that there is still a shortage of psychiatric nurses, nurses for people with learning disabilities, midwives and theatre nurses, amongst others. Although I recognise that the use of agency staff is, at times, unavoidable, trusts should not rely so heavily on those staff when permanent staff would provide better continuity of care and better long-term efficiency. I understand that short-term contracts are long gone. Perhaps the Minister will comment on that.

I would have appreciated from Alex Easton stronger statistics, firmer facts and figures and benchmarks comparing the numbers of vacancies against total employment. Claire McGill provided some figures, but it would be interesting to know to where exactly in Northern Ireland they apply.



It is important also that we examine the skills match. Perhaps there are vacancies in some areas because appropriately trained people are not available. It would be helpful if the Department and the Minister responded on whether they could be more proactive on that.

The Department, rightly, concentrates on policy and strategy, and the trusts deal with operational matters. However, I assume that the Minister is confident that the Department has the people with the appropriate management expertise to tackle that and to review continually the recruitment process.

For the NHS to recruit and retain staff, it needs to be a good employer who provides the correct support, training and investment. The skills of the staff should be maximised, and opportunities for promotion will help to maintain staff morale. The delivery of a high-quality service is no easy task for staff, but organisation and leadership from DHSSPS is crucial, and I am sure that it exists.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion and the amendment and commend the proposers for securing today's debate. It is an important and timely debate, as Claire McGill said, but it is important that Departments' recruitment of the public-sector workforce is kept under review at all times. Furthermore, it is important that the recruitment processes are examined for efficiency and effectiveness.

I welcome the Minister to the debate; it is nice to see him again. I know that he has been here all day, but so have we all — and we will be here all day tomorrow as well. I thank the Research Services for the information pack on the debate that it provided for Members. I know that it provides an information pack for all debates, but this one was particularly useful, because it contained many of the necessary figures that Carmel Hanna mentioned. The figures in the research pack are useful to Members.

5.15 pm

Members who spoke previously highlighted the number of staff employed, the amount of vacancies in the health sector, and the amount of money paid out to agency staff. It is useful to know that we are dealing not only with employment issues, but with vacancies and the agency staff who are brought in to deal with those vacancies.

Claire McGill said that earlier this year the 'Belfast Telegraph' reported that more than £30 million was paid out across the North over a three-year period for agency workers in the Health Service, including nurses, domiciliary and medical staff. However, those figures did not include the Belfast Health and Social Care Trust or the South Eastern Health and Social Care Trust. The report suggested that when those figures were added, the total could reach more than £50 million — a startling figure. It may seem like a drop in the ocean compared

to the health sector budget; however, if the Minister is fighting daily for additional money, the £50 million paid out to agency staff is startling.

We must look at how we deliver services at every level. No one in the Assembly is criticising, or will criticise, trusts or the Department for employing staff to deliver services. However, we must look at how those staff are put in place and how agency staff are brought in. The bill for staff could be reduced if those staff were made permanent.

Alex Eason referred to a report in 'The Irish News' that stated that there is a possibility that more than 3,000 jobs could be at risk in a bid to hit the savings target of £130 million. No one is arguing — especially in relation to the previous debate — against the need to spend public money wisely. However, that should not be at the expense of cutting front-line services and care to our community.

'The Irish News' stated that the focus of those cuts would be nurses, ancillary workers and general staff. A radical overhaul of the Health Service is needed so that we can find out how the £50 million was spent on agency staff. There is also a need to review the proposal to cut jobs in front-line services.

We hear daily about the problems that patients and staff in the health sector face, including waiting lists and the shortage of care packages; we also hear about hospital infections, which have been to the fore over the past couple of weeks.

The Minister may not have the answer with him, but it would be useful to know how much money was paid to agency staff and how much was paid to the agencies that employ them. That would give us a better idea of where the money goes.

We hear about the state of hospitals and about what the Department, the trusts and the Minister will do; we also hear about reviews, strategies, outputs and inputs. However, if we propose to cut staff and front-line care in our hospitals, how will we ensure that patients get the best high-standard care? How will cuts to front-line staff in our hospitals help us to defeat infections in them?

We are talking about efficiencies and streamlining services, but we should not attack the very people who have been at the forefront of delivering those services with a lack of resources and money. We must commend and congratulate the staff who have provided that service during such difficult times — including agency staff, because they are stepping up to the mark. However, we must continue to ask trusts why they continue to pay for agency staff. The trusts are looking for the easy way out. Go raibh maith agat.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** This is an important debate on an important matter. I want to outline the level of

vacancies across our Health Service and what action is taken on the recruitment and retention of staff. I want to set out how my Department monitors workforce levels, and I want to put in context how any large organisation performs with a number of vacancies at any one time. I also intend to remind Members of the position on staffing.

We are all aware of the efficiency savings that must be made as part of the comprehensive spending review. There is no doubt that achieving a 3% efficiency target will be challenging and will, in some cases, mean that difficult decisions will have to be made.

Every party signed up to that target at the Executive meetings. The target is not my idea; it comes with the territory. If anyone has a better idea about how to find 3% savings, I am listening. Likewise, if anyone wants to vote me the £700 million that I need in order to avoid the efficiencies over the next three years, I am listening. However, no one is doing that. I am more than happy to listen to criticisms, but I expect them to be constructive. I expect to hear alternative proposals rather than simply criticisms. I must tell Members that the staff take those comments to heart, because they sound like a criticism of the service.

My position remains the same: there will no cuts in front-line services. There will, however, be changes to the way in which services are currently delivered. All those resources released by the Department through greater efficiency will be reinvested in health and social care. If efficiency savings are not achieved, all the planned investments in existing commitments and new services cannot happen. Examples of those new services are the introduction of bowel cancer screening, improved ambulance response times, hundreds of extra cardiac procedures, a reduction in the number of children in care and the resettlement into the community of more patients with mental-health problems and learning disabilities. Those are just a few of the important service developments that will happen across the comprehensive spending review period, but only if the efficiencies are achieved.

