
NORTHERN IRELAND ASSEMBLY

PRIVATE MEMBERS' BUSINESS

Byron Review

Tuesday 19 May 2009

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

Members observed two minutes' silence.

ASSEMBLY BUSINESS

Ms Ní Chuilín: On a point of order, a Cheann Comhairle. During questions to the Minister of Culture, Arts and Leisure yesterday, Mr McNarry made a comment about my colleague Mr Raymond McCartney, who then asked, on a point of order, whether comments about another Member are appropriate and sought a ruling from the Speaker. Has the Speaker had an opportunity to read yesterday's Hansard report?

Mr Speaker: As the Member knows, I was not in the House yesterday. However, I will read the Hansard report and, if necessary, rule on the matter.

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

Miss McIlveen: I beg to move

That this Assembly calls on the Minister of Education to outline how she is implementing the recommendations from the Byron Review in relation to the safeguarding and protection of children.

I am grateful for the opportunity to speak to this important motion. The Internet and protecting children are issues that cut across Departments and are pressing for us all. The development of the Internet and new technology has been rapid during the past 10 years. In 1999, 3.2 million UK households had an Internet connection, but today that figure stands at 16.5 million. Ofcom estimates that 67% of the adult population now has Internet access. Internet technology is increasingly available through public Wi-Fi networks, and that, along with the convergence of technologies through the use of Internet-connected games consoles and mobile phones, has changed the way in which our children and young people communicate and socialise.

The Internet is now a significant part of all our children's lives. That technology has brought huge benefits in a vast range of ways. Who among us could imagine life without the ubiquitous mobile phone or without Internet access? Some of my colleagues, dare I say it, blog daily and use Facebook and Twitter. However, for all its benefits, the Internet and new technology bring with them challenges and some risks. They have given those who wish to offend against children new opportunities in a virtual world. Those challenges led the Prime Minister to appoint Dr Tanya Byron to produce a report on Internet safety to help protect children from open access to inappropriate online video and gaming sites.

Last year, the Byron Review made more than 30 wide-ranging recommendations that suggested national and regional action to comprehensively protect children. Although Dr Byron's research findings were mostly drawn from England, the review recognised the global nature of Internet use and, consequently, made a series of UK-wide recommendations, the most significant being the need to create a new UK-wide body to develop strategy and oversee developments.

To protect children online and in a digital environment, Dr Byron's recommendations fell into three broad areas: reducing the availability of harmful and inappropriate material in the most popular parts of the

Internet; restricting children's access to harmful and inappropriate material through work with the industry, parents and children; and working to build children's resilience to the material to which they may be exposed so as to give them confidence and skills in navigating new media.

Delivering that developing agenda in an area of huge and fast-moving change needs co-ordinated actions between the UK Government, who currently have responsibility for reserved and exempted matters such as criminal justice, policing and regulation of the online and digital world, and the Northern Ireland Assembly Departments. Apart from the recommendations in the Byron Review, the Government have taken action to try to make the Internet safer after the high-profile cases and prosecutions that arose from Operation Ore.

New offences in online grooming were introduced in the Sexual Offences Act 2003. The Child Exploitation and Online Protection (CEOP) Centre, which is headed by Jim Gamble, an ex-PSNI officer, was established in 2006 to police the virtual world. The CEOP Centre is making significant advances in tracking down online predators. In its second year of operation, it helped the police to arrest 297 people. It also helped to reduce the risk of danger to 131 UK children.

New measures have been introduced to manage convicted sex offenders, and, where necessary, access to computers can be restricted through the use of sex offender prevention orders. New measures in the pipeline at Westminster will further restrict convicted offenders from travelling overseas.

The Internet Watch Foundation (IWF) has done much good work with the computer industry and has been very successful in reducing the amount of illegal material that is hosted on UK Internet sites. However, the challenge is immense, and the IWF estimates that overseas Internet service providers host a core of 2,755 child abuse websites.

Despite that progress, the speed of change means that major issues remain, and there is no room for complacency. Peer-to-peer technology and the development of social networking sites, such as Bebo and Facebook, has brought new challenges, with children at risk of placing too much information about themselves on public access sites. We have also witnessed the development of cyberbullying among children using the Internet and SMS. That is one of the most prevalent forms of harm that children experience online, as is the sharing of inappropriate content among children via peer-to-peer and social networking sites.

Making the Internet a safer place is the responsibility of those in positions of leadership. Although Northern Ireland membership of the UK Council for Child Internet Safety will allow us to influence wider UK developments in the regulation of policing, it is at a local level that

we can do much to improve children's resilience and improve their parents' knowledge and capacity to protect them.

Key to and at the forefront of that is the role of education. As a former teacher and as children's spokesperson for the DUP, I have a huge personal interest in that area. Many recommendations in the Byron Review relate specifically to education, and Dr Byron's intention of giving children information and protecting them has huge applicability here. It is up to the Department to provide leadership and to translate that into policy development and firm action.

I am grateful to the NSPCC for providing all Members with a briefing paper on the issue and for distilling some of those issues into possible policy development terms. I shall not repeat those in detail; it is sufficient to say that there is an urgent need to mainstream e-safety at all levels of the curriculum and into all school structures. That will involve oversight by school governors. The key areas include the need to ensure that, as part of the personal development component of the curriculum, children and young people are provided with age-appropriate information and that, most importantly, they are signposted to other sources of help and advice, such as ChildLine.

Teachers also need help with the digital divide that has emerged between the generations. Safety issues relating to the Internet and virtual reality should feature in initial teacher training and in teachers' continuing professional development. Through the extended schools programme, more could be done to work with parents on e-safety.

Child protection policy developments in schools, which the Department has responsibility to oversee, should also include measures on e-safety. The Education and Training Inspectorate should also consider how it might carry out a thematic inspection and review of schools provision. Other measures could be taken, and I shall be interested to hear the contribution of other Members and, of course, the Minister on the issue.

The Byron Review was a start, not an end. In that regard, we need to continuously examine what we are doing in this fast-moving environment. The CEOP Centre, for example, has done some excellent work in schools in Northern Ireland through its Think U Know programme and through the development of accredited trainers. What are the links between the CEOP Centre and education services? Do we know which children have participated in that training and where the gaps are? Is CEOP training factored into wider safeguarding plans for schools?

The need for local and national co-ordination in the area is obvious, and I am aware that Internet safety has featured on the agendas of the ministerial subcommittee for children, the North/South Ministerial

Council and the British-Irish Council. That illustrates the local, regional and international elements of the issue. The ministerial subcommittee is chaired by the junior Ministers, who have Executive responsibility for children. Therefore, it is in an ideal position to co-ordinate the implementation of the recommendations in the Byron Review as they relate to Departments in Northern Ireland.

I would welcome a commitment from the Minister of Education that her Department will conduct a benchmarking exercise in respect of the Byron Review and that an education action plan relating to Internet safety will be presented to the ministerial subcommittee. I am sure that the Committee for Education would welcome an early update from the Minister on progress in that area.

Given that many policy initiatives will also lie with other Departments, particularly the Department of Health, Social Services and Public Safety and the Office of the First Minister and deputy First Minister, it would be useful for Ministers to produce and publish a paper on the implementation of the Byron Review and on the steps that are being taken in Northern Ireland to better protect children. That would help to establish where we are and to feed back into the work of the UK Council for Child Internet Safety by establishing work at a local level.

The debate is important, and much more can be done locally to better protect children. The Department of Education has a crucial role in that regard, along with other Departments, and I hope that the debate will stimulate further policy development and cross-cutting elements. I look forward to the Minister's response and to the implementation of the recommendations.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle.

I am happy to take part in the debate, and I thank the mover of the motion for bringing the issue to the Floor of the Assembly. I welcome the Minister of Education's attendance. Along with the mover of the motion, I am grateful to the NSPCC for the information and advice that it has provided to me and other Members on Internet safety.

We need to live in the real world. Along with most Members, I was educated without the aid of technology. If I needed to get information for homework — when I did it — I had to go and research it in the library or ask other people for their homework. The world is moving on, and the pace of change in technology in the past 10 to 15 years is unbelievable and shows no signs of letting up. I am sure that some Members cannot work a video recorder, but their children or their grandchildren would be able to show them how to do it.

No one is objecting to the fact that technology has moved on, but we also need to realise that some

people, for their own benefit, use technology to harm children. Young people must be encouraged at every opportunity to get involved in science, technology, engineering and mathematics subjects and information and communication technology. However, as a society, we need to be one, two, or even five steps ahead of people who, for their own advantage, use technology to harm children.

10.45 am

The mover of the motion mentioned some figures. It is important to note that 50% of households have Internet access and that 99% of children aged between eight and 17 use the Internet regularly. I do not view that negatively. Much Internet use is positive. The fact that 9% fewer households here have access to the Internet is also interesting. I am keen to find out whether that is due to economic factors. Children who do not have access to a computer or to the Internet at home are at an educational disadvantage.

The subject of the debate is the Byron Report and the use of computers for schoolwork by children and young people. There has been an increase in the number of children and young people who access the Internet and social networking sites through mobile phones and games consoles during their leisure time. As I said earlier, there is no doubt that technology offers opportunities for all people in society, including young people. However, a balance must be struck.

Our focus today is on education. Therefore, I direct my remarks at the Minister of Education and her officials. There is a need to ensure that adults — particularly parents, because they must have responsibility — have the necessary knowledge, skills and understanding to deal with computer issues. Some children have high computer skills. I am amazed at the knowledge that my six-, seven- and eight-year-old nieces and nephews have about computers. It is unbelievable. I bluff and let on that I know more than they do, but I only confuse them.

The tools must be instilled in parents and corporate parents, whether through teachers or other adults who work in settings such as libraries and after-school clubs, to ensure that they keep one step ahead. Sensible ways must be found to highlight potential risks to children and young people. According to NSPCC figures, one in five children has been bullied online on social networking sites. Online predators who seek to groom children are a concern that must also be taken on board. Children can have access to inappropriate content on certain sites, and others encourage and promote harmful behaviour, such as eating disorders and suicide.

Having read Professor Byron's executive summary and recommendations, I believe that she has put forward a comprehensive list of sensible suggestions in her report. I am confident that the Minister of Education will

take those forward in her departmental responsibilities. In her final comments, the mover of the motion accepted that the ministerial subcommittee on children and young people has a focus on this matter. It would be useful if, through you, Mr Speaker, a transcript of the debate were sent to the ministerial subcommittee, because several Ministers have responsibility on the issue. It is important that the Assembly, Executive and Departments take forward those recommendations collectively. I support the motion.

Mr Elliott: At the outset, I want to put on record my thanks to the Members who have brought the motion to the Floor of the House. The Ulster Unionist Party is happy to support the motion and, indeed, the recommendations that have emerged from the Byron Review.

Clearly, much of the focus is on one word: "freedom". Although we all appreciate the threat from modern technology, we accept that it is a feature of the society in which we live, which is based on freedom for children and parents. The unregulated nature of the Internet is both a success and a pitfall. It is absolutely marvellous that one can go on the Internet and get information on almost any topic. However, its pitfalls are the absolute dangers that it presents for children and young people.

I am sure that Damian McBride wishes that there was tighter regulation of online commentary. However, the truth remains that the unimpeded opportunity for expression has provided new prospects in a range of fields.

I support the report's approach, which recognises how the Internet can benefit children and their education. That is vital in today's society. We should not stop children using the Internet to progress or educate themselves. However, parents and teachers must be aware of its dangers. Furthermore, they must be absolutely sure about what their children are doing on the Internet and should try to manage and regulate that usage better. Although people have a responsibility to self-regulate, that does not always work with children.

The protection of children is of paramount concern to everyone in society, and we all want to protect the more vulnerable groups, such as children. The Byron Report approaches the issue from the correct angle and brings many useful recommendations to the table. I am pleased that the Government have accepted all those recommendations. The one that catches my attention is that all computers that are sold to homes should come with parental-control software. It should be as easy as possible for parents to protect their children from undesirable content on the Internet, while allowing them to develop the skills that they will need in the modern workplace. That cannot reasonably be achieved through physical parental supervision, and, therefore, the routine inclusion of adequate software with

every home computer is the best way in which to achieve that balance. Ms Ramsey mentioned balance, which is essential. It is proper to achieve the balance through which children can educate and protect themselves.

Moreover, we must consider the fact that Internet technology is continually changing, and any system that is installed should be adaptable and flexible. I have two young children, aged six and three, so I have personal knowledge of such matters. The amount that my children — especially the six-year-old — know about the Internet and about computers amazes and baffles me. I ask them to operate the DVD player when I want to watch a DVD. I do not even know how to open the machine.

The creation of the UK Council for Child Internet Safety provides an opportunity for a body to consider specifically how to protect children from potentially harmful content. That is a good recommendation, and I am pleased that the Government have moved quickly to introduce it.

Ms Ní Chuilín: I thank the Member for giving way. The Member may remember that his party colleague the Minister of Health, Social Services and Public Safety, Michael McGimpsey, approached Internet providers about the issue of suicide and self-harm. Does he agree that the Executive should use their influence in a joined-up way?

Mr Speaker: The Member may have an extra minute in which to speak.

Mr Elliott: I thank the Member for that comment. Such an approach is essential. We should not consider it a blocking point but an opportunity for all members of the Executive to collaborate on the issue. I have no difficulty with that suggestion.

I look forward to seeing the UK Council for Child Internet Safety's work, which will shape the future regulation of the industry and provide a safe environment in which children can learn new skills in the modern age.

Mrs M Bradley: I thank the Members who tabled this important motion, which my party is happy to support.

The protection of children is paramount to any society's development, and I welcome any means that offers a sound and sensible approach to achieve that end. Dr Tanya Byron, a mother of two, used insight gained from her career as a clinical psychologist to launch her in-depth review, which is titled 'Safer Children in a Digital World'. The junior Ministers welcomed the review and acknowledged its usefulness in establishing e-safety.

In March, in response to a question for written answer that Miss McIlveen asked, the Minister of Education said that her Department:

“is working closely with DHSSPS, and other Departments, to achieve improvement in the current arrangements around internet safety.”

I was delighted to hear of the Assembly's inter-departmental approach to an important issue that affects all our children during school hours and when at home in their parents' care.

It is vital that, while children are in school and using the internet for research or educational purposes, they are protected from sites that are easily stumbled on through search engines that do not adequately screen for material that is unfit for viewing by children and young people. It is also, however, socially and morally incumbent on parents and guardians to ensure that they have an increased understanding of the dangers and benefits of the cyberworld and Internet highway.

It is all too easy for a child to input the name of their favourite toy or video game, only to be met with a string of websites that are based wholly on innuendoes and inappropriate material. In today's society, it has become obvious that parental control is diminishing and that it needs to be reborn and emphasised. What better way to start than by ensuring that what our children have access to is suitable for their ears and eyes?

Dr Byron has made eight recommendations in all; four for the video-gaming world and four for the safety of Internet use. I call on the Minister of Education to issue guidance through her Department to schools so that they can implement and, where appropriate, increase the necessary Internet protection measures that will safeguard against the accidental display of or, as in some cases, the deliberate downloading and viewing of inappropriate material.

I note that the Minister of Education informed the House in March that the Department expected to have membership of the Better Education working group, one of four groups established to deal with the full range of the Byron recommendations. I hope that there will be movement on some level towards membership of that group and, more importantly, that the necessary finances to support schools in implementing the appropriate guidelines will be in place. I also hope that we will not be here in another year's time, debating the whys and wherefores of the matter, why the money is needed and where to find it.

Child protection, in whatever form, is essential and welcome. Sadly, it is also a necessary tool in today's society. A number of groups have provided information about cyberbullying. So much of that goes on, and it gives our children and young people great cause for concern. They should have the type of protection that they need.

Mr Ford: In a rare mood of unanimity in the Assembly, I also welcome the debate, and I congratulate Michelle McIlveen and her colleagues on having

secured it. It is clearly an issue that is vital to the future welfare of all our children.

There is no doubt that, throughout the ages, new media have always been greeted with some horror and suspicion; whether the penny dreadful novel or the picture comic. There is also no doubt that we are now moving into relatively uncharted waters when one considers the effect of the Internet and our ability to regulate and to ensure that matters are dealt with in a way that protects children and the most vulnerable in society. That is why there is a need to look at the detail of Professor Byron's report and to focus on helping children to meet new challenges, develop their critical skills and abilities and make decisions. Frankly, we are long past the point where we can simply close the door on what is accessible on the Internet.

As Tom Elliott highlighted, the practical reality is that many young children are far better equipped than we are to deal with technology. I have not yet asked my grandson to work the DVD recorder for me — he is only two months old — but I suspect that I will be doing so in two or three years' time. The problem is that, although the children may have the technological skills, they do not have the understanding. They cannot evaluate how they should be dealing with the Internet, and they need assistance in learning to deal with the challenges that affect them. That is the challenge outlined in the Byron Report, and it is the challenge to which we must all respond and to which we must seek a response across a range of Departments. We need to develop a shared culture of responsibility that will ensure that all those involved in the issue — the industry, education, government, or voluntary organisations — can assist people in reducing the availability of potentially harmful material, and, in particular, assist children in developing the ability to avoid that material.