I want to set straight what the core issue is in the debate. The issue is not simply about percentage levels of turnover or the technicalities of examining in detail the movement in workforce trends. Those are tools that my Department uses to manage and plan workforce levels. The real issue today is the level of service provided to the people of Northern Ireland. Every one of us will have used, or will someday need to use, our local Health Service. We all want the same things from our Health Service for our families and for ourselves. We want to be seen promptly and to be diagnosed accurately. We want first-class treatment and care in clean, pleasant, modern surroundings, and we want it to be administered by staff who will help to maintain our dignity and give us respect.

I rely on the staff in our Health Service — highly professional and dedicated teams of clinicians, managers and support staff — to deliver on those expectations. As the Health Minister for Northern Ireland, I also have a responsibility to ensure that our Health Service is staffed appropriately. I must ensure that it has the resources that it needs to deliver high-quality health and social care, hence the debate that we had on the draft Budget. I correct Tom Buchanan on an earlier comment: I was not given half a billion pounds by the DUP. No way was I given that amount or, indeed, anything by the DUP.

At this time, there are fears that staffing levels will not deliver on those expectations. I want to address those concerns. My Department takes a leading role in managing our workforce. Demand and supply in the local labour market is monitored continually. Vacancies across the Health Service are monitored on a six-monthly basis. Those figures are analysed and form part of a rigorous workforce planning process. When it is necessary and appropriate, my Department takes action to balance workforce supply and demand.

Before I outline the vacancy position, let me take a few moments to ensure that we are clear about the definition of a vacancy. A vacant post is one that the organisation is actively trying to fill. Figures for vacant posts are gathered through the Northern Ireland Health and Social Care Workforce Vacancy Survey. It collects information on current and long-term vacancies by grade, organisation and programme of care. Once a post has been vacant for more than three months, it becomes known as a long-term vacancy. Vacancies are normally expressed as a vacancy rate.

Without getting too technical, I want to put our vacancy situation into context. First, we have the largest workforce of any organisation in Northern Ireland, with about 70,000 employees. Members will also be well aware that health and social care staff work in highly complex and sophisticated organisations. Our health and social care service is dispersed on sites and patients' homes across the Province, and its workforce comprises a wide range of posts from porters and cleaners to surgeons and managers. Secondly, in March 2008, there were 1,266 whole-time equivalent vacancies across all occupational groups.

That is 1,266 vacancies from about 52,000 whole-time equivalent posts. The vacancy rate is 2.4%, but in March 2005 it was 4.2% — it has almost halved in the past three years. Over the same period in England, the turnover rate has remained steady at about 10%.

Thirdly, much has been made recently of the effect of vacancies on our Health Service. There have been headlines in the local media announcing that millions have been spent on agency staff; I want to set the record straight. Spend on agency staff will never be

zero. Trusts must be able to respond to fluctuations in demand and staff availability, and the use of temporary staff forms a key part of that flexibility. For example, if the sister of a team working in an operating theatre takes ill, the whole team is out of action until that post is filled. Therefore, a temporary worker is called in, because otherwise the whole team is out of action, which means that all the patients jack up in a row.

The use of temporary staff forms a key part of flexibility for trusts, and we will never get the spend on their services down to zero. Reasons for such vacancies include sick absences, maternity leave or short-term absence. Those are critical services — operating theatres cannot function safely if they are not properly staffed. A certain level of vacant posts must be covered to deliver the service that we all expect.

The spend on agency nursing staff locally is about £13 million each year, which accounts for about 2.4% of the pay bill for nursing. That compares favourably with the Health Service in England, which, at the time of the last audit report, was spending more than 9% of total nursing expenditure on agency staff.

However, that should not be interpreted as my giving trusts a green light to call on agency staff at any opportunity — I am the first to acknowledge that agency staff must be scrutinised, and we must ensure that patient satisfaction is high. I have asked trusts to reduce their reliance on agency workers. Steps have been taken: staff banks have been established in trusts and staff absence is being managed in a better way.

A question uppermost in minds is what is being done to fill the vacancies. I can confirm that trusts are actively recruiting into vacant posts. In any organisation at any one time, about 3% of its workforce is not in the workplace due to staff turnover and long-term sickness absence. In addition, staff turnover rate is normally about 5% or 6%. As I said, the vacancy rate in the Health Service is 2.4%, which shows that recruitment policies and procedures are operating effectively and efficiently.

That is further reflected in the proactive approach that trusts have always taken to attract a high-quality workforce. Trusts attend local nursing-recruitment fairs, create links with communities to attract support staff, and they make the process of applying for jobs as efficient and economical as possible by providing an online application service at [Hpssjobs.com](http://Hpssjobs.com). I reiterate that our local trusts are successful in recruiting and retaining high-quality, professional, dedicated individuals. Our turnover rate of about 5% to 6% also indicates that retention of staff is strong and compares favourably with the 10% rate for the Health Service in England.

I stress that my Department is working in partnership with the Health Service trades unions on all matters regarding staff. I attend the Department's partnership

forum to discuss the effect of proposals and strategies with staff representatives. There will be those who remain critical and demand to know how a quality service can be provided if the proposals to change services are implemented. Members will be aware of the efficiency savings demanded by the comprehensive spending review, and I will outline my position on the effect of those efficiencies on staffing.

5.30 pm

The comprehensive spending review (CSR) is the current driver for change, but change is a necessary element in any successful organisation. Our Health Service needs to change to respond to the changing health requirements of our local population. We know that people do not like staying in hospital for an unnecessary period, and people with chronic conditions want to remain independent in their own homes for as long as possible. We need to take action in relation to lifestyle challenges around obesity, smoking-related deaths, binge drinking, teenage pregnancy and tragic deaths from suicide. I am determined that we will meet all those challenges head on, but service development requires funding.

I have asked the trusts to bring forward their plans for efficiency savings. Key proposals for the delivery of services in a new and innovative way are out for consultation. I have said that efficiencies will be reinvested, and the resources that will be made available will result in extra spending power. I want to maintain existing services, meet inescapable commitments, but, importantly, I want to fund service developments to meet the challenges that face us now.

The Health Service will reform. It will change to deliver more efficient and streamlined services that are focused directly on meeting patient and client needs. Standards of treatment and care will remain high. We are tackling cleanliness and infection control, and I want to ensure that staff and patients are part of a twenty-first century service that is fit for purpose.

The proposed reforms will bring changes for staff. Service change or reconfiguring impacts on the skills required to deliver a new service, which means that some posts may move to another area of the same service, some posts may no longer be needed, and some staff may be redeployed and retrained to work in other parts of the service. I want to stress that it is the service need and demand for skills in a particular area that drives the need for trained staff. Posts in trusts that are being proposed as part of the efficiency measures are those that will no longer be required to deliver a particular service. It follows, therefore, that if a service has changed, the staffing required to deliver that service may also change.

I have said that I want to avoid compulsory redundancies. If the efficiency proposals are accepted,

I will be able to avoid those redundancies. Staff turnover is such that around 2,500 people leave the Health Service every year. Severance arrangements are also being considered for staff who may wish to retire early or take voluntary redundancy. However, I want to stress that we will not add to our vacancy levels. The re-engineering of services will require fewer staff; in other words, a more efficient way of working. Next year, I do not expect much fluctuation from the current vacancy rate of around 2.4%.

Finally, I am confident that the work that we are doing to monitor workforce supply and demand can monitor vacancies, and recruit and retrain staff. Investing in the redesign of the services will result in a more efficient Health Service that has patients and clients at the centre of everything that it does.

**Mr Ford:** I welcome this afternoon's debate — short though it was — and I congratulate Alex Easton and Tom Buchanan for securing it. I also thank them for accepting our amendment.

In opening the debate, Alex Easton highlighted some statistics relating to the issue, but he would have occupied his entire allotted time had he gone through all the statistics. He undoubtedly showed the depth of the problem, although the Minister did his best to argue otherwise later on.

In proposing our amendment, Kieran McCarthy reminded us all of the dependence that we have as a society on the services provided by the NHS, the dangers of an excessive dependency on agency staff and the further threats that occur to that service by the proposed efficiency cuts if they were to translate into the loss of full-time jobs.

Claire McGill expanded in an interesting way on some of the relevant statistics. She highlighted for all of us that the Cinderella services have the worst statistics for staff employment.

It is great when Members stand up and pay lip service to the Bamford report and the need for it to be carried through, but we need to be reminded of the everyday effect that that would have. Bamford proposed an improvement of services, not only for those with mental-health and learning-disability problems who are in the greatest need in our society, but for those who cannot get any decent services because of the restrictions that exist. That was a welcome point.

John McCallister reminded us of the role of workforce planning. Sometimes I wonder whether a once-every-three-years process is adequate. He reminded us of the importance of each and every member of staff in maintaining necessary services and the overall momentum of the NHS.

Carmel Hanna added to that by pointing out the need for good support and management of staff, and she asked

whether efficiency services are already impacting on quality or will do so in the future. She also asked whether the skills match that we have at the moment is good enough.

Sue Ramsey referred to the jobs that are at risk from the efficiency savings. She revisited the statistics, and highlighted infection control, which sometimes gets missed out in the overall debate.

When we speak of recruitment and retention, we mean much more than training staff and putting them into posts. There are huge issues; we must ensure decent working conditions and decent career progression for all staff. I welcome the fact that, in recent years, many of the trusts have taken back in-house some basic services, such as catering and cleaning, so that people can feel part of the hospital team, rather than have to report to managers elsewhere. That is part of providing decent conditions for all staff. Provision of career progression for a range of the professions allied to medicine — as well as nursing and medicine — is another part.

The Minister hinted at, but did not go far into, how we provide decent conditions for professional staff. That is, for some people, an unpalatable issue. We can do that by ensuring that professional staff work in teams in which they are comfortable, and that provide decent learning opportunities, decent on-call rotas and a quality of care that some of our older units are incapable of providing. When Members talk of preserving services and, in particular, units in their constituencies, they may lose sight of the overall picture.

Last week, I had the opportunity to visit Antrim Area Hospital alongside the chairperson of the trust on one of his infection-control visits. I was impressed by the work being done. The two wards that we visited were close to full staff complement, and their teams managed to operate with a degree of assurance. Nursing and medical staff had some security in those wards and knew where they stood. However, no one could have said that their working conditions were too good; they were less than good. When a consultant psychiatrist must use a ward computer at 8.00 am because that is his only opportunity to do some basic administration, it suggests that the staff do not get everything that they might have.

The Minister outlined some of the successes and targets of the CSR period, and we wish him well with that; however, he acknowledged the need to scrutinise agency use. He also acknowledged that we still have a 2.5% vacancy rate. I agree with him that change is necessary to respond to the needs of the community, but that change must ensure not only that we provide the top service to patients and clients in the short term, but that we provide the long-term conditions that benefit staff so that they continue in the service.

**Mr Buchanan:** I thank the Minister for being in his place again today for this important motion.

The people who work in the Health Service are at the heart of delivering high-quality personalised care to our patients. The quality of experienced staff — their knowledge, skills and commitment — are some of the great strengths of the Health Service, and we need to ensure that they continue in the future. Employers must enable staff to deliver high-quality services through progressive employment practices, while encouraging them to further develop their skills through innovative training programmes.

Planning today for tomorrow's workforce is an essential part of delivering a state-of-the-art Health Service. Sadly, however, the Health Department is paying millions of pounds for agency workers while proposing to cut front-line staff to the tune of, among others, 722 nursing posts in the next three years. It is a staggering fact that in the past three years up to £50 million could have been spent by cash-strapped health chiefs on nurses and on domestic and medical staff to plug massive gaps in the workforce.