The problem with the Internet is that there is no single, obvious editorial point of control. There is no way in which national Governments can deal with (ISPs) based all over the world to achieve that level of control. The practical reality that has already been highlighted is that some ISPs attract particular attention from young people. There may be a need to police those sites, as well as to encourage parents not only to get the appropriate software on their computers but to develop the necessary skills to access it and ensure that it can be used to protect children.

11.00 am

Dr Byron proposed a national strategy for child Internet safety that involves self-regulation and provision of information and education for children and families. Sue Ramsey highlighted the cross-departmental nature of that issue, and Mary Bradley said that the junior Ministers welcomed the Byron

Review when it was published. However, the motion highlights the fact that the Department of Education has a significant role to play, and it is important that we consider that.

Although the Byron Review's remit is UK-wide and refers to some extent to English institutions, there is no doubt that it has significant applicability across Northern Ireland as well. Decent guidance and exemplar practice must be evident in every aspect of the curriculum, and teachers must be given the necessary support so that they can assist young people in dealing with the Internet and in learning to use it in a responsible way. That must be a priority in the professional development of teachers. I know that there is a danger in our always saying that teachers have responsibilities on such matters, but there is little point in schools' ensuring that their computers are safe for their pupils to use if they cannot also assist those pupils in being safe when they use computers elsewhere.

The Byron Review refers to Ofsted's role in holding schools to account, which has direct applicability to our schools' inspectorate. That accountability must be encouraged so that we can find ways to ensure that schools live up to those responsibilities that they might otherwise neglect. That is the key to educating young people in future. If we attempt to wrap children in cotton wool, they will never learn to grow up and make the decisions that will help them to survive on their own as they move from adolescence into adult life. We have to find a way of ensuring that that happens in schools and that it is encouraged. In that sense, it is right that the debate focuses on the role of the Minister of Education and her Department. I support the motion.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. I support the motion. The debate has been useful; it has allowed us to discuss how to protect children against abuses of the Internet. As is the case with many debates in which there is cross-party agreement on an issue, most of what needs to be said has been said. Therefore, I will deviate slightly from the issue of the use of the Internet.

According to the available information, there is still a wide section of society that does not have access to the Internet. Many young people do not have Internet access at home for a variety of reasons, but particularly because of poverty. We must examine how to ensure that as many children as possible have access to the educational resource that is the Internet. It is true that children must be protected and that we must learn from the Byron Review and other international reports on child protection. We must educate and empower their guardians to ensure that the Internet is employed as a useful tool. However, we must also ensure that people have computers and Internet connections in their homes.

Many homes, particularly in rural areas, do not have Internet connections because of the patchy broadband network that exists west of the Bann. The Assembly and the Executive have a responsibility to ensure that broadband is available to all family homes so that children can have proper access to the Internet.

The debate has been useful, and my colleague Sue Ramsey's suggestion that the issue be forwarded to the OFMDFM ministerial subcommittee on children and young people is a good idea. The whole Executive, as well as the Department of Education, have an important role to play. Go raibh maith agat.

The Minister of Education (Ms Ruane): Go raibh maith agat, a Cheann Comhairle. Ar na mallaibh d'fhoilsigh muid ráiteas beartais ar pháistí a chosaint. Is é is cuspóir dó an toradh ar an straitéis 10 mbliana — maireachtáil go slán cobhsaí — a chur chun cinn agus a fhorbairt.

Violence against women and children — whether at home, in society or through the Internet — and the grooming of children are some of the greatest challenges that face our society. Safeguarding and protecting our children is a top priority for me and for my Executive colleagues.

Recently, we published a policy statement on safeguarding children. That statement is intended to develop the aim of ensuring that our children live in safety and with stability, which is an element of the 10-year strategy 'Our Children and Young People — Our Pledge'. That statement sets out a safeguarding policy framework across Government which, in addition to setting out the Government's safeguarding agenda, identifies gaps and suggests new actions to close them. A clear part of that agenda is to take forward the recommendations that Tanya Byron made in her report.

The review was undertaken to help parents and their children get the best from the new technologies while protecting children from inappropriate or harmful material. I support John O'Dowd's comments about access to technology, and Members will know that my Department has provided laptop computers to primary schools in the North of Ireland.

The review team assessed the evidence on the risks that exposure to potentially harmful or inappropriate material on the Internet and in video games poses to children's safety and well-being. The team assessed the effectiveness and inadequacy of existing measures in helping to prevent children being exposed to such material and in helping parents to understand and manage the risks of access to inappropriate content. It then made a series of recommendations on improvements and additional action that should be taken to ensure that children derive maximum advantage from the new technologies in the safest possible way.

Is forleathan agus fairsing iad an moltaí, agus tá comhoibriú de dhíth dóibh idir an rialtas, tionscail, carthannais páistí, seirbhísí reachtúla, chomh maith le tuismitheoirí, páistí agus daoine óga.

The review's recommendations are wide-ranging, and they require co-operation across Government, industry, children's charities and statutory services, as well as from parents, children and young people. The recommendations include the creation of a new Council for Child Internet Safety to lead on the development of a strategy and to oversee its implementation; challenging the industry to take greater responsibility in supporting families through codes of practice on areas such as user-generated content; improving access to parental-control software, which many Members mentioned; safe search features and better regulation of online advertising; a comprehensive public information and awareness campaign on child Internet safety across Government and industry, including an authoritative one-stop shop on child Internet safety; and putting in place sustainable education and initiatives to improve the e-safety skills of children and their parents.

Is léir go leagann na moltaí seo clár oibre síos do gach Roinn, ní amháin don Roinn Oideachais.

It is clear that the recommendations set an agenda for all Departments, not just the Department of Education. However, my Department is clear about its need to play its role. The ministerial subcommittee on children and young people identified the need for safeguarding and for taking forward the Byron Review's recommendations as a priority. A subgroup, which is chaired by the Department of Health, Social Services and Public Safety, has been established for that purpose. Through that Department, our interests are represented on the Council for Child Internet Safety and its executive board.

My Department represents our interest on the council's Better Education subgroup, which is tasked with ensuring that children, families and the children's workforce have access to consistent and comprehensive support and to information that improves their knowledge, skills and understanding of Internet safety. As a member of that group, we will be engaged actively in any developments, and we will be in a position to access their appropriateness for application here.

That assessment will also include consideration of the North/South dimension to Internet safety and will ensure compatibility with any developments that emerge from the North/South Ministerial Council's Internet safety subgroup. Following the NSMC meeting that took place in February 2008, it has been agreed that the Department of Health and the Office of the Minister for Children and Youth Affairs will co-chair a cross-border group of officials to intensify co-operation on child protection.

Five work streams have been established to oversee various developments. Those include information sharing for children and families, public awareness, and child protection and Internet safety, on all of which the South of Ireland is leading. The North of Ireland is leading on vetting and barring and research.

Our involvement in the Council for Child Internet Safety will ensure that initiatives that are aimed at strengthening Internet safety, such as Safer Internet Day, are shared with colleagues in the South of Ireland. We have already implemented a range of developments and actions, which could, to some extent, be seen to have anticipated outcomes.

Schools are already responding to the challenge of promoting e-safety to pupils. The revised curriculum that I am introducing aims to meet the needs of our young people better and places the development of skills alongside the development of knowledge and understanding. Using ICT is one of three cross-curricular skills to be developed from foundation stage to Key Stage 4.

As part of the revised curriculum, teachers are receiving training and guidance materials to support them in the classroom. That includes guidance at Key Stage 2 on integrating teaching on Internet safety and general online communication into other areas of the curriculum, such as personal development and mutual understanding, which looks at developing a proactive and responsible approach by pupils to safety, including Internet safety.

We must equip our young people with the skills that they need to recognise dangerous or inappropriate situations and to deal with them appropriately. If we do that, we are helping our young people to develop into the confident citizens and individuals that they deserve to be. It is crucial that we build on that approach to empower children and young people if we are to ensure that their generation are new-technology savvy in all respects, can keep themselves safe and can use technology safely.

Reachtálann an Chomhairle Curaclaim, Scrúdúchán agus Measúitithe scéim chreidiúnaithe dheonach ag Eochairchéimeanna 2 agus 3, agus tá sin á síneadh chuig Eochairchéim 1.

The Council for the Curriculum, Examinations and Assessment (CCEA) runs a voluntary ICT accreditation scheme at Key Stages 2 and 3, and that scheme has now been extended to Key Stage 1. The scheme also includes e-safety to support teachers and educate pupils. I am also revising the assessment arrangements in line with the revised curriculum and will be introducing levels of progression to help teachers to assess pupil achievement by the end of Key Stages 1, 2 and 3 in cross-curricular skills, including the use of ICT.

E-safety is a component in the levels of progression for the use of ICT.

We have been encouraging school staff to improve their capacity to promote e-safety through participation in the local training that the Child Exploitation and Online Protection Centre provides. The centre regularly offers sessions of its ambassador course, which provides an in-depth look into new mobile technology and how it can be used to put children at risk. The centre also provides Think U Know training, which equips staff to deliver the centre's programme for 11-year-olds to 16-year-olds on keeping safe in the online and mobile environments.

Maidir le feabhsú ríomh-shábháilteachta na scoile ina hiomlán, baineann cuid mhór scoileanna úsáid as an chreatlach fhéin-athbhreithnithe Becta le monatóireacht agus measúnú a dhéanamh ar theicneolaíocht faisnéise agus cumarsáide ar fud an churaclaim, mar a mhol Byron.

Schools here are required to have a policy on safe and effective use of the Internet and other digital-technology tools. The Department of Education circular 2007/1 from 18 June 2007 drew attention to the wide range of issues that schools' policies should address and directed schools to advice on what is regarded as best practice. Access to the guidance is available on the Department of Education's website and is regularly updated.

The Classroom 2000 (C2k) network provides schools with Internet access. That access is fully monitored and is subject to a detailed filtering policy, which categorises websites into groups that are allowed and those that are not. The filtering process is updated several times each day on the basis of requests from schools and the appearance of new sites.

I thank my officials for their work on the issue. My Department takes Internet safety very seriously; we welcome any suggestions in this debate, and we welcome the ongoing consultation with schools. We all have a responsibility to ensure that we protect our children, because schools cannot do it on their own. They need to act in conjunction with all other Departments and consult on an all-island basis, as well as with their counterparts in England, Scotland and Wales. Go raibh míle maith agat.

Mr Storey: I thank my colleague Michelle McIlveen for bringing the motion to the House.

I do not think that any Member who listened to the debate and read all the material that was provided for it would underestimate the importance of the issue.

11.15 am

One of my constituents, who has several grandchildren, telephones me weekly, if not daily, to discuss child protection. He is appalled and concerned by what he sees every day in the local and national media. The one

issue about which he always asks when he telephones is what we are doing about child protection.

We are all very good at saying that it is someone else's responsibility. It would be easy to come to the House and try to make a political point from this issue. At a time when many people out there are questioning all that is going on with MPs' expenses and the value of the democratic process, is rhetoric all that we — every party in this House, collectively — have to offer the people of Northern Ireland about what should be done to safeguard children? We need to prove to the people what is being done. I will come to the Minister's comments in a moment, but we need to set this vital issue in that context.

As the parent of a young family who has had to deal with the issue with my own son, I know that safeguarding children is a vital issue, and we have to get to grips with it. Michelle McIlveen, the proposer of the motion, reminded us of the Byron Review's 30 recommendations and the three areas of work that the report considered. She also emphasised the importance of CEOP and said that it would have a vital role in what would be delivered.

The speed of change, the proposer reminded us, requires a rapid response. This issue is changing almost daily. Mainstream Internet safety in schools needs to be addressed. Last year, the Department of Education spent about £50 million on IT. Surely a priority for some of that funding should be child safety.

Sue Ramsey praised the work of the NSPCC. The charity is to be commended for how it has presented the public with the stark reality and the statistics behind the issue. We are glad that NSPCC representatives are in the Public Gallery today. I trust that they will take some solace and comfort from the tone of the debate, and from the House's unanimity on the matter, as the honourable Member for South Antrim Mr Ford remarked.

Sue Ramsey reminded us of the responsibility of parents. That is a key issue. It is sometimes difficult to quantify, but many parents are disengaged from a lot of these things. We have all been guilty, at some stage in our parental duties, of not paying attention to what is going on in the room that has Internet access and of not making enquiries. That is because, as some Members have said, we are sometimes not very competent with the technology ourselves. There is a fear on our part. Being educated about the technology is, therefore, relevant not only to children but to parents.

Sue Ramsey referred to the ministerial subcommittee on children and young people. The Minister said that that group has set up another subgroup to examine this issue. Those groups must play an important role in this debate.

Tom Elliott reminded us of the focus on the word "freedom". We now have a society in which there is

freedom, but that has brought with it many challenges. He underscored the unregulated nature of the Internet and its pitfalls. He also reassured the House that the protection of children is paramount in the minds of all Members.

Mary Bradley reminded us of the Education Minister's response to a question for oral answer from my colleague who proposed the motion. We need to revisit some of the statements that Ministers make during Question Time, because a lot of mist circulates around the Chamber, and it is easy to ask a question, but more difficult to get an answer and to see where that answer is leading us. Nevertheless, bearing in mind the Minister's response to that question for oral answer, Mrs Bradley called for schools to receive guidance, as well as the appropriate finance to ensure that it can be implemented.

My colleague David Ford talked about uncharted waters, and he could not have summarised the challenge that faces us in a better way. These are uncharted waters for all of us. It was important that he placed an emphasis on the national strategy, which is a key issue. The Minister is always keen to remind us of our all-Ireland responsibilities. However, in the United Kingdom, across England, Scotland and Wales, in the Republic of Ireland, and further afield in the European Union, there is a responsibility to ensure that, at every level of government and at every level of political administration, there are more than mere platitudes on this issue, but a requirement to have in place proper procedures, security and guidelines that can be implemented for the safety of our children.

Mr Ford also made an interesting comment about the role of Ofsted. We should encourage that body to be more proactive and to take on the responsibility of policing the protections that are in place, and of policing the methods and guidelines that are set before people who have access to the Internet.

By the time of John O'Dowd's contribution, nearly all the points had been covered, but that sometimes happens in debates when a Member is fifth, sixth or seventh in line to speak. Contributions can become difficult and repetitious. That has never stopped us in the past, but it is a challenge for us all. Nevertheless, John O'Dowd made a valuable contribution on Internet access, which represents the other side of the coin. There are pitfalls, problems and challenges, but we need to protect our children. Many children have benefited as a result of having Internet access, but some children do not have the same access that others enjoy. That must be addressed.

I welcome the Minister's statement that safeguarding and protecting children is a top priority for her Department. She referred to the reviews that had taken place, and I confess that I got lost amid the Minister's

statement, because a list of reviews was mentioned, which became a long catalogue of very detailed recommendations. We all want to see actions and outcomes as a result of that work.

The Minister referred to the ministerial subcommittee on children and young people. We need to scrutinise exactly what is happening to see whether we are on track for the right outcome. The Minister referred to encouraging teachers to take up training, but we must look at making that a more formal process, rather than just providing encouragement, and putting in place a process so that teachers can have access to and engage in that training.

I welcome the debate. I congratulate all the Members who have spoken and I thank them for supporting the motion, which I commend to the House.

Question put and agreed to.

Resolved:

That this Assembly calls on the Minister of Education to outline how she is implementing the recommendations from the Byron Review in relation to the safeguarding and protection of children.

PRIVATE MEMBERS' BUSINESS

Juvenile Justice System

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

Ms S Ramsey: I beg to move

That this Assembly, following the recent United Nations Committee on the Rights of a Child (UNCRC) Report, notes the concerns expressed regarding young people in the juvenile justice system; and calls on the Northern Ireland Office and the Executive to set out what actions they will be taking to address these concerns.

I take the opportunity to thank the Business Committee for selecting this motion for debate in the Assembly. Although the motion focuses on the Executive and the NIO, I welcome the junior Minister to the debate. It will be interesting to hear his response.

Young people who have committed a serious crime must go through the court process and receive a sentence that reflects the crime of which they have been found guilty. Today's debate is not on the nature of sentences or what constitutes a fit sentence for a particular offence, regardless of who has committed it. The debate is on what happens to young people when they enter the juvenile justice system and how to ensure that they are less likely to commit further offences when they leave, rather than more likely, as research has shown that they are.

The rate of reoffending among those in the juvenile justice system is high. Research suggests that almost three quarters of young people under the age of 25 are likely to be reconvicted within two years of leaving the system. Research also shows that the one-year reoffending rate of youths discharged from custody is 70%. That suggests the system's failure to address the underlying causes of young people's offending or offer them a clear path to rehabilitation and a new life.

The juvenile justice system must be changed to ensure that it promotes the rehabilitation of young people in its care, and that cannot be achieved through a punitive or bullying approach. Young people of 14 or 17 years of age must not be abandoned to a life of offending, because an opportunity exists to change their lives by giving them the right support and chances.