The figures show that between 2005 and 2008, the Western Health and Social Care Trust spent £12.5 million, the Northern Health and Social Care Trust spent more than £11 million, and the Southern Health and Social Care Trust spent almost £6.5 million on agency staff. Is it any wonder that that prompted the Royal College of Nursing to call for an improvement in the training, recruitment and retention of permanent nursing staff? The Minister must address that matter urgently.

Previously, the Minister made it clear that front-line staff would not be affected by any efficiency savings. However, I fear that efficiency savings are being used by the Minister as a smokescreen to cut front-line staff. When Tony Blair introduced efficiency savings, he said that the intention was to reduce bureaucracy and to reinvest money into front-line services. The DUP agrees that efficiency savings, to which all Departments have signed up, are the way forward. However, I call on the Minister to ensure that he is true to his commitment that although efficiency savings are made, they come from the overly bureaucratic section of his Department and not from front-line services.

Using the smokescreen of efficiency savings to cut front-line staff will not wash with Members because we will see through it; it will not wash with the people on the streets or with nurses and medical professionals because they will see through it. Efficiency savings should be used to cut the overly bureaucratic sections of the Department and put them into, rather than take them out of, front-line services. Those are not just my words; the Health Committee also heard the fear that 722 nursing posts would be lost in the next three years. Rather than using efficiency savings to take away front-

line services, let us blow away the smokescreen and get down to reality.

That concern has been echoed across the House during the debate. When proposing the motion, Alex Easton said that the matter affects everyone in the House. Indeed, it affects everyone on the street also. The concern about the vacant posts in the Health Service is not being addressed. I ask the Minister to take that on board and to address those vacancies properly.

Kieran McCarthy said that more effective and efficient measures of recruiting and retaining staff must be considered. Staff retention is a big issue. Part of the reason why health trusts find it difficult to retain staff is that people who have been in temporary posts for years have not been made permanent. That would discourage anyone, and it must be addressed. Rather than the Minister leaving individual trusts to do their own thing, he should be in touch with each trust to ensure that they are following a direct line in order to ensure that staff are encouraged to stay in the Department.

I share Claire McGill's concerns about the serious effects that the job losses and cuts will have on elderly people, people with mental-health problems and people with learning disabilities. That must be considered seriously.

5.45 pm

John McCallister spoke of the service that more than 60,000 staff who are already employed in the Health Service deliver and provide. They must be commended for that work. However, I am worried about the severe lack of workforce planning. Much more must be done to recruit staff in particular areas. I know that the Western Health and Social Care Trust has been unable to recruit staff for advertised jobs. Therefore, more innovative ways in which to recruit staff in some trust areas must be examined. The issue comes down to workforce planning, and the Minister must take that on board.

Carmel Hanna spoke of the requirement for adequate resources so that the Health Service can continue to provide excellent services. She also said that permanent staff rather than agency staff provide more continuity of service, and I could not agree more. We really need permanent staff rather than agency staff. We should not, though, put-down agency staff, because they do a good job. However, for far too long, the trusts have depended far too much on agency staff, causing them to go way over budget. That is why we must ensure that more permanent staff than agency staff are employed in the Health Service.

Sue Ramsey also spoke about the huge amounts of money that have been spent employing agency staff over the past number of years. Members across the House referred to that point, and it is an issue that must be seriously addressed.

One issue that caused me grave concern was that the Western Health and Social Care Trust said that it may not be possible to deliver £36 million worth of efficiency savings without cutting front-line staff. The Minister said that each party had signed up to efficiency savings, and he is absolutely correct. However, let us use efficiency savings as they should be used and not as a smokescreen to cut other services.

**Mr Easton:** I thank the Member for giving way. Does the Member agree that the Minister is failing to examine areas in which efficiency savings can be made, and that he seems to be going for the cut approach? In my constituency, residents of nursing homes and residential homes have been told that there are going to be cuts. Those are cuts, not efficiency savings.

Does the Member also agree that when the Minister presented his efficiency plans to the Health Committee, he failed to look at ways to cut the bill such as reducing the number of agency staff? Does he also agree that the Minister failed to examine medical negligence claims, which cost the Health Service £75 million; top-heavy levels of major management in the service; the independent sector providers that use extra money; and the issue of increasing productivity? The Minister is failing to examine many areas. Does the Member agree that —

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

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

That this Assembly notes with concern the current number of vacancies in the Health Service; and calls on the Minister of Health, Social Services and Public Safety to review, as a matter of urgency, how health and social care organisations recruit staff and to look at more efficient and effective processes for the recruitment and retention of staff.

*Motion made:*

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

## ADJOURNMENT

### Primary School Education in East Belfast

**Mr Deputy Speaker:** I remind Members that the proposer of the topic for debate will have 15 minutes in which to speak. All other Members will have approximately 10 minutes.

**Mr Newton:** I welcome the Minister of Education to the debate, although I do not think that I will say anything that she has not heard before. This problem is not unique to East Belfast, but the situation is so serious, particularly in the inner-east area of the city, that action must be taken.

I have three areas of concern: funding, parental involvement in education and primary-education strategy in East Belfast. Education funding has dominated the headlines over the past months, and only slow progress is being made. Primary-school education is the most important period of learning for children, when they develop many of the skills that they will use later in life. However, there are strong feelings that many children are being failed at primary level, at least in part due to the lack of funding for teaching activities.

Northern Ireland has one of the greatest disparities of funding between primary and post-primary education. The Minister promised to reduce that funding disparity; however, that is not seen to be the case. In the academic year 2007-08, the disparity of funding was £1,244.29 per pupil; in the academic year 2008-09, that disparity stands at £1,258.34. That confirms that the funding disparity is increasing, even though, on 21 April 2008, the Minister promised the House that she wanted social justice, fairness and equality for all children. How can there be equality for all children when those in primary education are not receiving enough funding to ensure appropriate levels of education? Perhaps the Minister will enlighten us about how she plans to deal with that issue.