A number of recent inspection reports have raised serious concerns about young people in the juvenile justice system. The inspections of Woodlands Juvenile Justice Centre and Hydebank Wood young offenders' centre identified a range of issues on which the centres fell far below the level of best practice, with Hydebank Wood seeming to contravene the basic human rights of young people.

I welcome the British Government's withdrawal of their reservation to the United Nations Convention on the Rights of the Child regarding holding children in adult prisons. Unfortunately, that seems not to apply to the 17-year-olds who are being held in Hydebank Wood young offenders' centre. The centre is operated by the Prison Service and accommodates young men between 17 and 21 years of age. Although those aged 17 are held on a separate landing, they are in the same block as adults, and they are held in a facility run by the Prison Service and according to its rules.

The recent inspection report raised serious concerns, such as the lack of an adequate child protection policy and the fact that only 23 of the 39 staff who work with the young people had received any training in child protection. The report also highlighted a culture that, on reception, was described as "intimidating and inappropriate" for juveniles. The reception process included the routine strip-searching of all juveniles, with some searches being carried out by a single officer. Only 39% of the young people had been able to make a phone call to their family or a friend on their first night in detention.

The inspection also found little effective response to bullying, and inspectors stated that they witnessed an incident of bullying by a senior member of staff. Some bullying was not investigated, and over 39% of the young people said that they had felt unsafe while in the young offenders' centre.

The inspection further identified the use of inappropriate punishment methods for young people, including lengthy confinement in cells and stopping their use of the telephone to contact family. One child was held for six weeks in conditions that could be regarded as cellular confinement and was unable to communicate with his mother for four weeks.

11.30 am

Of most concern was the notion of young people being confined to their cells for considerable periods of the day with very little provision for education or for useful, work-based skills. Only 15% of young people were taking part in education, and only 15% were learning a skill or trade. However, 62% of the young people said that they needed help with reading, writing and maths, for which many were on a waiting list. That does not simply contravene young people's basic human rights; it is ineffective in ensuring that they do not reoffend and prevents them from finding the skills and support that they need to become usefully involved in society.

What steps will the NIO and the First Minister and deputy First Minister take to ensure that young people are either moved from Hydebank Wood to Woodlands Juvenile Justice Centre or are provided with dedicated accommodation? The issue of ensuring that child

protection policies are followed through on must also be addressed if we are to meet the needs of children and young people.

Between January 2006 and October 2007, 655 children and young people aged up to 17 were admitted to Woodlands Juvenile Justice Centre. The proportion of young people sent to juvenile justice centres here is broadly similar to that in England and Wales, despite recognition that that figure is high in an international context. I am concerned that 48% of those young people were placed in juvenile justice custody under the (PACE) scheme. That indicates that, despite signing the UN Convention on the Rights of the Child, we are not complying with the undertaking in it to detain young people only as a measure of last resort. PACE can be used to hold a child until a court appearance when they are charged with an offence and bail cannot be granted or a place of safety found. PACE is not widely used for that purpose in England. That is an issue that we must consider.

Another concern is the proportion of young people from care backgrounds who are taken into custody. In 2006-07, 30% of children aged 10 to 17 who were in custody came from a care background. Young people here who are looked after have, on average, twice as many admissions to custody as those from the general population.

An estimated 75% of looked-after children who enter secure accommodation already have a criminal conviction. If he can do so, the junior Minister must clarify with the NIO when it intends to deal with section 56 of the Justice Act 2002, because that allows for a child aged between 10 and 13 who is subject to a custody care order to be placed in secure accommodation rather than in a juvenile justice centre. Some of those issues were raised in last week's Assembly debate on children missing from care, and the difficulties faced by children in the care system were highlighted.

People who work with children in the care system daily, either directly or indirectly, have told me that secure accommodation is already under considerable stress. That is something that we see regularly and often hear on the news. Sometimes a bed cannot be found for even the most vulnerable of our young people. That is another issue that the Executive must take on board. I hope that the junior Minister will raise some of the matters highlighted today with his Executive colleagues so that they can address the pressures on secure accommodation for our most vulnerable young people.

We must draw attention to prevention. I have focused on the experience of young people in the juvenile justice system, but it would be much more effective to keep them out of that system and to reduce the rate of offending. It is vital to work with young people at an early stage in their communities to address behaviour

that could escalate into offending. That means doing preventative work on the ground that addresses young people's needs in their communities, families and schools. Often, young offenders have been excluded from school or are not in education, training or employment. They frequently have family problems, and some come from the most disadvantaged of communities.

In conclusion, I thank the junior Minister and his colleague, Mr Donaldson, for their personal interest in the issue, and I know that junior Minister Kelly has visited some of the institutions involved on a number of occasions. What we need, however, is a response from the Executive that spells out exactly what pressure they are placing on the NIO. Go raibh míle maith agat.

Miss McIlveen: I read through the report by the UN Committee on the Rights of the Child and the various submissions that relate to the juvenile justice system in Northern Ireland. The UNCRC has thrown up a number of recommendations that, I am sure, many people in Northern Ireland would find difficult to accept, as well as some that we acknowledge should be in place. I do not wish to detract from much of what was said by the mover of the motion; I will look specifically at the report. I was drawn to the very last recommendation in particular, which is that the state party should conduct an independent review of (ASBOs) with a view to abolishing their application to children.

It was interesting to see that Save the Children and the Children's Law Centre submitted the 'Northern Ireland NGO Alternative Report', in which issues regarding ASBOs were raised. Alternative reports are a very important part of the human rights oversight procedure, and any (NGO) should undertake that role with the responsibility that it deserves. In this instance, I do not believe that the NGOs that were involved in the preparation of the report presented an accurate reflection of the facts regarding ASBOs. There are two types of ASBO: one is applied for through the civil courts, and the other is granted as part of a criminal sentence. That was not made clear in the alternative report. Later in the report there is a vague reference to their use in sentencing, but, when the report first defines ASBOs, it quite explicitly states that they are civil orders.

The NGO report categorically states that proceedings that relate to the breach of an ASBO do not attract the protections of the criminal justice system. That is quite wrong. If there is a breach of an ASBO, it is treated as the breach of a court order and is dealt with through the criminal courts, which is the same way that a breach of a non-molestation order is treated. The NGO report claims that antisocial behaviour is not a criminal act and, therefore, a child should not run the risk of a custodial sentence. However, it is the breach of an order that attracts a sentence, not the behaviour itself.

The report also claims that the ASBO procedure is a breach of a child's rights under article 6 of the European Convention on Human Rights, as set out in the Human Rights Act 1998, as there is a denial of a fair trial. Again, that is inaccurate. Civil cases attract the fair trial rights outlined in article 6(1), and there is no case law to back up the NGO's claim that stand-alone ASBOs breach that provision. In fact, the opposite is, perhaps, the case.

Furthermore, the NGO report equates an ASBO that could form part of a sentence with a release under licence. It claims that that is a condition that is normally imposed on individuals who have committed the most serious crimes. However, any individual who is sentenced to imprisonment and is released on a date before the completion of that sentence will be on licence for the remainder of the term in any event. The implication of the NGO report is that no such licence exists except in the most serious cases: that is patently incorrect and misleading. The NGOs did not advise UNCRC of the fact that a (CJINI) report in 2008 stated that ASBOs had been used sensibly and proportionately in Northern Ireland since they had been introduced.

The Beijing rules suggest that the ideal age of criminal responsibility is between 14 and 16 years of age. The recommendation of the UNCRC is that the UK should progressively raise the age of criminal responsibility to reach that so-called ideal. As a party, we have made it clear that, at this time, we do not feel that there is a need to raise the age of criminal responsibility. We certainly feel that raising it to 14, 16 or even 18, as some NGOs in Northern Ireland want, is wholly inappropriate and not in the public interest. Of course, there is no direct domestic sanction for failure to comply with that recommendation and no direct means for enforcement.

The UNCRC report and the NGO alternative report highlight the fact that there is a lack of understanding and, perhaps, a lack of information available to young people who are engaged in the youth justice process. It is imperative that young people understand the system, including what is happening to them and their rights. It is evident that a great deal of work has been undertaken to reform the youth justice system in Northern Ireland. I think that it is the will of everyone in this Assembly to ensure that young people who are involved in the system are treated in a manner that befits their age and, of course, their vulnerability. However, that should not, in any way, result in them failing to be held accountable for their actions.

Mr Kennedy: I am pleased to be able to make a contribution to this important debate. However, criminal justice is not a devolved responsibility of this Assembly, so the competence of the motion has to be questioned.

It may well be that responsibility for criminal justice will be devolved at some point, but we are considerably undermined by the fact that no justice Minister is in place today to reply to the debate. There is a tendency for Members to let off steam and to treat the issue as a hobby horse. However, the public should be aware that, at present, the Assembly has no remit to impact on those charged within the criminal justice system, and we remain spectators in that matter.

Ms Ní Chuilín: The motion is competent. Although the Member is right that justice powers need to be transferred at a later date, the Executive do have a responsibility. The Member's colleague Michael McGimpsey is responsible for the health of all people, including prisoners and children in the juvenile justice system. The Member needs to check that fact.

Mr Speaker: The Member may have an extra minute.

Mr Kennedy: I am grateful for the Member's advice. However, the harsh reality is that this debate is an opportunity for political parties to grandstand, which some people appear to be good at, in advance of an election.

Juvenile crime and justice are emotive matters. With the rise in teenage crime, many people feel that the criminal age of responsibility should be going down rather than up. Some crimes carried out by comparatively young teenagers are horrific, and that is bound to prompt us to ask what is wrong with our society. We all have views on that. Some people blame the influence of television, be it satellite or terrestrial, computer games and the wider celebrity culture that now exists whereby little-known people make themselves famous through reality television programmes such as 'Big Brother' or 'Britain's Got Talent'.

Ms S Ramsey: What about 'Stormont Live'?

Mr Kennedy: 'Stormont Live' cannot be described as entertainment by any stretch of the imagination.

Many people feel that we have entered into a new culture that is not conducive to good behaviour and proper respect. On the other hand, it is important that we do not demonise young people or tar the vast majority of them with a brush that should be reserved for the criminal few.

The bill of rights for Northern Ireland will propose raising the age of criminal responsibility from 10 to 16 and then to 18, prompting concerns that teenage criminals will escape prosecution. If the proposals in the final report of the working group tasked with making recommendations on the content of the bill of rights are passed, potentially no one under the age of 18 will be prosecuted for acts of criminality. That controversial move comes at a time when the public is calling for tougher measures to deal with violent youths and youth crime. That group recommends

raising the age of criminal responsibility from 10 to 16, with a view to increasing it to 18 over a period. A campaign to raise the age of criminal responsibility in England and Wales has been consistently opposed by most sensible people. The murder of Liverpool toddler Jamie Bulger a number of years ago at the hands of two 10-year-old boys is often cited as an example of why the law should be retained in its present form. There are shocking crimes —

Ms S Ramsey: Will the Member give way?

Mr Kennedy: No; sorry. I have already given way. Even in Northern Ireland, shocking crimes such as rape are taking place. Those crimes are unacceptable and are regarded as such by the vast majority of people. Those serious crimes cannot be dealt with simply through some form of counselling or arbitration.

Some sanctions have to be in place so that young people or anyone of any age are aware of their responsibilities. That is the reason that the Ulster Unionist Party is opposed to the motion.

11.45 am

Mrs D Kelly: The SDLP supports the motion, and I am pleased to be taking part in the debate.

Incarcerating children is no solution to crime. Some regions of the UK have the lowest age of criminal responsibility, and some people might say that that is a crime in itself. Two or three months ago, there were 40 incarcerated children in the North of Ireland. I have visited the juvenile justice centre at Bangor, and that visit is not something that I want to repeat or would wish on any 10-year-old child.

Many Members referred to parental responsibility. I believe in parental responsibility, but some Members must realise that home is not a safe place for many children and young people. Although Members are right to say that juvenile justice is not yet a devolved matter, there is an onus on the Executive to accept responsibility for supporting parents, children and young people and to invest in our children and young people. The costs that are incurred must also be considered. It costs over £200,000 a year to keep one child in the juvenile justice system. Could that money not be put to much better use if it were invested in developing our young people and children?

I recognise the dilemma of trying to balance the needs of the community and dealing with antisocial behaviour, but locking up children is not the answer. If Members ever have the opportunity to talk to prisoners from across the prison population, they will hear that many of them were imprisoned for minor misdemeanours; in fact, some people are locked up for the non-payment of fines. Many of those people come out of prison as hardened criminals who know a lot more about how to abuse the system, and they engage in more crime than

they did previously. There is little resettlement of and rehabilitation for released prisoners.

It is often said that a society is judged by how it treats its prisoners. How much more harshly will we be judged if we do not treat our children and young people properly?

In 2008, the North, as part of the UK, was subject to a state party examination on the implementation of the UN Convention on the Rights of the Child by the UN Committee on the Rights of the Child. The committee made a number of recommendations in its concluding observations. Among the committee's concerns on juvenile justice was the age of criminal responsibility here. The committee said that 10 was too low — a view supported by the SDLP — and recommended that it be raised.

In response to the concerns of the UN Committee on the Rights of the Child, in March 2009, the Scottish Parliament launched proposals to raise the age of criminal responsibility from eight to 12. Proposals relating to a bill of rights for Northern Ireland also highlighted the need to raise the age of criminal responsibility. Although I accept that there was a divergence of views at the Bill of Rights Forum, I believe in the basic premise that the age of 10 is entirely wrong.

Too many children are in custody or on remand. The UN Committee on the Rights of the Child also recommended that alternatives to detention be developed. In its policy paper on juvenile justice, the SDLP proposed that alternatives be developed to prevent children and young people from coming into contact with the juvenile justice system. Children who are at risk of offending should be given appropriate support and intervention to prevent them offending. Custody should be used only as a last resort for children.

Children who are in custody do not have a statutory right to education, and the SDLP believes that a child who is in detention should have that right. Those children should also have access to the full Northern Ireland curriculum. If young people had such a right, they would be better prepared for reintegration into society. That would also have a positive impact on lowering reoffending rates.

I welcome the Government's commitment to remove the reservation of article 37(c) of the United Nations Convention on the Rights of the Child, which states that children in detention should be accommodated separately from adults.

It is imperative that we get this right. We are seeing already the resurgence of terror groups making judgements on our children and young people, and we see already cases of young people being exiled or beaten up in so-called punishment beatings. Surely that is wrong. Surely the onus is on the Executive and

Assembly to invest to secure much better outcomes for the children who need our help most.

Dr Farry: The Alliance Party welcomes the debate and has no difficulty in supporting the motion. The motion is competent; there are plenty of precedents for the House's debating subjects that are not its immediate responsibility. Even beyond that, issues that relate to offending in Northern Ireland require a joined-up response from government agencies, both devolved and non-devolved.

The Department of Education and its Youth Service have a clear responsibility to deal with offending through how they interact with young people. The Department of Health, Social Services and Public Safety and the Department for Social Development, which is responsible for housing, also have cross-cutting responsibilities in that area. It is not simply a criminal justice issue but one that affects a wide range of Departments and us all. That is why it is important that the Executive respond, and I welcome the presence of junior Minister Kelly in the Chamber.

Thus far, I have found much of the debate to be frustrating, owing to some of the comments that Members have made and tangents that they have followed. The motion does not ask the House to endorse all the recommendations in the United Nations Committee on the Rights of the Child's report; it asks that we take on board the report and respond to it. The motion is pitched at a wholly appropriate level.

Members have become distracted by talking about the age of criminal responsibility. I have no appetite for changing that. That is not on the agenda; it is a large red herring. The issue is not so much the age of criminal responsibility — we cannot run away from the fact that young people must be held to account when they commit offences — as what happens when young people are held to account for offences and the state's approach, whether it be custodial sentencing or something else, such as the use of youth conferencing facilities.

It is important that we avoid making generalisations when talking about young people. Young people and their contribution to crime are feared. Not all young people are a threat. Sometimes, young people's actions can be wrongly perceived as a threat when they are simply behaving as young people do and, in many respects, finding themselves. Equally, it is important to bear in mind that young people are the most likely victims of crime, so the issue cuts both ways.

The focus must be on rehabilitating rather than punishing young people. We want to avoid a situation in which young people needlessly get criminal records that compromise their future life opportunities and that entail a cost to society as a whole. We can reflect on the contributions made to society by people in many

respectable walks of life who got into trouble when they were young. We can point to many famous cases.

Members rightly talked about the levels of reoffending among young people and the need to manage as effectively as possible the process of dealing with them. Aspects of what we do in Northern Ireland are world-class, and it is important to highlight that. The Youth Justice Agency is a truly pioneering agency that is setting the pace. Youth conferencing is very successful. My constituency office borders the Youth Justice Agency's community services office in Bangor, and I am fully aware of the work that people such as Phelim Breen and his team do. Restorative techniques can make a difference to young people.

Likewise, I have concerns about the police's ability to issue cautions. Sometimes, cautions can be the most effective response to crime, but the current protective relationship that the police have with the (PPS) means that their flexibility to respond is not as clear-cut as it should be. In some cases, there is no flexibility at all, and that represents a missed opportunity.

The bottom line is that, in some cases, people need to be taken into custody, and we should not run away from that fact. The simple governing motivation behind that is the protection of society, and we have no choice. My party's view is that people under 18 years of age should be sent, by default, to Woodlands Juvenile Justice Centre. I have visited both Woodlands and Hydebank Wood young offenders centre, which have very different regimes. The Youth Justice Agency governs one, and the Northern Ireland Prison Service governs the other. I am impressed by what I have seen at the Woodlands Juvenile Justice Centre, where there is a more appropriate regime for young people who, unfortunately, have to be placed in custody.

This is an important debate, and it should lead to other debates in the Chamber. Responsibility for this matter lies not only with the justice system, but across all Departments.

Mr Shannon: A report from the United Nations Committee on the Rights of the Child states that childhood lasts until a person reaches 18 years of age. In some circumstances, people who have a disability or who are in care have their rights extended until they reach 21 years of age. In 2005, it was estimated that 434,780 children under the age of 18 were living in Northern Ireland. Those are background facts. As with most reports, it contains recommendations that are necessary and some that are unnecessary.

Raising the age of criminal responsibility from 10 to ensure that it is in line with England should be looked at, but to raise it to 14, as has been suggested, is possibly going too far. There are suggestions that could be beneficial, but other recommendations in the report are not only unnecessary but harmful, such as outlawing

the right of parents to moderately smack their child for bad behaviour. An abuser will not stop beating a child because smacking has been outlawed. That will affect the everyday parent who taps a child on the leg or the hand to reinforce a point. The money that has been spent already by Patricia Lewsley is a waste of precious resources, and I told her so at a meeting of the Committee for the Office of the First Minister and deputy First Minister. However, that is for another day and another debate.

It is important to realise that Northern Ireland has implemented many effective reforms of youth justice. New ways of dealing with children who offend have been developed, including the youth conferencing service, which is an alternative to prosecution that allows young people to take responsibility for their actions. That process also gives victims an opportunity to say how they have been affected and to develop an agreed plan to redress the harm that has been done. New reparation and community responsibility orders have also been introduced to provide the courts with further alternatives to custody. Those orders encourage children to take responsibility for making up to their victims for their actions or by doing community service.

The Anti-social Behaviour (Northern Ireland) Order 2004 introduced anti-social behaviour orders or ASBOs, as they are generally known. Since then, of the 40 ASBOs reported to the Northern Ireland Office, 17 have been made in respect of children. There has been a fivefold increase in funding for projects that work with young people who are at risk of involvement or further involvement in crime, as well as an increase in support for voluntary and non-governmental organisations to enhance capacity to advocate on behalf of marginalised young people. Custody for children is regarded as a last resort and is reserved for serious and persistent offenders only. The arrest, detention or imprisonment of children is governed by laws that take account of the UN Convention on the Rights of the Child. Children can be detained only under specific circumstances laid down in law.

The review made 294 recommendations, some of which pertain to youth justice. Almost all the recommendations have been taken forward with the introduction of new legislation as necessary, including the establishment of the Youth Justice Agency in 2003 as an executive agency within the Northern Ireland Office; the provision for a more effective focus on offending by children; further emphasis on community-based rather than custodial interventions; the closure of unsuitable facilities for children; and the building of a new state-of-the-art juvenile justice centre. Those recommendations have been implemented already.

We should remember that the young people in question are not adults and should not be treated as such.

Nevertheless, they know that what they have done is wrong and that they should face the consequences.

A few Christmases ago, a young man was stabbed in Newtownards and another young man was injured. That incident could have been prevented if the cautioning that had occurred earlier had been acted on. There have been occasions when the police have cautioned a young person and there have been no consequences. Those young people may feel untouchable until, suddenly, they face a future in prison. The juvenile system worked in the case of the stabbing in Newtownards. The young man went through rehabilitation, went back into the community and came to realise that what he had done was wrong. Through a correct balance of restriction and rehabilitation, he now knows what society will and will not accept. Such young people should not be treated like 10-year-olds; they know what is right and what is wrong. The simple fact is that the longer we ignore bad behaviour in society, the worse it will become.

That is why I believe that the system and restrictions that we have in place are not an offence against human rights; they are a way of safeguarding other people's rights, while saving and rehabilitating the young person's life. When wrong is done, it must be acknowledged and punished.

12.00 noon

Mr Speaker: The Member should bring his remarks to a close.

Mr Shannon: We may raise a generation that is not accountable for doing wrong, or that does not understand what wrong is.

Mr Speaker: The Member's time is up.

Mr Shannon: Although the system is not perfect, we are finding a balance. We will continue to improve our rehabilitation and correctional structures.

Ms Purvis: I support the motion. I recently visited the Woodlands Juvenile Justice Centre in Bangor, and it is worth noting that we have some very dedicated people working in the juvenile justice system in Northern Ireland, at Woodlands, Hydebank Wood and other facilities. They work hard to deliver services and support of a high standard. Their work is critical, and conditions are often difficult. A factor that makes their jobs challenging is the relatively high numbers of children in custody in Northern Ireland, even when the children are held only for short periods.

According to both our standards and those set out in the UN Convention on the Rights of the Child, custodial sentences for juveniles are supposed to be measures of last resort, restricted to occasions when an individual is deemed to be a risk to the community or to themselves. The best interest of the child is supposed to be the guiding principle. However, that is not the

case in practice. Despite being a recently built facility, Woodlands often struggles to accommodate high numbers of children in custody, including 17-year-olds.

Custody is not the ideal arrangement for many young people who end up in those facilities. It is also expensive, as other Members have said. It is not a good use of resources; a better use is the funding of support and community-based diversion programmes for young people, which keep them out of custody and away from the criminal justice system.

The behaviour of children and young people in Northern Ireland is becoming increasingly criminalised, no doubt helped along by Mr Nolan *plc*. The age of criminal responsibility in this country is 10. On that subject, we must draw an important distinction between responsibility and criminality. All those under the age of 18 must be treated as juveniles at every stage of the criminal justice process. We need to ensure that no child under 18 is treated as an adult, irrespective of the circumstances or gravity of the offence. In difficult circumstances, when a particularly shocking offence has taken place, there is a temptation, and often an overwhelming desire, to “lock them up and throw away the key” — to use the most punitive measure possible. However, that is why we have set up a criminal justice system: to provide an independent perspective that delivers justice, rather than vengeance, which is often the temptation.

The solution to that situation is to keep children out of the criminal justice system by ensuring that we do all that we can to keep them away from offending behaviour. There must be a greater emphasis on early intervention, alternatives to formal prosecution and sentencing, support for families and young people in crisis, and community-based diversion and activities for young people. We also need to see more intervention when young people are in custody to prevent the revolving-door syndrome, where people come out and go straight back in again. We also need to be honest about the role of the education system in alienating young people. If a child is told at the age of 11 that not much is expected of him or her, which course do we expect them to choose, further education or further rejection?

On my recent visit to Bangor, I heard from a number of young people that the education that they received in custody was the best that they had ever encountered. Learning disabilities, dyslexia and dyspraxia were diagnosed and dealt with, and children received education at a level and in subjects that kept them interested and encouraged them to progress.

I support the motion and hope that the Executive will work quickly to address those concerns.

Mr B McCrea: I am grateful for the opportunity to speak on this motion.

I have serious reservations about the entire criminal justice system. There is a perception in our community and society that people are not justly punished for their crimes. There is a complete focus on the rights of the people who perpetrate crimes, and little focus or regard for the victims of crimes.

Those people deserve a voice. Seventy per cent of the juvenile offenders who serve custodial sentences reoffend. The issue is that if we try to change the juvenile justice system by saying that people should not be put in prison, we are saying to society that —

Mrs D Kelly: The people to whom the Member is referring are children aged 10 and over. As regards the criminal justice system letting victims down, does the Member accept that the Public Prosecution Service is, to a large extent, letting people down when it withdraws cases at the last minute, including those relating to terrorism?

Mr Speaker: The Member will have an extra minute to speak.

Mr B McCrea: The honourable Member knows that I share her concern about issues relating to the Public Prosecution Service. I want to find the most effective intervention possible in order to spare society from crime and its consequences.

Ms S Ramsey: I thank the Member for giving way because I am conscious that Members have only five minutes in which to speak in debates such as this. If the Member had been present in the Chamber for the start of the debate, he would know that when I moved the motion, I said that anyone who commits a crime should be dealt with by the courts and punished accordingly. I tried to highlight the issue of how society treats people who have been convicted of a crime.

If we were talking about the treatment of adults, Mr McCrea, like other Members, would be complaining about the system. We want to ensure that preventative measures are put in place so that juvenile offenders do not reoffend. However, the Member is right to say that juveniles who offend should be convicted and should be given the proper punishment.

Mr B McCrea: I am grateful to Ms Ramsey for clarifying those points. I apologise that I was not here for the start of this important debate. I asked to speak in the debate because it is about an important matter; and you, Mr Speaker, kindly agreed to allow me to speak.

The issue is not about divergence over what should happen; it is about the way in which we should go about making things happen. Regrettably, many 14-year-olds create a lot of mayhem in our society. They must be punished and be seen to be punished, and I make no apologies for using the word “punished”.

Ms Purvis: Will the Member give way?

Mr B McCrea: Since it is Ms Purvis, I will give way.

Ms Purvis: I thank the Member for giving way. Will he acknowledge the fact that youth conferencing, community restorative justice and other practices have been proven to reduce recidivism and offending behaviour more than custodial sentences?

Mr B McCrea: I thank the Member for her intervention. She is right, and I agree with her. The problem is that the public do not see that. People lack trust in the criminal justice system. They do not understand the situations in which sentencing is not appropriate. When offenders are released either early or at the weekend, the crime rate often rises. The Assembly must address the problem of public trust and confidence.

We simply cannot say that all our attention should be focused on the perpetrators of crime. The victims of crime are just as important, if not more so, and they are being failed fundamentally by every single element of the criminal justice system. It is not right that 40% of files are returned to the police and that no further action is taken. It is not right that people get off with minimal sentences and are allowed to go out and reoffend. It is also not right that a person in the state's care is not recognised as having a mental-health problem or attention deficit disorder and that their condition is not dealt with. Society must deal with those issues.

It is not good enough to simply point the finger at the juvenile justice system and say that it has to improve. The issue is fundamental to democracy: respect for law and order is the very basis of why we are here. If we cannot convince the people of Northern Ireland that we are up to the job, this place is finished.

It is time that we started to talk about those issues, stand up for victims and put perpetrators in jail and make sure that they serve a proper sentence that people know about. I oppose the motion.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): I shall speak a little lower and hope that the House can hear me. I am grateful for the opportunity to respond to the debate. I thank the Members who tabled the motion; it has been an interesting debate.

As Danny Kennedy pointed out, the administration of juvenile justice is a reserved matter and responsibility lies with the NIO. However, the junior Ministers have responsibility for the co-ordination of policy on children and young people's issues, so we have a particular interest in the subject. Dolores Kelly and other Members mentioned that. It is also a matter that the Executive and the Assembly will want to consider in due course, when policing and justice moves across and becomes our responsibility.

It must be recognised that for young people who are engaged with the juvenile justice system, offending behaviour is only one aspect of their lives, and it is an outcome that has been impacted upon by many factors. There are very real issues around education, health and links to the care system that require urgent redress through prevention, intervention and rehabilitation. Some Members have made opposing points, but we are united on the fact that we are dealing with understanding what prevention, intervention, and rehabilitation entail. Therefore, we must ensure that we remain aware of the issues and maintain and enhance the relevant links across Departments and with the NIO to effectively tackle those challenging issues in a holistic way.

On several occasions, I have met the Minister of State with responsibility for criminal justice, Paul Goggins, and I have discussed concerns regarding the handling of children in the youth justice system. The most recent meeting took place on 20 April 2009, and I was encouraged by some of what he said about the improvements that are taking place or are planned. Some of those issues were raised during the debate.

It is important to recognise the risk factors and underlying causes that can often manifest in criminal or antisocial behaviour, to inform future consideration around support and intervention. Children with experience of the care system are often the most vulnerable in society and, as a result, many of those children go on to offend. I noted with interest that officials from the NIO are working closely with the Department of Health, Social Services and Public Safety in the context of early intervention. That point was raised by a number of Members.

NIO officials and the Department of Health are also working together with the objective of ensuring that children from the care system only go into custody for the same offences for which children not from care would go into custody. I am sure that Members will be glad to hear that figures of admission from care to custody show that a marked decline took place from 2008 to 2009. The percentage of admissions is now at 19%, compared with 35% in 2008. That work must be developed and continued with appropriate resources.

The implementation of a number of individual proposals that are contained in the Care Matters strategy has begun already. The Criminal Justice Order 2008 provides for a care order to no longer be suspended on the making of a juvenile justice order. That ensures that social services has an ongoing duty to provide support and care for young people in those circumstances.

DHSSPS and NIO have also jointly funded an initiative that seeks to target young people who are on the edge of criminality. That joined-up approach is welcome, given the many diverse factors that can

contribute to young people's being engaged in the juvenile justice system.

I understand that a number of inspectorates, including the Education and Training Inspectorate, the Regulation and Quality Improvement Authority, the Office of Social Services and Criminal Justice Inspection, are discussing taking forward a thematic piece of work to ensure co-operation and joined-up working on areas of common interest with input from the Equality Commission, NIHRC, NICCY and our officials in the children and young people's unit of OFMDFM. It is a welcome development that the agreed theme will be vulnerable and marginalised children and young people.

As some other Members have done, I recently visited Hydebank Wood young offenders centre and Woodlands Juvenile Justice Centre to see, and speak directly to, the young people there. I did so as a result of concerns following the CJI report on prisons. We have met officials from the NIO and the Criminal Justice Inspection to discuss the number of juveniles who are being held in Hydebank Wood and aspects of the regime there that are highlighted in the report.

I am sure that the other Members who have visited both those establishments will have seen a clear difference in the way that the juvenile justice system works in Hydebank Wood, which is run by the Prison Service. There are also the beginnings, at least, of transfers and secondments from both establishments in an effort to affect the culture that exists in both areas. I am pleased that the criminal justice inspection programme for the next three years includes a key theme that focuses on the most effective way to deal with young people in the criminal justice system.

12.15 pm

As regards the concluding observations that the UN Committee on the Rights of the Child issued in October 2008, we are working closely with Executive colleagues and the NIO to progress those issues, which transect several Departments. The 10-year strategy for children and young people and associated action plans will be the main vehicles that will be used to work towards the realisation of children's rights and to progress the committee's concluding observations as far as possible. Our key challenge in delivering the strategy is to ensure that it delivers for all children and young people here. Therefore, we recognise the need to take appropriately targeted and resourced action to improve the lives of the most marginalised and vulnerable young people, especially those who are involved with the youth justice system.

The strategy has been endorsed fully by all Departments, the NIO and the Court Service, which is an active participant in its delivery. Representatives from key Departments and from both the NIO and the

Court Service sit on the strategy planning and review group, which was set up as one of the implementation groups for the strategy. Its role is to advise on and monitor the strategy action plans. The strategy planning and review group has now signed off the most recent three-year action plan, which will shortly go to the OFMDFM Committee for consideration prior to seeking Executive proposals.

It has been agreed with the group that the action plan will be a living document that is open to review and amendment. A key element of that review and development will be a focused piece of work on the concluding observations, with a view to developing additional actions around them. However, it is important to recognise that some of the issues that were outlined in the concluding observations are being addressed already. The exercise will focus on gaps that still exist.

We have analysed the UN committee's recommendations. Our officials will meet their counterparts in relevant Departments to discuss the recommendations and to identify priority action areas that are relevant to their responsibilities. We also intend to engage a wide range of children and young people to seek their views on the current actions and ask them to identify issues that are important to them. We have developed a young people's version of the concluding observations, and we will produce a young people's version of the action plan to facilitate that consultation.

That programme of engagement will culminate in a conference for young people that will take place in November 2009 — the twentieth anniversary of the UN Convention on the Rights of the Child — and will help to inform the development of any additional actions that are required.

I must emphasise that although Jeffrey Donaldson and I, in our capacity as junior Ministers, will encourage ministerial colleagues to consider those views fully, we cannot make commitments to produce specific actions on behalf of other Ministers. Ultimately, it will be up to the relevant Departments to proceed with additional actions on the issues that are outlined in the UN committee's report. That also applies to the NIO in cases when concluding observations are relevant to reserved matters.

Mr Kennedy: I am grateful to the junior Minister for giving way. I am interested in his assertion that neither the junior Ministers nor, indeed, OFMDFM will be able to, if you like, enforce, ask or insist that other Departments bring forward actions. That seems to go to the heart of OFMDFM's problems: as the Department with lead responsibility, it appears to have a carrot, but no stick.

The junior Minister (Mr G Kelly): The Member would probably shout at me if I said that OFMDFM should have that power over other Departments. Certainly, there are a few things that we might want to say to DHSSPS. OFMDFM has a cross-cutting ability to bring Departments together. Of course, there is also a ministerial subcommittee to deal specifically with that. In that subcommittee, there are subgroups, one of which deals with vulnerable children and is led by the Minister of Health, Social Services and Public Safety.