I recently met representatives from the East Belfast Principals' Group, who raised issues that confirmed how far they had to stretch their budgets in an attempt to meet the education standards required for our children. One issue is some schools' inability to employ an IT technician to maintain computers, with schools having to share a technician to spread the cost, and the disadvantage that that brings. In today's society, where the ability to use a computer effectively is essential, that situation is unacceptable.

The principals' group is concerned about insufficient funding being made available for special needs education.

That support is essential for children suffering from learning difficulties in order to prepare them to lead a successful life in the future. However, 10 primary schools in East Belfast have reduced their special needs budget; two primary-schools' budgets remained the same; and a further two primary schools had no budget for special needs education. Educational disparity matters, and the Assembly wants, and needs, to place greater importance on pupils who are underachieving in our education system in order to improve their social mobility.

Additional money may be allocated to all or some schools under a specific initiative such as extended schools funding. In that case, the allocation of money is ring-fenced and is non-transferable to other expenditures associated with the running of the school. Principals, therefore, as managers of their schools, are not permitted the choice of allocating funding to what they consider to be a priority. In principle, head teachers are not opposed to ring-fencing resources for particular purposes, but they are deeply concerned when core funding is inadequate or reduced because of the sums allocated for specific purposes from the overall education budget. Principals are frustrated by the distinct lack of understanding on the part of civil servants and others who contrive such schemes and yet are apparently unaware of the key issues that face schools today.

More delegated funding, via the common funding formula calculation, would give principals the luxury of making professional judgements about issues such as class size and support teachers for people with special educational needs. That will ultimately affect standards in literacy and numeracy, as well as pupils' self-esteem, and it will reap benefits far beyond the enjoyment that is gained from attending an after-schools club. Action is required on those issues, or children's education at primary level will continue to suffer.

Children spend a relatively small amount of their overall time at school. Family background, cultural factors and material needs have the most significant impact on educational outcomes. Many underachieving children spend a lot less time at school than is the norm, often opting out at an early age. Opting out does not just mean that a child is not in attendance; it can mean that a child does not want to learn, or is not in a position to learn.

The Department has progressively viewed schools as a driving force for social cohesion, with teachers becoming an emergency service for the extensive problems in society. That top-down tactic has forced schools to be held responsible for a growing variety of social activities in the wider community. That has diluted the accountability of parents, and their participation in their child's learning. Aspiring principals and teachers who have strong leadership qualities and who can make a difference in the lives of children are demotivated.

Policies are needed that place a high value on the important role of families and communities, and that give them a stake in the education of children. We need to lend a hand; parents can take more responsibility and should be supported in participating in their children's education. They must be allowed, in partnership with teachers, to help meet their children's educational needs. A cultural change must be encouraged within the educational system and society to bring long-term benefits to children from disadvantaged backgrounds, and to those who find it difficult to learn. That cannot be achieved without the necessary investment in primary education.

Teachers are not only teaching children; they are acting as surrogate parents to a minority of children, and that results in the education of the majority of a class suffering. That means that teachers have no non-teaching time in which to sort out issues in respect of the classroom. That points to a need not only to get parents more involved in the education of their children, but for further investment in pastoral care in schools.

Pastoral care is an important part of the education of children. However, primary schools in East Belfast do not have the money in their budgets to afford the luxury of employing a pastoral care worker. Primary education is the foundation; it is the building block that future educational success is built on. Holistic funding is necessary to ensure that education standards can be met by teachers, and that parental support and involvement can be achieved in school and in the home.

Children who are in primary education are being failed due to inadequate funding packages for the primary sector. I do not want to paint the picture that every school in East Belfast has major problems, but there are such schools. The strategy for primary education in the east of the city needs to be agreed with the principals and implemented.

There are problems, and the number of pupils who attend a school is an important factor in keeping it open. However, there cannot be a repeat of the Mersey Street Primary School closure, whereby that school, right in the heart of the constituency, was closed as the result of a one-off decision, and without an overall strategy for the constituency in place. In saying that, I am conscious that Belfast Education and Library Board is working on a strategy that must be agreed with principals and implemented.

*6.00 pm*

In closing, I will quote from a letter that I received from the principal of an East Belfast school who is dedicated to her leadership role and concerned about the future of her charges — the pupils — whom she wants to have every possible opportunity. That principal asks:

“Why should a school be placed in the position of planning to make a teacher redundant for next year because of reduced pupil numbers and therefore reduced delegated funding, whilst simultaneously worrying how they can spend £25,000 (paid in a drip feed system) before the end of the financial year on what are essentially non-essential extras such as are required by Extended Schools Funding? This is the real world occupied by many principals who are weary of the incredibly large work load placed upon them.”

The situation that I have outlined, and the comments of a dedicated principal who wants to provide the necessary leadership for her charges, is symptomatic of schools throughout East Belfast. There is a frustration and a desire to do better, but Belfast Education and Library Board must provide a strategy. There is also a need for funding, and a way to secure greater parental involvement in children’s education.

**Lord Browne:** Most Members would agree that schools are great because 150 years ago someone had the idea to give children a break at Easter and in the summer in order that they could go planting and harvesting. Today, however, a typical lesson plan is organised in the same way as it was in a church service in 1850: children dress up for the occasion, come in, sit down, become silent, face the front, and in comes the vicar — or, in this case, the teacher — who tells them how it is, and their success or failure depends on how well they can repeat what they have been told or shown.

The education system was designed for an economy that no longer exists. The trouble is that local, national and international economies keep changing. Unfortunately, our education system is too inflexible to change at the same pace. The major need is not to tell children how things are done, but to give them the skills that enable them to work things out for themselves.

A modern classroom, set up for a teacher to tell 30 or more children how to work, must be supplemented with other spaces and other systems that enable children to explore in order to discover their own solutions.

I make no apology for providing the example of Rulang, where Singapore primary-school children aged as young as eight are building robots in special robotic studios. They are given a problem: they are told that Singapore is an island and has the second largest oil refinery in the world, and that terrorists have planted a bomb on a tanker that is berthed in port.