Therefore, we have an ability to convince people that this is the way to go. I do not think that the Member would argue that we should be able to tell Ministers exactly what their Departments should do.

However, the reason for having a ministerial subcommittee is to ensure that there is a joined-up approach and collective responsibility for the matter. As many Members said during the debate, the issue is cross-departmental. At the beginning of the debate, Mr Kennedy said that we do not have any power. We do have power, and that power is to act as a ministerial subcommittee and put forward issues that can be dealt with. Ministers must be given the ability to deal with those matters in their Departments.

Mr B McCrea: I agree that the Executive have the power. However, they have the power to address many issues that are of concern to people. Will the junior Minister join with me to encourage everyone around the table to start tackling all the issues facing Northern Ireland?

The junior Minister (Mr G Kelly): I join with the Member in calling on the Executive, who have worked hard to tackle those issues collectively, to continue in that mode.

Ultimately, it will be for the relevant Departments to decide whether to take additional action on the issues outlined in the UN committee's report. It is important to highlight that although the NIO is responsible for juvenile justice at the moment, the complex issues driving our young people to engage in criminal or antisocial behaviour cut across the remit of several Departments. At this stage, I am happy to provide feedback to Paul Goggins on the House's concerns about children in the juvenile justice system and the UN committee's recommendations. In fact, I will forward the Hansard report of the debate to him to ensure that he recognises the varying points of view.

I am grateful for the opportunity to participate in the debate. Some Members, including the Member who spoke previously, are passionate about the issue. That passion is shared by everyone. Despite Danny Kennedy's comments that the debate is not about political point scoring, Basil tried to score a few.

The debate on criminal consent will continue. At the moment, the NIO is responsible for that topic. Everyone supports the protection of society; and it is important

to say that, because one could get the impression after a debate such as this that some people were suggesting that we hang or shoot offenders whereas others did not want to put anyone in jail. That is not the issue: the issue is about protecting children and young people before they enter the system, and protecting them once they are in the system if there is no alternative to that for them. Indeed, a rehabilitation facility must be incorporated in order to prevent recidivism. We must tackle the reasons for imprisonment and recidivism as well as the issue of custody. It is important to deal with the whole matter.

Mr B McCrea: Will the Minister give way?

The junior Minister (Mr G Kelly): I have given way many times today.

Mr B McCrea: The junior Minister is very generous.

It is proper to consider how to prevent reoffending and how to deal with people who reoffend. Does the junior Minister accept that the victims are concerned that justice is not being seen to be done? We must decide how to tackle that issue, too.

The junior Minister (Mr G Kelly): I agree with the Member. Sometimes, it is a matter of emphasis and the passion with which we speak. The two concepts are not mutually exclusive. We have to deal with the fact that people, especially young people, go to jail for various reasons. Such issues must be tackled, and that is the collective responsibility of elected representatives and Departments. However, we also have a duty to protect young people when they are in institutions. David McNarry remarked earlier that I have experience of such institutions: never knock experience. I was in some of those institutions when I was very young. There is a lot to be learned. My trip to Woodlands Juvenile Justice Centre was a good experience.

There is very good practice there. It is not the practice of all institutions, and there is a lot to be learned, but lessons are being learned, and it will take a joined-up approach to address the issue.

Mrs McGill: Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Speaker. I thank all Members who contributed to the debate for doing so. I think that it was Danny Kennedy who said that Members were letting off steam. Sometimes that is no bad thing; although, in some cases, there can perhaps be too much of it.

Junior Minister Kelly, who is present in the Chamber — and I extend a fáilte, a welcome, to him — made a contribution that is significant to those of us who brought the motion to the House. The motion requests that the Executive look at the report of the United Nations Committee on the Rights of the Child, and we wanted to know what actions the Executive would take to address the concerns raised in it.

A number of Members raised issues, particularly about the age of criminal responsibility. Stephen Farry said that that issue was a red herring, and Dolores Kelly said that no 10-year-old child should be incarcerated and criminalised. Michelle McIlveen focused on ASBOs and on her party's view that, whether the age of criminal responsibility is 10, 14, 16 or 18, if one has done wrong, one should be accountable. I take the point that has been made by many Members; if one is the victim of some wrong, it is difficult to acknowledge that the perpetrator of that wrong is only 10 years old and that their circumstances are such that we should forgive, forgive, forgive.

The motion was obviously introduced by Sinn Féin —

Mr McNarry: Are you against it?

Mrs McGill: I am trying to make the point — and I hope that I am making it successfully — that Michelle McIlveen's point about the ASBOs and the age of responsibility was, in my view, well made. However, we are not agreeing that children should be incarcerated and criminalised at the age of 10, and Dolores Kelly touched on that issue. The debate on the age of criminal responsibility is one that should perhaps take place some other time.

My colleague Sue Ramsey introduced the debate, and the junior Minister outlined what the Executive can and cannot do. Sue made her point very forcibly in her remarks, and, in an intervention, even pointed out when one particular Member, in my humble view, was not addressing the motion. I thank Sue Ramsey for making that intervention and for bringing the debate back to the motion.

12.30 pm

Our motion does not ask that all the Byron Report's recommendations be accepted. It asks what the Executive can do. It is important to note that junior Minister Kelly told us what the Executive are doing. There is some debate about what the Executive can do and what powers they have. Policing and justice powers have not yet been devolved, but it is important that we know what we can do. A Member to my left made the point that every person around the Executive table should be encouraged to take part in the debate, and we subscribe to that. That is what the debate is about.

Sue Ramsey and others said that the issues of children from a care background are difficult, and Miss McIlveen talked about ASBOs. All those issues are addressed by the motion, and although we do not have devolved powers for policing and justice, it is important, as we did yesterday, to have an opportunity to let off steam or to articulate our points of view.

Ms S Ramsey: In my opening remarks, I mentioned the substantial number of young people who are involved in juvenile justice or care systems, but are not in education or employment. The Minister for Employment and Learning has entered the Chamber, so I will reiterate

that the purpose of the motion is to encourage collective responsibility. My colleague Carál Ní Chuilín mentioned the issue of health, and the Department for Employment and Learning also has an important role in ensuring that young people have the skills to make proper choices, not the wrong choices.

Mrs McGill: I thank Sue Ramsey for her intervention.

I will comment briefly on other Members' contributions. Danny Kennedy's remarks about what is happening to young people were valid. As a legislative Assembly, we have a responsibility to know what we can or cannot do, even at the risk of having repetitive debates that might not be competent. However, Carál Ní Chuilín and Stephen Farry made the point that the motion is competent. It is important to discuss the issues that Danny Kennedy raised in relation to young people.

Junior Minister Kelly talked about meeting Paul Goggins and the possibilities that arose from that meeting. He mentioned a conference on young people that will be held in November 2009, although I am not sure where it will be held. All the issues that have been mentioned are live, and it will be important to listen to what young people have to say.

Like other Members, Dawn Purvis visited Woodlands Juvenile Justice Centre and was impressed by what happens there. She made the distinction, as did other Members, between Hydebank Wood, which is run by the Prison Service under the aegis of the NIO, and Woodlands, which is operated under a different system. It is my understanding that what is being done at Woodlands is the preferred model of provision. However, the point was made that Woodlands is under pressure and is struggling to accommodate the numbers of people who are in custody there.

Other contributions added to the debate, but not all were focused on the motion. However, my party welcomes the contributions that were made to the debate, and we look forward to hearing what the Executive will do, in whatever capacity, on this issue. Go raibh maith agat.

Question put and agreed to.

Resolved:

That this Assembly, following the recent United Nations Committee on the Rights of a Child (UNCRC) Report, notes the concerns expressed regarding young people in the juvenile justice system; and calls on the Northern Ireland Office and the Executive to set out what actions they will be taking to address these concerns.

Mr Speaker: The Business Committee has arranged to meet immediately on the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The sitting was suspended at 12.35 pm.

On resuming (Mr Deputy Speaker [Mr Molloy] in the Chair) —

2.00 pm

PRIVATE MEMBERS' BUSINESS

Special Educational Needs Review

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called 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 O'Dowd: I beg to move

That this Assembly calls on the Executive to agree to publishing, for consultation, the special educational needs and inclusion policy proposals tabled to it by the Minister of Education, thereby enabling the £25 million ring-fenced by the Minister of Education to be used to implement the changes that will benefit all children with special educational needs.

Go raibh maith agat, a LeasCheann Comhairle. Unfortunately, I have to apologise on behalf of Michelle O'Neill, the co-signatory of the motion. She is on other Assembly business, but she fully supports the motion.

It is with regret that a motion that calls for a consultation document to be published by the Executive has to be debated today. We are not seeking the publication of a definitive policy document, nor are we seeking the ratification of legislation. Rather, we want the special educational needs and inclusion review to be published by the Executive and put out to the people for a three-month consultation period.

At this stage in the history of the special educational needs review, we should be talking about how we can spend the £25 million that has been set aside in the Department of Education's budget for special educational needs and inclusion. We are months, if not one year, behind in delivering on the review's proposals for the specialist schools and the children and families who are involved in this matter.

Why are we behind? There is always a delay with bureaucracy. It is almost expected, if not accounted for, in the provision of any document. However, I understand from media reports that the document in question went before the Executive in July 2008 for commentary. It was then to return to the Executive for further ratifications, and that is when it hit a snag, according

to those media reports. The snag appears to relate to the DUP's definition of special educational needs. That is despite the fact that the review had input from dozens of professionals from the field of special educational needs and inclusion.

The review itself was not implemented by the current Minister of Education, but by the British direct rule Minister Maria Eagle. In setting it out, she said:

"It is essential that we have the correct framework to meet the needs of children with special needs. This review will ensure that we deliver the most appropriate services to these children in the best way and at the best time, so they gain the maximum benefit.

We need a more timely and less bureaucratic means of identification and assessment to ensure we have appropriate provision, raising educational attainment for our children and young people with special needs whilst at the same time, providing equality of access and provision".

She said that such equality of access and provision should be applied across the North.

That is the crux of the issue, because a postcode lottery about what sort of specialist educational support a child may or may not receive exists across the five education and library board areas. No two systems are the same across the boards. The review was about ensuring that we had equality and an equality-proofed system that delivered to all children across the board areas.

The experts in the field published the report, which was believed at that stage to be non-contentious. It went before the Executive because of its cross-departmental nature. The Department of Health, Social Services and Public Safety had its role to play in the review. It is my firm understanding that the Health Minister and his Department are satisfied — indeed, more than content — with the review as it stands. They are more than happy to allow it to go out for consultation. It is also my understanding that several Ministers across the Executive have also said that they are happy with the review, including some of the DUP Ministers. However, somewhere, somehow, the review hit a snag, because of what I have referred to as the fundamentalist wing of the DUP.

It is fundamentalist in a number of ways, because it is not up to me or any other politician to decide which children have special educational needs. The experts decided that definition in the review and set the criteria. Over the past while, I have read DUP statements claiming that my party and the Sinn Féin Education Minister set the criteria and defined special needs. Clearly, we did not; the experts who wrote the report set the criteria. The definition of special educational needs and inclusion is included in existing legislation that did not come through this House.

The DUP is now telling us that it will not accept the inclusion of children from the Travelling community in the definition of children with special educational

needs. I believe that that is racist. I am yet to hear an explanation from the DUP of why it will not include children from the Travelling community in that definition. The DUP also tells us that it will not include the children of single mothers, although it will not provide an explanation. I believe that that is because of the fundamentalist religious views of its members. To the DUP, young single mothers are not equal to everyone else in society, so it will not observe them as equal. The DUP also tells us that it will not accept the inclusion of children from care homes. From somewhere, although not an educationalist document, the DUP has decided on a narrow and exclusive definition of special educational needs.

I am more than happy to argue with DUP Members all day. However, the disappointing aspect of the continuing wrangle is that the £25 million that the Executive set aside to pump into the system remains idle. Some recent statements by the DUP have led me to worry that people have their eyes on that money and are wondering how else it could be spent. In the current economic difficulties, £25 million sitting idle is helpful to no one. However, instead of the party opposite resolving to get the problem solved, allowing the review to go out to consultation and allowing the public, families and children to respond, it has dug its heels in and refused to allow the review to go on the Executive agenda.

In his capacity as DUP spokesperson for education, the Chairperson of the Education Committee told that Committee a fortnight ago that he could confirm that the DUP was not blocking the review of special educational needs from going on the Executive agenda. However, at the subsequent Executive meeting, the review was not on the agenda. Although assumptions are sometimes dangerous, I assume that Sinn Féin did not block the review from appearing on the agenda, and I have not heard any rumours that either the Ulster Unionist Party or the SDLP blocked it. It must have been blocked somewhere.

Today's debate will not bring a conclusion to the ongoing dispute. However, it will, I hope, provide clarity on why the Executive, several months after seeing the first copy of the policy document, have not published it for consultation. The words of a spokesperson for the Royal National Institute of Blind People sum up the situation:

"Only when the politicians allow us to see these proposals shall we be able to have a full and informed debate on the future of special educational needs provision in Northern Ireland."

All we are asking is that the review document be published so that the consultation process and the political process can take place. Once that happens, we can bring discussion on the issue to an end. The £25 million that the system requires is long overdue. Educationalists and health experts must be allowed to

define special educational needs and inclusion, instead of us politicians with our sometimes narrow focus, either political or religious. Allow the experts in the field to decide, and move on.

Miss McIlveen: I beg to move the following amendment: Leave out all after "Executive" and insert

"to publish, for consultation, proposals to improve and modernise services for children with special educational needs including the statementing process; notes that spending on special needs has increased by £53 million in two years and that the increase year on year in the number of young people confirmed with special needs will quickly absorb additional funding; supports the existing definition of special education needs; and affirms that the focus of Executive Ministers in these challenging economic times should be on assisting those children with the most severe learning difficulties rather than seeking to broaden the definition to incorporate social factors."

There has been much haranguing across the Chamber in recent months about special educational needs, so I am glad that it can be debated. We have been waiting for far too long for it to be aired.

The provision of special educational needs has been discussed on a number of occasions, and many Members have been waiting for the outcome of the review. We know that the matter has been awaiting approval for some time, and I welcome the opportunity that the mover of the motion has given us to discuss it in the Chamber.

I do not support the motion, because I am not in favour of all the Minister's policy proposals. It is outrageous for the Member opposite to suggest that the DUP is looking to channel the money from SEN into another area. This is clearly an issue about money that was promised to special educational needs. Unfortunately, we have a Minister of Education who is attempting to put her hand in the cookie jar of children who have special educational needs and to reallocate those funds to a wider group.

For Members' information, when Maria Eagle announced the review in 2006, she said that it would focus on a number of themes:

"the arrangements for the identification and assessment of SEN; the nature, quality, extent of provision and support relating to assessed needs for children with SEN; SEN information and advice, disputes and appeals arrangements; early intervention/pre school SEN assessment and provision; capacity building for teachers, Special Educational Needs Co-ordinators (SENCOs), adult assistance; the role of special schools in providing support and advice to mainstream schools; and the role and expertise within Curriculum Advisory and Support Service (CASS); inclusion of children and young people with SEN and/or disability in a mainstream setting including the impact of SENDO."

Social factors are not mentioned. That does not surprise me, and it should not surprise other Members. I am sure that most of us agree that those who have special educational needs are in a special category and deserve specific attention. Members may also agree that it is wrong to categorise a child who has recently been

bereaved with one who has severe and complex learning needs and, possibly, a physical disability. That is not comparing like with like.

The Minister is attempting to broaden the definition of special educational needs, which is to be renamed “additional needs”, and incorporate the following categories: children for whom English is not a first language; looked-after children; school-age mothers; young carers; Travellers; victims of bullying; and those who have suffered a bereavement. Although I recognise that children who fall under those headings encounter certain barriers to learning, it is wholly inappropriate to stack them in the same category as those who have severe learning difficulties.

The title of the review may contain the word “inclusion”, but that clearly refers to the inclusion of those who have special educational needs and/or a disability. Section 5 of the ‘Supplement to the Code of Practice on the Identification and Assessment of Special Educational Needs’ states:

“This Section of the Supplement primarily focuses on the inclusion of children with SEN and not inclusion in its wider definition. Inclusion is a process by which schools, Boards and others develop their cultures, policies and practices to include pupils.”

However, the Minister seems to believe that “inclusion” means that she can siphon off money to other areas. The DUP feels that the issue of special educational needs is so important that we cannot let that happen.

All the groups for which Sinn Féin is holding out already receive dedicated sums annually. Indeed, many are protected in legislation. According to the Department of Education, in 2008-09, £6.5 million was allocated to support newcomer pupils, a category into which those whose first language is not English would fall. I also understand that £1.1 million was allocated to support Traveller children and £569,000 was allocated to fund Barnardo’s regional programme of support for school-age mothers. Looked-after children had £345,000 allocated, and £1.99 million was allocated for professional counselling support for young people in post-primary schools. The DUP supports the sums that are being allocated to those groups. However, the point is that money has already been allocated to them.

We are concerned about the money that has been ring-fenced for the purposes for which it was intended. The number of young people determined as having special needs is increasing rapidly year on year. In two years, the amount of spend on special needs has grown by £53 million, and that trend will continue in the years ahead. Any extra resources for special needs will be gobbled up almost immediately.

2.15 pm

More than 13,000 children have statements of special educational needs, a figure that represents 4.1%

of our young people. Departmental figures indicate that 60,000 — 18.6% — of our children have special educational needs. However, dealing with the problems of children who are faced with those difficulties is beset by bureaucracy and delays, and there is a clear need for a structured and planned use of resources. The review was intended to address that, but it is deeply regrettable that matters have stalled as a result of the Minister’s inclusion of additional categories.

The DUP firmly believes that resources should be prioritised to benefit children with the most severe special needs. We urge the Minister to introduce proposals without further delay to improve and modernise services for children with special needs. The barriers that many children face are difficult enough without having the Minister play with definitions. It is quite simple: the Minister has ring-fenced money for a particular purpose, and it should be spent on that purpose. Muddying the waters by introducing social factors is of no assistance. Therefore, I call on the Minister to submit to the Executive, with a view to publishing for consultation, proposals to improve and modernise services for children with special educational needs, including the statementing process. In that way, children with special educational needs will start to experience the benefit of the devolved institutions.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Tá áthas orm páirt a ghlacadh sa díospóireacht thábhachtach seo inniu.

I am pleased to participate in this important debate. The SDLP firmly believes that all children have a right to fair and equal access to the curriculum and to learning, and children with special educational needs, in particular, have a right to the support and back-up that they need to fulfil their potential through education. To the greatest possible extent, children with special educational needs should be educated in an inclusive manner in the mainstream system, which, with appropriate support and intervention, should fully meet their needs.

A sizeable amount of the education budget — £171 million — is being expended on special educational needs, and that represents around 10% of the overall education spend. That is a considerable amount by any measure, and we must all ensure that the people who matter — the children — gain the fullest possible benefit from that resource. When we hear of inconsistencies and delays in assessments and, in some instances, long waiting lists, we must ask whether the allocated resources are being utilised to the maximum benefit. If they are not, we need to take action to change that. What we need coming out of the review is a framework that delivers the maximum benefits for children, meets their needs without undue delay, and intervenes early and effectively in a manner that leads to improvement and enhancement of their educational

experience, resulting in their fulfilling their maximum potential.

There can be no one-size-fits-all solution to special educational needs. There can be a general overarching framework, yes, but children's needs must always remain at the core. That has not always been the case under the current system. For instance, in the wider spectrum of special educational needs, our system tends to overlook children with sensory impairment, particularly children who are blind or deaf.

The inspectorate has already commented on the need for a framework to assess the progress of deaf children. Access to the curriculum has also been an issue for blind and deaf children. The review must address those issues and, likewise, the lack of support and back-up available to children with special educational needs in the voluntary and community preschool sector. Those children must be afforded the same rights as their counterparts in statutory settings.

The same could be said about children with special educational needs in the Irish-medium sector. To date, those children have been poorly served by a system that has been slow to respond to their distinctive needs.

A newcomer policy was recently published, but it contains little mention of how the system will respond to newcomer children with special educational needs: for example, children who have speech and language difficulties, need psychological assessment or have any other special need. We must know how the system will meet their needs.

At present, gaps exist in the system, and the publication of a consultation document on the review would give everyone the opportunity to highlight the deficiencies. It would also provide the Department with the feedback it requires to address them. As was mentioned, the special educational needs of Traveller children and looked-after children must also be addressed.

My list of examples is not exhaustive, but it is clear from those that I cited that many children face barriers to learning in the current system. To date, the system has not been flexible enough to respond in such a way as to remove those barriers. The SDLP expects the outcome of the review to result in a system that is sufficiently flexible to respond to the needs of all children.

Mr Deputy Speaker: Will the Member please bring his remarks to a close?

Mr D Bradley: We expect children with special educational needs not only to progress through the system but to advance educationally and maximise their potential.

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

Mr D Bradley: Their progress should be monitored in such a way as to ensure that their needs are met at all stages.

Mr Deputy Speaker: The Member must resume his seat.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle.

Mr B McCrea: My understanding is that the draft policy proposals were presented to the Committee for Education on 23 May 2008, which is a year ago. I am deeply disappointed that we have not been able to make progress more quickly. My principal concern and that of my party is for the children who need help and support. A way must be found to end the impasse.

From listening to the proposers of the motion and the amendment, I understand that the particular problem appears to be the broadening of the definition of special needs. However, I read the draft policy proposals over a year ago, and there will be more fundamental issues to address than that. I am interested in hearing what the schools have to say about those draft proposals, because they fundamentally change the relationships involved.

The draft proposals place a great onus on schools and teachers to take responsibility for deciding what intervention is required and providing the necessary resources. That will concern some schools. I am concerned about the practicalities of that. Perhaps the Minister will address the issue of whether, even if we reach agreement quickly on moving forward, we can meet the time frame that we have set for ourselves. There is much work to be done and a great deal of training to be organised, and considerable reassurance is required.

The motion refers to £25 million. Considerable sums of money have already been allocated, but they come to schools via the education and library boards. If and when the ESA is established, the money or moneys would, it is suggested, be transferred directly to the schools. I am concerned that the £25 million over which we are fighting will be lost in red tape and bureaucracy and that it will not reach its intended recipients.

With all those factors in mind, I urge the two protagonists in this dispute — Sinn Féin and the DUP — to find a way to resolve the issue to their mutual satisfaction so that the Assembly and the Executive can move forward together and look after the —

Mr O'Dowd: The Member called for what he called the "protagonists" to move forward. Would sending out what is a consultation document to the sector and to the public requesting feedback on its content not be a better way to referee this dispute? It must be

remembered that experts in the field, not Minister Ruane, drew up that document.

Mr Deputy Speaker: The Member will be allowed an extra minute in which to speak.

Mr B McCrea: I note, as the Member said, that different stakeholders drew up the paper. I agree that the sooner that we get it out to consultation, the better. However, I recognise that some, not insurmountable, points of principle are involved that people could discuss. It must be possible to do something to attain some sort of a workable solution for the relatively small number of groups that has been hoisted out. The most important thing is that we must manage by agreement — by consensus. I am trying to provide a well-measured approach and to say that the Minister would have our collective support for a solution that looks after those who are in most educational need.

Mr D Bradley: Will the Member give way?

Mr B McCrea: I will, if the Member promises to be quick.

Mr D Bradley: I thank the Member for giving way. Does he agree that this issue and others are caught up in a game of ping-pong at the Executive between Sinn Féin and the DUP and that the real losers in that game are children with special needs?

Mr B McCrea: I was trying not to use that language, but that is my sentiment. There are real losers out there, red tape is in the way, and our schoolteachers face a problem getting adequate support for pupils that they have to support already anyway. Therefore, I agree that we must find a way forward.

In relation to how Ulster Unionist Members will vote, we are here with an open mind, willing to be convinced by the argument. We urge the Minister and those who tabled the motion and the amendment to find a solution that sends a clear signal to Northern Ireland that the most important people are children with special needs. We must find a way to look after them.

Ms Lo: I concur with Basil McCrea. We in the Alliance Party are disappointed that the review is stuck in the Executive like so many other major policies that have been held up because the two main parties cannot reach a collective decision for the good of the whole community.

It is shameful that there is a budget to implement the recommendations, yet, months after their scheduled publication, we are still arguing about them. We must bear in mind that the delay in publishing the review is unhelpful to our children's development and detrimental to their progress. Like other Members, I urge the two major parties to agree on the publication of the consultation document so that we and the public can debate the matter and make a decision on it.

After speaking to representatives of some integrated schools and to educational psychologists, I know that it is generally accepted that the (SEND) is very positive. The Order has strengthened the rights of children with special educational needs to be educated in mainstream schools, thereby giving parents much more choice in selecting schools for their children.

I think that 67.6% of all statemented pupils are now in ordinary schools, which is what the majority of parents want. However, people are frustrated about various aspects of the current arrangements. They will certainly very much welcome the review.

2.30 pm

There are plenty of inconsistencies between boards, and there are no standard procedures for referrals or assessments. The criteria for any special-needs provision vary from board to board. Not every board has a SEND co-ordinator. Parents are very confused about the different criteria that are given to them.

Last year, I examined two applications from children with special educational needs. The applications were transferred from board to board, and one was lost and the other was mislaid. As a result, the two children lost their places in two schools in Belfast. Lagan College was very concerned about referrals coming from different boards in bits and pieces. That is very difficult for schools. Children with special needs are classified as supernumerary, so they are in addition to the set enrolment numbers for schools. Teachers and schools have to consider class sizes and health and safety issues when they take in extra pupils.

There are also delays in assessments and provision. It takes a long time for children to reach stage 3 and get assessed by educational psychologists, of whom there are clearly not enough because the waiting list is very long. In April 2008, over 2,000 children were on the waiting list. I believe that children now have to wait for a year or more before they are assessed. Accessing the provisions is also a very lengthy process. Very often, schools and parents themselves have to fight for those resources.

The year-on-year increase in the number of statements means that a growing number of children with special needs are in mainstream schools. The schools are expected to do so much, but they do not receive the training, the support or the resources that they need to help the children. It is important that children get the appropriate support as early as possible so that the problem is addressed. That way, they will not fall further behind and will achieve their full potential. Time and resources for schools to do preventative work is also very important. If schools do not receive enough training in special educational needs, teachers find it very difficult to support the children.

Mr Deputy Speaker: The Member should draw her remarks to a close.

Ms Lo: Currently, the strategy is very reactive. I would like to see a more strategic use of limited resources.

Mr Storey: It is with a great degree of sadness that we have had to come to this House today to discuss and debate this issue. I support the amendment. It is shameful that politics is clearly being played with an issue such as special educational needs.

Some months ago, I had the privilege of visiting Ceara Special School in Lurgan, which had recently been attacked by vandals. Anyone who has visited that type of school will know that we must ensure that we deliver for those children. We can all come to this House, and, one by one, we can all stand, wring our hands and say that it is all for the children. However, the buck stops with us in relation to the delivery of what will be put in place for those children.

When Mr O'Dowd, the proposer of the motion, rose to speak, he was somewhat perplexed about how we had come to be in this position.

I cannot understand why he should be concerned or perplexed because he knows the reason; there is a degree of disingenuousness on the part of Sinn Féin. Many of us are heavily criticised for coming into these institutions and for sitting in a Chamber with Sinn Féin, given its past. However, we made a political judgement that it was for the best of the people of Northern Ireland.

As I said in a debate earlier today, the public are saying, "a plague on all your houses." That is because of the expenses issue and the way in which democracy is being put through the mill at the moment. Far more important, people wish a plague on all our houses when we cannot agree to release a document for consultation, not about our expenses or how we cut the grass or some trivial issue, but about the most vulnerable children in our society.

Let us have some honesty. The DUP has not hidden its unhappiness that the consultation document includes children whose first language is not English, looked-after children, school-age mothers, young carers, Travellers, victims of bullying and those who have suffered bereavement. It is not our agenda to have a go at the Travelling community. For the Member opposite to link our position to our fundamentalist views — I assume that he was referring to me and to others — is absolute, pathetic nonsense. He has done himself a disservice by claiming that we are somehow racist and that because of my fundamentalist views I will block the release of a document for consultation.

Mr O'Dowd: Will the Member give way?

Mr Storey: No; I will not give way.

I am sick, sore and tired of the party opposite telling us that it is all about listening, coming together and having consensus; however, when we raise genuine concerns and say that we would prefer that the document did not include those elements, we find that that party is less interested in listening. Those issues have already been dealt with; therefore, it is not that we have not given money to Travellers, as my colleague said, or that we are ignoring school-age mothers or those who have suffered bereavement. The Minister tells us that there will be a review of the common funding formula at some stage — probably *ad infinitum* — and we will look at how those issues can be addressed.

The challenge that I make to the Minister today — in fact, it is more than a challenge, it is a plea — is to get the document to the Executive, put it out for consultation, and then we will move forward on the issue. Stop playing politics, and, for the first time, Minister, please tell people the real reason why you want the document held: you want to make a scene about the issue so that you can be seen to have concern for children.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I welcome the debate and, as with previous debates today, I commend the Business Committee for selecting the motion. Unlike some Members, I welcome the Minister. We criticise Ministers when we need to, but the Ulster Unionists are keen to highlight the number of motions that their Health Minister has attended, and it is important that we recognise that the Education Minister has been in the Chamber for two motions today.

It is interesting that today's motions have all related to children and young people. Whether Members agree with them or not, it is useful that, probably for the first time in a long time, the issues that affect children and young people are starting to take centre stage in government and on the Assembly's agenda. Whatever the outcome of the debate, that needs to be recognised. I thank my colleagues John O'Dowd and Michelle O'Neill for bringing to the Floor of the House the motion calling on the Executive to agree to publish for consultation the special educational needs and inclusion policy proposals.

Unfortunately, Mervyn Storey is not in the Chamber, but I agree with him: it is shameful that people are playing politics with the issue. If he were in the Chamber, I would ask him why he will not support the policy proposals being published for consultation, as that will get us away from the accusation that people are playing politics. Perhaps the DUP Member who makes the winding-up speech on the amendment will answer that question. We need to know whether Mr Storey is saying that children in care, children who have suffered and those from the Travelling, Chinese and other communities do not, or will not, have special

needs. Earlier today, we debated the juvenile justice system, and Members must take on board the fact that there is an issue there about children with special educational needs.

The purpose of agreeing to publish the proposals for consultation is to enable everybody to have their say, be they political representatives, individuals, people from our communities, people from the education sector or the community and voluntary sector, or individuals who are directly or indirectly involved with children with special needs. Let the experts, for want of a better word, have their say. Members are not experts; we listen to experts from different sectors who come to us to tell us how things really are.

I agree with Basil McCrea that people with special educational needs are not going away. However, in response to what he said later in his contribution, the longer that the delay continues, the longer those children continue to suffer, and that is not right.

Mr B McCrea: I want to confirm and reiterate that point that I made. Regardless of what we do, there will be children with special educational needs. People are trying to manage the situation, and the sooner that we can find some way forward, the better it will be for all those children.

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Ms S Ramsey: I completely agree with what the Member said. However, the longer that the delay continues, the more children will be affected.

I do not want to get caught up in the politicking of the issue. People who know me know that I do not get caught up in that; I take a common-sense approach to things. If we block the consultation, we will create a rod for our own backs. Let us publish the proposals for consultation; let the experts have their say. From that, we will move forward.

Mr Storey: There seems to be some confusion around the issue. Were children who do not have English as a first language, looked-after children and school-age mothers included in the original document? Or is it the case that they have been included by educational advisers or the Minister's adviser, who has a political hat? Will the Member clarify that for us? We do not want to be unjustly casting aspersions on a sector.

Ms S Ramsey: I have no difficulty giving way to a Member if his or her contribution adds to the debate. I will not answer Mr Storey's question; it is the Minister's job to answer it. Perhaps one of his colleagues may have informed him of this, but the Member was not in the Chamber when I asked whether he believed that particular groups of people do not have special educational needs. I believe that the groups of people

that he mentioned do have special educational needs, and that is an issue that we need to examine.

A number of Members have quoted different sources. In a press release this morning, the Commissioner for Children and Young People said that the review of special educational needs and inclusion is an essential development in providing appropriate support to children and young people who require help in their education.

She also said:

"I hope that today's Assembly debate will serve to remind all involved that while the discussions and arguments are batted back and forth children and young people are waiting for the support that this policy is designed to provide".

I am conscious of time, Mr Speaker. Other Members quoted direct rule Minister Maria Eagle. I will finish by quoting our local Minister. In a press release on 27 March 2009, she said:

"We need to provide education to children with special needs that is individual to them and will help them get the best from their school years ... It is important that children with special educational needs or disabilities can be educated together with other children and they all have the access to the same range of educational opportunities."

Members should note that she said "educated together", because we are talking about inclusion.

I do not see any difficulty with the motion. I support the motion and commend my colleagues for tabling it.

Mr Beggs: I thank the Members who tabled the motion. It deals with an issue that is vital for many vulnerable children and their families.

However, the Sinn Féin motion and DUP amendment are clear indications of the failure of the Executive lead that those two parties provide and their failure to work in partnership on an issue that will have a significant impact on the lives of some of the most vulnerable children and their families. This debate is a public display of the DUP and Sinn Féin's inability to work together to overcome problems that will affect thousands of vulnerable children.

2.45 pm

As an Assembly Member, I am debating an Executive paper that I have not read — none of us is supposed to have read it. No doubt the public are suggesting, rightly, that we are entering the realms of farce. Are the Executive now porous? Are they an extension of the entire DUP and Sinn Féin parties?