The children are challenged to design a robot that can find its way around that tanker, recognise the bomb and defuse it. They are then asked to design another robot that can clean up any oil slick. After that, the children are asked to design a website that will inform the population. They may also develop a business plan to market and develop that technology, and all through the use of Lego mind storms that enable them to construct the robots.

If that is achievable by primary-school children in Singapore, there is no reason why children, particularly in East Belfast, should not have the opportunity to develop similar skills. We must start to explore new, innovative ways to teach and develop children.

Closer to home, in the United Kingdom, over 200 children in a school in a deprived area of Bristol have created an interactive fountain. The project has already improved the children’s classroom performance. Recently, it featured in an exhibition at the House of Lords at Westminster. It is an example of education innovation. A speaker at that conference pointed out that a huge amount of work has been done to improve existing schools as much as possible. Unconventional approaches to bring about improvement must be considered seriously.

Another example of that is ‘Notschool.net’ — a school that is entirely online and without any physical location. It is exclusively for children who have been expelled and who do not perform in conventional schools. Normally, only 1% of expelled pupils achieve five GCSE passes. At ‘Notschool.net’, the pass rate is over 50%. That cost-effective method has improved the pass rate by a factor of 50. When one considers that the Government have increased the pass rate by only 5%, at an average cost of £3 billion each year, it is not difficult to argue which method is the most efficient and effective.

It is obvious that children who come from the same environment have different skills. Surely, all children should be given the choice to achieve their full potential. It is interesting to note that a child from a working-class background is seven times less likely to go to university than one from a middle-class background. The amazing fact is that there is no genetic explanation for that whatsoever. Enrolment in working-class areas in East Belfast is falling. I am sure that the trend is similar in many other areas. That has led to discussion, particularly in inner East Belfast, about schools possibly having to merge.

There is absolutely no evidence that 28 or 30 pupils per class are effective numbers for the best teaching methods. I suggest that the only reason to organise children into classes of that size is pure financial convenience. If class numbers were to drop to 20, costs to schools would be minimal, particularly when one considers the educational benefits that that would afford children.

The question is not why some children in primary education are being failed, but what the Assembly can do to allow those children a better opportunity in life. My colleague Robin Newton has already explained some of the conventional methods of improving standards. More finance is needed. However, conventional methods will work for some pupils, but not for all. A



variety of approaches and significant progress in thinking are needed.

I want to record my admiration for the teachers involved in primary education in East Belfast. I thank them for their commitment and dedication. There are certain fields of education in East Belfast, and, indeed, throughout Northern Ireland, that require specialists from other professions to get involved. I urge the Minister to consider how best to bring in specialists to work alongside teachers.

In conclusion, I believe firmly that implementation of innovative methods to accompany the conventional methods that Robin Newton has already discussed must be considered in order to enable every child to enjoy learning and, particularly, to develop skills that will afford him or her the best opportunity in life. I trust that the Minister will examine ways and means to find the money that is needed to implement new methods, particularly in East Belfast and in those schools with a high proportion of pupils from working-class backgrounds.

**Mr Deputy Speaker:** I remind Members that the subject of the Adjournment debate is primary-school education in East Belfast. The last speech was four-and-a-half minutes old before there was any reference to East Belfast. I have given a great deal of latitude, but that is where my latitude ends.

**Ms Purvis:** Mr Deputy Speaker, you can rest assured that my speech will refer entirely to primary-school education in East Belfast. I thank my colleague from East Belfast for bringing the debate to the House.

Primary schools in Northern Ireland — and particularly in East Belfast — do extraordinary work in very challenging circumstances. For years, they have not received the level of funding that they need to do the job asked of them. Primary education is key to the long-term achievement and well-being of our children, and we expect primary schools to deliver a multitude of services: a solid, core education that can be built on for life; strong numeracy and literacy skills; social skills; pastoral care; needs-based attention for children with learning difficulties and special needs; a modern, welcome and stimulating learning environment; IT facilities; physical education; and nutritional meals.

Primary schools are at the heart of the community in East Belfast, and they play a vital role in influencing children's attitudes at a young age. Those demands are tremendous by any measure. We have created high expectations for primary schools, but, critically, we are not giving them sufficient funding to deliver the services. Teachers and principals are regularly being forced to make cuts and compromises that do not make anyone happy. Primary schools in East Belfast face particular challenges; statistics show that 14 of Northern Ireland's 20 most-deprived areas are in Belfast. Four of

the wards are in inner East Belfast and are among the 10% most-deprived areas.

East Belfast was once a great centre of manufacturing and industry, but jobs have waned in recent decades. Unfortunately, the focus on industry and its associated jobs has not been replaced by a focus on education. Due to the loss of jobs and lower levels of educational achievement in deprived areas, parents often have to deal with pressing problems at home. Therefore, some parents are unable to fully support their children in school or are unclear about how best to do so. We cannot expect children to reach high levels of educational attainment if other serious problems are impacting on their lives.

Such challenges place additional demands and stresses on primary schools, which are at the front line in identifying and assisting children and families in need. My party colleagues and I have spoken with primary-school principals in East Belfast. Admirably, they do not begrudge their pastoral care responsibilities. They recognise that they are often the liaison point between families, children, social services, and even the courts. They accept that responsibility and want to maintain a high professional standard. However, they are not able to do so, given the current level of primary-school funding.

As Robin Newton alluded to, primary schools in Northern Ireland receive only 62% of the funding that is given to secondary schools. In England, primary schools receive 79% of the funding given to secondary schools. In Scotland, the figure is 72%, and in Wales it is 82%. That dramatic disparity in funding means that primary-school educators in Northern Ireland are working under very stressful conditions. They are not able to deliver the level of support that they would like to, particularly for the children who need it most. They cannot deliver sufficient special-needs provision, and they cannot bring in the specialists who are required to deal with pupil-welfare issues.