A measure of any society is how well it supports, encourages and facilitates children and people with special needs, and how it enables them to fulfil their potential and live satisfied lives. Although we accept that issues still need to be resolved on the way forward for special educational needs and, indeed, the definition of who should be considered to have those

needs, I understand that Ulster Unionist Party representatives were prepared to allow a redrafted paper to be issued for consultation in the interest of moving the process forward to ensure that young people with special educational needs would receive the education and care support that they require and deserve. That would have enabled the public to respond to the ideas in the consultation paper and, hopefully, their views to be taken on board.

We need to improve special educational needs provision in Northern Ireland. That means providing a more strategic vision across the education spectrum that is fully integrated with health and social care services. It is my understanding that the Minister of Education's paper is steering us in the direction of a more integrated strategy that would enable children with special educational needs to be further integrated into mainstream education among their peers.

I support that approach in general. However, I seek assurance that adequate long-term resources and training will be provided and that time will be made available to mainstream teachers and other staff to enable them to carry out their duties. It is not a matter of allocating one-off funding; there must be long-term support in that area. That planning has to happen, and I am interested in hearing the Minister's response to that point.

Furthermore, I would be interested to hear how the new proposals would integrate with the existing free school meals provision, which provide some support and a potential area for interaction with the proposed services.

The need for greater strategic vision has been highlighted by the case of the Middletown Centre for Autism, which has taken a new and controversial twist this week. That centre represents what can happen if flawed policy is implemented, if politics is placed above the needs of the children and if money is spent without the commitment of all the experts in the field.

That white elephant of a project has cost £6 million, which could have been used to help young people with autism and their families directly and much more productively. With that in mind, I respect what appear to be genuine concerns from DUP Members. However, I reiterate that this is not the correct platform for the debate. The issue must be resolved at the Executive. This debate is a disgraceful reflection of the way in which the two main parties in the Executive do business. More pertinently, it reflects the two main parties' inability to do any meaningful business and produce any legislation other than that agreed in some sort of carve-up and subsequently pushed through the Assembly with accelerated passage.

I am sure that numerous parents of children with special needs are listening intently to this debate, wondering what the outcome will be. The DUP and

Sinn Féin are letting young people and their families down, and Ministers should take that into consideration when the Executive next meet.

This issue will not be resolved here —

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

Mr Beggs: We need the Executive to take a decision, not a public spat between the Executive parties.

Mr Poots: It is always good to follow Mr Beggs, because his incoherent drivel makes the next Member to speak sound particularly good.

On the one hand, Mr Beggs tells us that the DUP is engaged in a cosy carve up and a sweet relationship with Sinn Féin; on the other hand, he says that we cannot get on with each other and that nothing is being done. He cannot have it both ways. Neither is true. We are engaged in a Government with four parties: sometimes we can come to arrangements and find agreement on moving things forward; at other times things take longer and involve hard bargaining before a consensus is achieved. That is how Government in Northern Ireland was set up. The Member's party had much to do with the establishment of that Government in the first instance, so he need not criticise the DUP, as it made significant improvements to the Belfast Agreement through the St Andrews Agreement.

It is important to deal with the issue of special educational needs. The Minister has put forward proposals, but I am worried about the motion, which states that we should allow:

“the Executive to agree to publishing, for consultation, the Special Educational Needs and Inclusion policy proposals tabled to it by the Minister of Education, thereby enabling the £25 million ring-fenced by the Minister of Education to be used to implement the changes that will benefit all children with special educational needs.”

Is this another case of the Minister of Education threatening everybody else? She is saying that she is sitting on £25 million, which is ring-fenced, but that no one with special educational needs will be able to utilise it unless she can publish her paper for the public to see. Many children with special educational needs could use that money now, and the Minister has no reason not to utilise it. She may be able to clarify the matter and tell us that the money is being utilised and will continue to be utilised. The Sinn Féin motion has been drafted in such a way that it would appear that there is an implicit threat that the money for those with special educational needs will not be forthcoming until the Minister gets her way.

I have serious concerns about diluting the definition of special educational needs. I could have a little sympathy for the Minister — believe it or not — in that she inherited the problem. Children with special

educational needs were not treated fairly or appropriately before she took office. We saw that when the South Eastern Education and Library Board was stood down because it was given insufficient funding to meet the circumstances of children with special educational needs and commissioners were brought in to cut services. Unfortunately, the Minister, who has been in office for two years, has kept the commissioners and has not brought the board back, which would have had a degree of public accountability. She has endorsed what was done by the direct rule Minister, who brought in commissioners to make cuts for children with special educational needs.

We do not have adequate funding for children with special educational needs. Additional funding has been given to the Minister to deal with the issue, and now the Minister wants to broaden the scope.

Ms Ramsey seems to think that children from certain categories will automatically have special educational needs. That was a very disparaging comment for Ms Ramsey to make about groups that have been identified —

Ms S Ramsey: The Member has misquoted me. In replying to Mr Storey, I asked him whether he was saying that people who are in care — those who were referred to earlier and who might have special educational needs — are not in need. I have no doubt that children from some of those communities and backgrounds have a very high educational attainment, and that has been proven. I was saying that there is a focus on people who have need; let us put the money and the resources where it is needed.

Mr Deputy Speaker: The Member has an extra minute.

Mr Poots: I was hoping that Ms Ramsey would intervene, as she has strengthened my case. Anyone who falls into those groups is entitled already to seek to have those children statemented and to go down the same routes as everyone else and identify a special educational need.

There is nothing in the current assessment process that would preclude any of those children from being identified as having special educational needs. Ms Ramsey wants a broad-brush approach applied, so that everyone in that group would be classified as having special educational needs. I find that grossly insulting and wholly inappropriate. Sinn Féin should withdraw that notion very quickly.

We need the resources made available to the young people with special educational needs. We do not need to dilute the process. Those who are most in need should receive. I will wholly resist any attempt to dilute or take away resources from those who need them most.

Mrs M Bradley: Children with special educational needs, however slight or severe, all need and deserve appropriate attention. They have a right to an education that meets their needs, and it is not good enough to hold them to ransom through political ball games that are fictitious to say the least. We have been here before with a similar motion pertaining to the Barnett consequential. At that time, we asked for money to be ring-fenced to meet the needs of disabled children; here we are again, begging for the approval of funds for children with special educational needs.

Children with special needs are always in need of help. Their teachers are frustrated by the lack of classroom assistants, and it is not so long ago that the classroom assistants debacle threatened to shut down our schools. Parents are at their wits' end: having children assessed and statemented is like mining for gold. Those parents face unnecessary delays, as they may have to navigate their way through a difficult system.

I have no doubt that many Members' offices are as busy as my own, with parents complaining that they cannot get the help that they need for their children, inside and outside the educational system. In some cases, children cannot attend school because appropriate support and help is not available. That is not acceptable. The school census of 2007-08 shows that 18% of schoolchildren have special educational needs. Therefore, we need a comprehensive policy framework to guide the provision of education for those children. Parents and teachers alike are crying out for help, and they deserve better than they get at present.

There is a clear and defiant atmosphere among educationalists. They are dealing with the fallout of transfer 2010 and all the difficulties that that will bring. They cannot, and should not be expected to, take on the burden of non-supply of the appropriate special-needs tools and assistance that they need to make life special for the children and equip them to live as full a life as possible within their individual capabilities.

There is also the issue of equality. Equality quietly educates these children's classmates in how to treat and support them, and encourages them to demand the same respect that others, who have no such needs, demand without apology and expect without thought.

The Executive constantly remind us of the cross-cutting themes of a shared and better future for all, through equality, fairness and inclusion. Public service agreement 10 is entitled "Helping our children and young people to achieve through education" and its third objective is to:

"Provide more effective interventions to support children and young people with Special Educational Needs (SEN) and Additional Educational Needs (AEN)".

Its target is to:

“Introduce greater consistency and better value for money in the delivery of Special Educational Needs services by 2010-11”.

We are now almost through 2009, and I am sorry to say that there is little hope of realising those objectives and targets.

I ask the Executive to be more open-minded in their dealings with Ministers and their proposals. The review of special educational needs and inclusion is long overdue, and must be published for consultation without delay so that all children with special needs can access the most appropriate form of education. There is not a parent or educationalist who will give Members any respect for what they are doing. We should not have to be standing here, negotiating something like this for these children.

I support the motion.

The Minister of Education (Ms Ruane): Go raibh maith agat, a Cheann Comhairle. Mr Storey said he visited Ceara School: so did I, and I, too, spoke with the principal. That was well over a year ago, and I have met him on many occasions since.

The principal is a member of the steering group that was established to oversee the review of special educational needs and inclusion. During my first visit to the school, he said to me that the review is one of the most important to have taken place and that I should bring it forward quickly.

3.00 pm

I will answer the question about the origin of the review. The original document covered a review of all children with special educational needs, including Traveller children and newcomer children, because the legislative definition of special educational needs includes all those children. The steering group advised that the proposed overarching framework should take account of the needs of all children who experience barriers to learning. The original document was produced before I became the Minister of Education and refers to the groups of children that face barriers to learning. That does not mean that I not believe that those groups should be included; of course they should. However, we should not use the narrow definition that some people have used.

My officials have been working very hard on the review. They have also been working hard with officials from other Departments, such as the Department of Health, Social Services and Public Safety and the Department for Employment and Learning, to deal with significant, cross-cutting issues. I know that Michael McGimpsey and Reg Empey are very interested in addressing the transitions and supporting children with special educational needs.

Some Members commented on the Middletown Centre for Autism. I will not go into a big debate about

that now. The time and place for that debate is tomorrow at the meeting of the North/South Ministerial Council in education sectoral format, which is actually taking place in Middletown. Given some Members' comments, I want to praise the centre for the important work that it has already done. More than 700 health and education professionals have been trained there. That is just one of the many areas of work that the centre does. Therefore, before people make criticisms, they should take into account the work of those professionals.

Children with special educational needs were the key focus of the review of special educational needs and inclusion. Part of the review's remit, and its terms of reference, was to recognise the increasing diversity of need in schools. During the policy development stage of the review, significant pre-consultation was carried out with education and health and social care professionals, the statutory and voluntary sectors, and parents, children and young people. That pre-consultation activity helped to develop and shape the policy proposals that I forwarded to my Executive colleagues in July 2008. In case Members are not listening, I will repeat that: I forwarded the policy proposals in July 2008.

Worldwide academic research recognises consistently that early identification and implementation of appropriate support interventions enables children to catch up with their classmates and provides support for those who need it on a continuing basis. It also means that help is available as early as possible, thereby reducing the risk of long-term underachievement and disaffection. I plan to establish a robust and accountable framework that identifies children's needs as early as possible and provides support for them.

Many Members spoke about parents' concerns today. Many of the parents to whom the review team spoke during the development stage of the proposals expressed concern at the fact that their children had to go through a formal assessment process before they could even begin to receive the support that they needed and that their child had to be seen to be noticeably failing before that formal assessment even commenced.

That predicament is compounded further by the fact that until the current bureaucratic process has run its course and a label has been assigned to a child, many schools delay in providing any form of support programme. That is particularly worrying given that earlier intervention may either prevent a child from falling even further behind or render continuation of the formal statementing process unnecessary.

Mr McCarthy: Will the Minister give way?

The Minister of Education: No, I will not.

Many children are already being supported in their learning. However, we need to ensure that well-developed systems are in place and that those are sustained by an appropriately skilled workforce that operates at different levels to ensure that no child falls through the net and that their learning needs are not left undiscovered until it is too late. Therefore, the proposals emphasise the role of schools, particularly teachers, to be more aware of the increasing diversity of need and ability in classes and to respond as quickly as possible before the child begins to experience difficulties that may become more deeply entrenched as time is allowed to slip by.

Tá sé ríthábhachtach mar sin go dtugtar na scileanna, an fhéin-mhuinín agus an tacaíocht do phríomhoidí, do mhúinteoirí agus do bhaill foirne eile i scoileanna le freastal ar na dúshláin a thugann an éagsúlacht riachtanas dóibh ina ranganna gach aon lá.

Therefore, it is vital that school principals, teachers, classroom assistants and other staff in schools are given the confidence, support and training to meet the challenges that are presented by the diversity of need that they experience in their classrooms. In recognition of that fact, I secured an extra £25 million through the 2007 Budget in addition to the current annual amount that is spent on SEN. That funding will be used to commence capacity building programmes in educational settings to enhance the current provision to ensure that the education system can provide an effective continuum of support for a continuum of need.

Those programmes will build on the existing expertise of teachers and facilitate the sharing of advice and experience among the special school sector, the mainstream school sector and other professionals. It is anticipated that that increased expertise will reduce the current over-reliance on external assessment and assistance to support children who face barriers to learning and that it will diminish the need for the acquisition of a statement and the associated delay, costs and bureaucracy. Most importantly, it will provide children with the support that they need when they need it.

One Member said that we do not have enough educational psychologists, which is the wrong way to view the issue. Consideration must be given to whether educational psychologists are being used in the correct way, and I argue that they are not.

The Executive have already set a number of challenging targets that aim to reduce the gap in expertise. The proposed inclusive framework in the consultation document complements and supports the anti-poverty and social inclusion strategy, which is part of the Executive's programme.

Raising standards for all children and young people is at the heart of every departmental proposal and

policy. The SEN and inclusion review policy proposals, therefore, sit firmly in tandem with the literacy and numeracy strategies and are an integral part of the Department's school improvement programme, 'Every School a Good School', and the raising standards agenda. The policy proposals advocate a concept of additional educational needs that recognises the challenges and overlapping barriers that already exist for many children.

It appears that some of those who have had sight of the policy proposals have not fully understood the concept of additional educational needs, so I shall take a few moments to clarify what I mean when I use that phrase. That change in educational terminology is an indication of the extent to which the spectrum of support needs has widened over the years. In some cases, support needs are mild and temporary, and they may arise from the context in which the child is located: for example, school, family or community. At the other end of the spectrum, the child or young person's impairments may be multiple and permanent.

The concept of additional educational needs is not intended to be an extension or redefinition of special educational needs. The definition of special educational needs is set out in legislation, and I have no intention of changing that. I shall repeat that: the definition of special educational needs is set out in legislation, and I have no intention of changing that. The Members opposite know that, so before they start giving out about parties playing politics, they should examine their consciences.

Factors such as unemployment, poverty, domestic violence, sexual violence and abuse, and racism often feature heavily in the background of children who experience difficulties in school and beyond.

As my colleague Sue Ramsey explained much more articulately than I will, it is not about labelling children or assuming that certain circumstances will always give rise to similar difficulties in learning but about developing an holistic approach in education that identifies the educational needs of all children when they occur, and supporting those needs.

The emphasis is very much on preventative intervention. The Assembly has heard much from the Members who sit on the Benches opposite about preventative intervention. That is what the matter is all about. Through earlier identification and tackling the difficulties, whether those be in the short or long term, that the wider group faces, it is proposed that fewer children will have to progress down the statementing route before their needs are met.

I must also stress that the three advisory groups, whose membership consisted of teachers and professionals drawn from the education and health fields, agreed on the use of the term "barriers to

learning". It is the terminology that is used in the rest of Ireland, in England, Scotland and Wales, in Scandinavia, and throughout the world where progressive and thinking people understand the importance of reducing barriers to achievement.

The number of children formally identified with special educational needs continues to grow steadily. It equates to 14.5% of the school population in 2003 and to 18.6% in 2008. I note that the amendment proposes that Ministers' focus should be limited to assisting children who have the most severe learning difficulties. Please, almost 2,000 children are recorded as having severe learning difficulties, which represents only 3% of more than 60,000 children who have been identified as having some form of special educational need.

Does the proposer of the amendment seriously suggest that one group of children is more important than another? It is not helpful to raise the concerns of parents whose children do not fall into the severe-learning-difficulty category that their child or their child's school may lose out in a funding war. I am committed to improving outcomes for all children, including the 60,000 children who have some form of special educational need and the 4.1% of children who have SEN statements.

It must be ensured that all available funding — £192 million and the additional £53 million, to which the amendment refers, that was secured through the 2004 spending review and utilised between 2005 and 2008 — is used to improve outcomes for all children with special educational needs.

I take the opportunity to respond to comments that the current SEN budget will be stretched to accommodate and support children who are not on the SEN register. Many children who are already identified as having special educational needs face additional barriers to learning: the two are not mutually exclusive.

In order to facilitate more progressive thinking, I distributed the equality impact assessment of those policy proposals to my ministerial colleagues in February 2009 to help to inform their understanding of the consultation document. The equality impact assessment demonstrates the range of special educational needs and additional needs, which can overlap, that is presented in schools.

There is no intention to divert money that supports children who have special educational needs in order to support the other additional-needs groups. The additional-needs groups attract their own levels of funding, which Members have discussed. Some 70% of children who have statements of special educational need now attend mainstream schools. As I said, my officials have worked closely with their colleagues in the Department of Health, Social Services and Public Safety. Both Departments are committed to improving

interventions and outcomes for all children and young people.

I wrote to my ministerial colleagues in July 2008. In November, I issued a further Executive memo that included amendments to reflect Ministers' comments. That delay in launching the consultation has already raised concerns about the possible loss of the £25 million that has been mentioned.

Mr Deputy Speaker: I ask the Minister to bring her remarks to a close.