Teachers and principals in East Belfast do not receive the release time that they need to prepare for and address the demands being made of them. Last week, the Minister of Education delivered some startling figures on the levels of non-achievement in education among children and young people from deprived areas, particularly among boys and young men. We know that academic selection plays a role in that, but it is also caused by the fact that primary-school education in Northern Ireland is not sufficiently funded. Difficulties cannot be identified and addressed at an early stage. Instead, they fester and grow into problems and crises that result in the failure levels that are being experienced in secondary education. By not assisting our children fully at a young age, we are leaving them to deal with serious difficulties in the long term.

6.15 pm

The need for assistance and support at the pre-primary stage is apparent in many neighbourhoods in East Belfast. Primary education puts in place the building blocks that shape children's learning and attitudes to education for life, but the early-years provision from nought-to-four provides the foundation on which that is built.

Tullycarnet Primary School in East Belfast, in conjunction with Barnardo's, created the innovative Tullycarnet family project to support that inclusive approach to learning. The project offers a homework club, reading circle and a host of other activities for those of pre-primary age, in which children and their parents can participate together. Parental participation in children's education is crucial. Such services and innovations will make a real difference in children's lives, and they should be fully funded and supported.

I encourage the Minister to make urgently the necessary changes to enable primary schools and pre-primary services to meet the demands that are made of them. Funding for primary schools in East Belfast must be increased to a level that matches people's expectations of them. Whatever formula the Department uses to arrive at a per-pupil figure, the standard aims must be to provide quality education to young children in a safe, stimulating and welcoming environment, and to provide teachers and principals with the resources that they need to carry out their important work.

A dramatic increase in funding for primary schools must be found without touching the funding for post-primary education, which faces its own challenges. It is a question of addressing a shortfall in one specific area of education and increasing its funding to the level that it should have received a long time ago. We cannot rob Peter to pay Paul.

The additional funding for primary schools must be channelled through core funding and not be ring-fenced or tied up in a new initiative. As one initiative after another is introduced, requiring schools to respond constantly to the new demands of short-term funding, primary schools have become laboratories for policy experiments. Schools must have the flexibility to apply funding to their particular needs, which differ from year to year and from school to school.

Schools in East Belfast that are located in areas of deprivation face additional pressures and should, therefore, receive additional funding and financial support so that they can meet the varying needs of all their students. It is important that the gap in funding be addressed by topping up schools' core funding. If children do not receive support to overcome any obstacles to reading, writing, concentrating and dealing with problems at home that carry over into the classroom, they will associate school with failure very early in life. It will be difficult to alter those attitudes as they get older.

Principals and teachers in East Belfast are committed to taking on the challenge, and it is the Assembly's job to ensure that they have the necessary resources to be successful.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. Although I am an MLA for South Belfast, I commend Robin Newton for securing today's Adjournment debate, particularly in light of a similar Adjournment debate on 6 October on primary-school education in South Belfast. As Wallace Browne acknowledged, the issues that are involved transcend any constituency considerations. Part of my constituency borders, and even has common boundaries with, East Belfast. Therefore, I declare a specific interest in parts of East Belfast.

I welcome the opportunity to contribute to the debate. I do not want to rehearse the detailed contributions of other Members, all of whom are much more directly informed about the specific issues. As I think back to the Adjournment debate of 6 October, I must again voice support for all the teachers and managers who have done an excellent job over the past several years. As Robin Newton said, when Members point out the deficiencies and defects in the system, we are always mindful not to be in any way negative about the schools estate or the work that is being done in schools. Schools are an essential part of everyone's future and are of particular benefit to children.

Therefore, I commend school staff, principals, boards of governors, parents and pupils, who are working hard in school to achieve the best possible education and to secure a productive future. I thank everyone who has contributed to the education sector during the past number of years.

I join with other Members in encouraging the Minister to do whatever she and the Department can to give necessary support to the schools and the primary-education sector in East Belfast. There are approximately 26 primary schools in that constituency and, as is the case in other constituencies, some schools experience disparities in performance and in the level of advantage and disadvantage. I welcome the fact that several schools receive the school support programme, and I urge the Department to, where necessary, provide extra support to those schools.

All Members agree on the importance of the three core elements of education, performance and achievement. We must examine current funding levels for school estates to determine whether additional maintenance work, newbuilds, or an upgrade of existing facilities is necessary. The Assembly and the Department — and we will hear directly from the Minister later — are focused on those issues. All Members want to ensure that measures are introduced to continue to increase children's educational achievement. That must be delivered in the

best possible school environment, and I hope that, where necessary, additional maintenance is provided.

As I said, some school estates and properties are better than others and, moreover, some families come from a better socio-economic background. We must recognise that disadvantaged schools have faced other challenges in recent years. Many newcomers have joined our society and attend schools in East Belfast. Those children use many different languages. I urge the Minister and Department to ensure that those children are treated favourably, enjoy the same advantages and opportunities and can avail themselves of the undoubted commitment of teachers and other professionals to delivering a first-class education system.

I thank Robin Newton for proposing this topic for the Adjournment debate and thank the other Members who contributed. I look forward to hearing the Minister's response. Robin Newton has reiterated the importance that East Belfast's MLAs place on ensuring that additional support is given to children in primary schools in the constituency to allow them to achieve their maximum potential. I hope that the Department can, and will, facilitate that support. Go raibh maith agat.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a LeasCheann Comhairle. I join with Alex Maskey in thanking Robin Newton for securing the debate on issues that affect primary schools in East Belfast. I know that Robin Newton is concerned about how schools are meeting the needs of our young people, and I agree that there is an important link between communities and families. In fact, studies show that 30% of a child's education occurs in school, whereas parental and community involvement comprises 70%. We must find ways to maximise community and parental involvement.

Robin Newton mentioned a "cultural change". We need to effect a culture of change in schools and ensure that parents understand that schools are part and parcel of local communities.

Wallace Browne referred to schooling in other parts of the world, and although the debate is about East Belfast, I enjoyed hearing what he said; I think that we can always learn from different parts of the world. The big issue for many of our disadvantaged young people is poverty of aspiration. We need to create a climate in which our young people have the aspiration to succeed and to achieve. The Department is working on that already, and it will continue to put huge emphasis on it.

All our young people are entitled to a broad and balanced education, which they will get through the revised curriculum. That may be an issue that Wallace Browne and I could debate, because I think that things have improved. Members will hear me criticising the system when I believe that it warrants criticism, but I believe that there have been major changes, and the

revised curriculum is the most exciting of those. If one visits a primary school that has embraced the revised curriculum, one can see children learning through play, developing the critical-thinking skills that Wallace Browne referred to when speaking about Singapore, and enjoying a hands-on learning experience.

When my own children began school at the age of three, they did not have a word of Irish, and within three months, they had learned Irish through play. I saw the same thing in other countries of the world that I have worked in — children learning through play, without realising that they are learning. We need to modernise the curriculum; it is not about teachers standing up and imparting wisdom and telling the children to learn something and then to regurgitate it. Thankfully, things are improving.

Members may or may not support me on this, but I believe that the ending of the 11-plus will benefit the curriculum and our young people, because it creates much more room for the revised curriculum and for our children to learn in a stimulated way.

I share with all Members a view of the importance of the essential role that teachers play. We have some amazing teachers. It is now one of the most difficult professions to gain entry to. Some of our most dedicated and committed young people are going into teaching, and it is lovely to see that. I have been out and about in schools; I was at the opening of a school today, the principal of which is retiring in three weeks. He still has his sense of enthusiasm and commitment; that is what I love about our teachers, and they deserve special credit.

The Department is carrying out a comprehensive review of special-needs provision, on which a huge amount of work has been done. The Departments of Health and Education have been working on the issue, and I agree with what Wallace Browne said about the need to have specialists in schools — and I do not mean just teachers. Today, in my constituency, a young girl who took her own life is being waked. There is a need for specialists in schools — health, pastoral-care and sports specialists — because many of our young people are struggling to deal with society and with many of the challenges that face them. Members will know that emotional skills are some of the skills that young people need for the challenges that they face in life.

I am not going to justify the discrepancy between primary and post-primary schools — I have never justified it, and I never will. To change it, I need resources. If I change it too quickly, it will disadvantage the struggling secondary sector. I have to manage that change slowly but surely. I heard the point that was made about initiatives and ring-fenced money.

Any of the new programmes that I have introduced are targeted at primary schools. The sports programme was established to deal with foundation skills and to

have an effect on some working-class children. The languages programme was established so that our children can learn languages from a much younger age.

One thing that I managed to do, despite a tight budget, was to introduce a separate foundation stage for primary 1 and primary 2 pupils so that it is easier for teachers to manage the transition from pre-school to more formal learning, giving young people opportunities as they start school to learn in practical ways — involving structured play, for example. I spoke about the revised curriculum.

Members will know that underachievement is one of the key areas that I want to deal with for all our children. We owe it to our children to make sure that none is left behind.

6.30 pm

Members will be aware of the legislation that was passed by the Assembly last week in respect of the education and skills authority (ESA). That was a very important day for education here in the North. The modernisation of our education system is long overdue, and I look forward to full support for the Bill that I introduced last week, which allows for the establishment of the ESA. That body will be focused on improving educational outcomes, on ensuring equality of access to a curriculum that will match provision, and it will lead the drive for school improvement. The education and skills authority will replace the nine statutory organisations. The creation of that single authority will mean that resources can be put into the front line, which is very important.

Members will know that the Executive's Programme for Government includes the objective to provide modern school facilities, which Alex Maskey mentioned. Those facilities will meet the need for teaching and learning. The investment strategy for the next 10 years sets out ambitious plans for new investment in the schools estate. Those plans should be implemented as quickly as possible because they will help the economy. Under the investment strategy, £3.5 billion of investment over the next 10 years has been identified for the progression of education and for 100 major work schemes. However, that is obviously dependent on area-based planning. This morning, I visited a new post-primary all-ability school in the Strabane area. It was really good to see what was happening there.

Several major capital projects are being planned for schools in the East Belfast constituency. Those include the amalgamation of Strand Primary School with Sydenham Primary School in a new school on the existing Sydenham site, which will be known as Victoria Park School; and a new school for Strandtown Primary School on its existing site.

In recent years, there has also been investment in a new school on the Cregagh Road and a major extension

at Loughview Integrated Primary School. Furthermore, as part of its block grant, the Belfast Education and Library Board received funding that was specifically for high-priority maintenance pressures. In this financial year, the amount that was allocated was £18 million.

In 2008-09, the total formula funding that was delegated to schools in the East Belfast area was just over £16.4 million — an increase of 4.7% on the 2007-08 funding levels. In per capita terms, that amounts to an increase of 5.89%, after taking account of the decrease of 1.1% in funded pupil numbers for schools in that area.

I am carrying out a comprehensive review of the common funding formula. I take on board the comments that Dawn Purvis made. She always makes a very strong case for disadvantaged children. We are considering some very radical, innovative ways of targeting money on the basis of need so that children who have special needs are dealt with very early.

Alex Maskey has just told me that my time is running out. Some very good work has been done in two other areas. The first is in getting classroom assistants into P1 and P2 classes. I do not agree with the high pupil:teacher ratio — it is not good enough and must be improved. However, at least there is a way of dealing with that. I have listened to the views of primary-school principals, and the other area is primary-school principal release time.

**Mr Deputy Speaker:** The Minister should draw her remarks to a close.

**The Minister of Education:** That will mean that principals can be released from teaching duties on at least two days each week.

I have much more to say, but I will not say it now. I thank all Members for their contributions. We will endeavour to secure more money for our primary schools, and I ask Members to support the fight for more resources.

*Adjourned at 6.34 pm.*



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