The Minister of Education: Although the shift in timescales means that I may not be able to commence implementation of the full package of proposals in 2010 — for example, those that require changes to legislation — I plan to use that money for its intended purpose.

Of course, I will review on an ongoing basis any financial implications that arise from further slippage. I will not tolerate children with special needs being disadvantaged in any way by a lack of progressive thinking. Go raibh míle maith agat.

3.15 pm

Mr McCausland: The debate began poorly when John O'Dowd attacked some members of the Democratic Unionist Party. His comments could at least be regarded as sectarian and were extremely offensive. *[Interruption.]*

Sometimes people who accuse others of sectarianism are themselves the most guilty of sectarianism. I suggest that he examine his own conscience in that regard.

Michelle McIlveen's response to Mr O'Dowd's comments was extremely significant, and she pointed out the key issue, which, for us, is that resources would be spread across other sectors rather than concentrated specifically on special educational needs. That broadening of the definition creates difficulties. Other children may have distinctive and particular needs and varying degrees of need. However, those degrees of need may be more social than educational, and, in practice, if the Minister pursues her approach, she will, in effect, rob the most vulnerable children in our society.

As Michelle McIlveen said, we acknowledge the current system's shortcomings, the delays in assessment and the problems with the statementing process, and recognise the need for review. Those of us who have served on education and library boards and who have worked with children in those sectors are well aware of the need for review, but it is important to get it right.

Dominic Bradley said that an efficient and effective system is required to meet children's needs. One could not disagree with that assertion in any way. Other Members expressed their disappointment at the delays, and Anna Lo outlined a specific example. Those of us

who have worked in that field for many years are aware of the issues involved. Only this morning, I dealt with a constituency case on special educational needs. There is recognition across the Chamber about that matter. Anna Lo also commented on the increasing numbers of children with special educational needs. Therefore, it is important to address the issue properly and to ensure that any policy review achieves the right outcome.

Mervyn Storey spoke of his sadness at the current situation and said that he was concerned about the definition of special educational needs. He emphasised that John O'Dowd's approach had done a disservice to his argument. Moreover, he said that the concentration and emphasis must be on children with special educational needs, who are the most vulnerable in our society.

Roy Beggs also used the word "vulnerable", which was used repeatedly during the debate. He referred to the example of Middletown and talked about a flawed policy. That shows the importance of creating the right policy, and that is why this debate and other discussions on the spread of resources have taken place.

Edwin Poots responded to Roy Beggs and reminded him of the reality of a coalition system of Government that was initially negotiated by his own party.

The issue of the £25 million was mentioned, and the Minister almost seems to be saying that unless we do what she says, the money will be lost. There is no reason why the money cannot be spent now, because the money is available and the need exists. Therefore, it is not a question of money being lost; the money could be spent. The issue is about diluting the definition. Our experience of education and library boards shows that there is a shortfall in funding for special educational needs across the boards. Therefore, if the money is available, it should immediately be put into the service.

Mention was made of the question of inclusion and additional categories. No one in the additional categories is excluded, and those with special educational needs are already included. While listening to the Minister, it seemed that the issue is one of confusion and a lack of clarity, because two elements have been combined: special educational needs and inclusion. The Minister pointed out that many children with special educational needs have additional needs; one could not disagree with that assertion.

However, not all children with additional needs have special educational needs. That confusion must be addressed; the need for clarity is fundamental to the debate. Special educational needs and additional educational needs are not the same. We need to ensure that children with special educational needs are not in any way deprived of resources by a broadening of the policy.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I commend my colleagues John O'Dowd and Michelle O'Neill for tabling the motion. At times, the

debate digressed from the motion, so I will concentrate on what Members said and on the motion itself.

John O'Dowd said that the review of special educational needs has hit a snag at Executive level because of the DUP's interpretation of special educational needs. He made the argument that the equality of access that the policy proposals would provide for children who have special educational needs is the core issue of the debate. The review is cross-departmental, and several Ministers have already supported its findings. We are at pains to see why there is such a hold up on something that is so important.

On the definition of special needs, some Members said today that children from the Travelling community, the children of young single mothers and children who come from care homes and difficult backgrounds should not be included in the review. It is shameful if people believe that. Nelson McCausland said that some children do not have those special educational needs. Is he seriously saying that a child who has been bereaved of a parent, for instance, does not have special educational needs at that stage in their life?

Mr McCausland: Will the Member give way?

Ms J McCann: No, I will not give way, because I have only 10 minutes. The Member's party did not give way much during the debate.

Rev Dr Ian Paisley: The Member never gives way.

Ms J McCann: I do.

At the core of the debate is the narrow definition of special educational needs. John O'Dowd said that the public should be allowed to decide. The policy proposals should be put out for consultation. Why are the Members frightened of that? The people whom the issue concerns should be allowed to make the decision; it should not be held up any longer than has already been the case.

In moving the amendment, Michelle McIlveen said that the definition of special educational needs should not include particular groups. The review was carried out by specialists in the field of educational health, not by Sinn Féin or the Minister of Education, and it is not aimed at furthering the political agenda of Sinn Féin. That is an important point.

Dominic Bradley referred to the delays in assessments and the need for a framework that will lead to improvements for children, because all children should realise their potential. He mentioned the lack of support in the voluntary and community preschool sector, which was also an important point. He went on to call for the publication of the consultation document.

Basil McCrea expressed concern at the delay in progress. That concern was expressed by quite a number

of Members, who felt that the policy proposals should be put to the people.

Mr D Bradley: Will the Member give way?

Ms J McCann: No, I will not give way, because I want to make a number of points. I will give way if I have time at the end.

Anna Lo echoed the comments of Basil McCrea that the review has been held up for too long, and she expressed concern that the delay is having an impact on children who have special educational needs. The waiting lists for assessment are still very lengthy.

Mervyn Storey played the political card and asserted that Sinn Féin was playing politics on an important issue. I repeat that experts in the field, not Sinn Féin, conducted the review. It became very clear during the debate that the DUP is playing politics and is holding things up. The review must go out for consultation.

Sue Ramsey and Roy Beggs outlined the need for a strategic vision that adopts a holistic approach across the sector and that includes health and social care services.

Edwin Poots returned to the definition of special educational needs. He said that Sue Ramsey had been disingenuous when she mentioned the groups of people who have such needs. However, I will point out that children who are entitled to free school meals are twice as likely to leave school without any qualifications; care leavers are 20 times more likely to leave school without any qualifications; and as little as 23% of pupils from the most deprived backgrounds achieve five or more GCSEs, in contrast to 64% of pupils across the North of Ireland. It is clear that children from those backgrounds need extra help and support.

Mary Bradley said that delays and bureaucracy are affecting children and their families, and she called for the review to go out to consultation as soon as possible.

In her response, the Minister said that a pre-consultation exercise involving education and health and social care professionals had taken place before the review was brought to the Executive. That exercise helped to develop the proposals that had been brought forward. Early intervention is essential in preventing children from falling further behind. The review must be brought forward, because, as the Minister said, school principals, teachers and other school staff must be given the support and confidence that they need. She went on to say that £25 million had been secured in addition to the current annual amount that is being spent on special educational needs.

The Minister had to repeat herself several times, but I will say it again, in case anyone is unclear: the definition of special needs is set out in legislation, and the Minister has no intention whatever of changing it. That is an important point to make. If that is what is

holding things up, the definition is there, and the Minister explained it again today.

It is to be hoped that the debate will highlight the need for the review of special educational needs to be brought forward —

Mr McCausland: Will the Member give way?

Ms J McCann: No. I am trying to finish, and Dominic Bradley will be first to speak if I do give way.

The review of special educational needs must be brought forward and put out for consultation. It is shameful that anyone in the Assembly or in the Executive should hold up that review. We must look after those children and their families. It is not up to us; let the people decide what they think of that consultation document.

I will give way to Dominic Bradley.

Mr D Bradley: I thank the Member for giving way. She said rightly that there is a need to put the review document out for consultation, because it is far behind schedule already. This morning, I heard the Children's Commissioner call for a short consultation period. Does the Member agree that it would be foolish to issue the consultation document on the verge of the beginning of the school holidays, at a time when teachers will not have the opportunity to engage properly with the consultation? This is an important consultation, because it is concerned with the most vulnerable children in society. It is important that all the relevant professionals have ample opportunity to consider it and to respond to it.

Ms J McCann: I thank the Member for his intervention, but I have to say no. There has been enough delay already. It is important that the document goes out for consultation now. Let the people decide, because they are the ones who matter. This is about children with special educational needs and their families; it is not up to the Assembly or the Executive to hold the up consultation.

[Interruption.]

Mr Deputy Speaker: It would seem that the Member has finished.

Question put, That the amendment be made.

The Assembly divided: Ayes 22; Noes 41.

AYES

Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Dodds, Mr Easton, Mrs Foster, Mr Hilditch, Mr Irwin, Mr McCausland, Mr I McCrea, Dr W McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mr Ross, Mr Shannon, Mr Storey.

Tellers for the Ayes: Miss McIlveen and Mr Storey.

NOES

*Mr Attwood, Mr Boylan, Mr D Bradley,
Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Brolly,
Mr Burns, Mr Butler, Mr Doherty, Dr Farry, Mr Ford,
Mr Gallagher, Ms Gildernew, Mrs Hanna, Mrs D Kelly,
Mr G Kelly, Ms Lo, Mr A Maskey, Mr P Maskey,
Mr F McCann, Ms J McCann, Mr McCarthy,
Mr McCartney, Dr McDonnell, Mr McElduff,
Mrs McGill, Mr McGlone, Mr M McGuinness,
Mr McKay, Mr McLaughlin, Mr Murphy,
Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Ms Purvis,
Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane,
Mr B Wilson.*

Tellers for the Noes: Mr Brady and Mr F McCann.

*The following Members voted in both Lobbies and are
therefore not counted in the result: Rev Dr Robert
Coulter, Mr Cree, Mr Elliott, Mr Gardiner,
Mr Kennedy, Mr McCallister, Mr B McCrea,
Mr McFarland, Mr K Robinson, Mr Savage.*

Question accordingly negatived.

Main Question put.

The Assembly divided: Ayes 41; Noes 27.

AYES

*Mr Attwood, Mr Boylan, Mr D Bradley,
Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Brolly,
Mr Burns, Mr Butler, Mr Doherty, Dr Farry, Mr Ford,
Mr Gallagher, Ms Gildernew, Mrs Hanna, Mrs D Kelly,
Mr G Kelly, Ms Lo, Mr A Maskey, Mr P Maskey,
Mr F McCann, Ms J McCann, Mr McCarthy,
Mr McCartney, Dr McDonnell, Mr McElduff,
Mrs McGill, Mr McGlone, Mr M McGuinness,
Mr McKay, Mr McLaughlin, Mr Murphy,
Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Ms Purvis,
Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane,
Mr B Wilson.*

Tellers for the Ayes: Mr Brady and Mr F McCann.

NOES

*Mr Bresland, Lord Browne, Mr Buchanan,
Mr T Clarke, Mr Dodds, Mr Donaldson, Mr Easton,
Mrs Foster, Mr Hamilton, Mr Hilditch, Mr Irwin,
Mr McCausland, Mr I McCrea, Dr W McCrea,
Miss McIlveen, Mr McQuillan, Lord Morrow,
Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley,
Mr Poots, Mr G Robinson, Mr Ross, Mr Shannon,
Mr Spratt, Mr Storey, Mr Weir.*

Tellers for the Noes: Miss McIlveen and Mr Storey.

*The following Members voted in both Lobbies and are
therefore not counted in the result: Mr Cree, Mr Elliott,
Mr Gardiner, Mr Kennedy, Mr McCallister,
Mr B McCrea, Mr McFarland, Mr K Robinson,
Mr Savage.*

Main Question accordingly agreed to.

Resolved:

*That this Assembly calls on the Executive to agree to publishing,
for consultation, the special educational needs and inclusion policy
proposals tabled to it by the Minister of Education, thereby enabling
the £25 million ring-fenced by the Minister of Education to be used
to implement the changes that will benefit all children with special
educational needs.*

Motion made:

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

ADJOURNMENT

Flooding in Andersonstown and Falls

Mr Deputy Speaker: The proposer of the topic for debate will have 15 minutes to propose, and all other Members who wish to speak will have approximately eight minutes.

Mr Attwood: I thank the Business Committee for permitting the Adjournment debate to take place, and I thank the Minister for his attendance this afternoon. I am sure that he anticipates that, over the next 15 minutes, I may put three or four questions to him for answer either today or subsequently.

It may be a twist of irony that the weather over the past two or three weeks brings into sharp relief the relevance of the topic. It is a reminder of what people had to endure last year and may yet have to endure this year. I want to articulate some issues and probe the Minister and the Assembly on several matters that have yet to be addressed.

It is important to put on record in the Chamber the narrative of what happened last August, not only in west Belfast but in other parts of the city, so that the acute circumstances that were faced by too many families in the city will be better understood. I asked a Glenhill resident, therefore, to provide a personal narrative of her experience on 16 August 2008. She said:

“I was looking out my window when I noticed a deluge of water coming from the back garden and I knew that we were going to be flooded again. Over a period of 40 years the residents of Glenhill have had 4 floods and numerous scares of flooding, probably over 200. If there was heavy rain we would rush out and open the manholes. You always lived in constant fear that the flooding would reoccur.”

She continues by describing what happened on Saturday 16 August 2008:

“We had less than 5 minutes warning from the street being clear to water entering the house. The water came up to our knees and there was absolutely nothing we could have done to prevent this happening...The damage was extensive to the ground floor with wooden floors being lifted, all the suites under water, all the white goods and kitchen units ruined and electrical goods destroyed. This water was contaminated with sewerage as several of the homeowners had to open the sewerage grates to try and get rid of the water...At the back of our houses there is a small river which runs the full length of the street. This river had been the cause of numerous floods during heavy rain falls and been piped off by the Rivers Agency years previous.”

The resident describes what happened at a meeting that was held the following week:

“The Rivers Agency claimed this had nothing to do with them and it was the responsibility of the homeowners. I asked all the residents individually if they had piped off the river running at the back of the houses. Obviously they all replied they did not. I then asked the representative from the Rivers Agency if they had piped off the river. He said they had so I said it was their responsibility as they had not made the pipes big enough to deal with such a large amount of water. The representative for the Rivers Agency had a map of the river and said ‘I can see the problem already.’ Apparently there is a large pipe at the top of the street which takes the water, the pipe then narrows, and then later splits into 2. The force of the water was that great that the covers had blown 12 feet into the air. Some of the covers have never been found.”

Her narrative continues at length, and I may return to it later.

A similar story could be told by people who live in the Stockman’s Lane area, Rodney Parade, the Beechmount area, York Road, Shore Road, Carrington Street, Orangefield and the Castlereagh Road. Those areas were most acutely affected on that Saturday and Sunday.

In the course of that weekend, 165 phone calls were made by people who were distressed about what was happening in or around their properties. As a consequence of that, 347 emergency payments were made, on top of the 609 that were made in June 2007. However, on the eve of our rainy season and with the Met Office saying that this summer will be warmer, sunnier and wetter than average, the question is whether the flooding and subsequent problems that arose in 2008 will reoccur in 2009.

I want to probe that matter in three ways. As the Glenhill resident outlined, the essential problem there is that a 750 mm river pipe must be replaced with a 1,500 mm river pipe. Last year’s circumstances have led to the Rivers Agency conducting a feasibility study and cost-benefit analysis for doing that. I understand that the Rivers Agency had hoped to complete the work to rectify the pipe problem by the end of the past financial year. However, on 3 March this year, the Rivers Agency advised Glenhill residents that the cost of the work to be undertaken meant that the matter had to be referred to the Drainage Council, which was not due to meet until May or June. Therefore, work in that neighbourhood would have to wait until later in the summer. In my view, that is not good enough.

When there is a problem and the solution to it is clear, how can the acute risk faced by Glenhill be prolonged by a bureaucratic process around the costing and approval of the required work? When a problem has existed for years and when the solution has been identified and clearly acknowledged, why can that work not be done in quick time? In responding to my questions this afternoon, I want the Minister to update the Assembly on where this issue now lies. Will the Minister tell us what can be done to accelerate that process? In particular, will the Minister tell us when

the offending pipes, for want of a better term, will be replaced?

The delay in replacing the pipes and fundamentally resolving the problem leads me to the next issue. People in areas of flood risk are having difficulty in securing insurance because companies are now, perhaps understandably from their point of view, asking for details of the permanent measures being undertaken by the Rivers Agency to resolve problems arising from the Blackstaff River in the Glenhill area and in other potential flood-risk areas of Belfast. Some people with a certain level of exposure face the summer without knowing for sure that they will have insurance cover for their properties. As the Glenhill resident outlined, the risk to their property and possessions is enormous.

In July 2008, in response to the flooding problem in England, the Association of British Insurers and the Government agreed to flood insurance being made widely available in both the short and long term. I understand that useful conversations have taken place and are ongoing in respect of the situation in the North. However, will the Minister state where we now are in providing the necessary information on flood risk to insurers? In particular, is it the case that the strategic flood map that is being prepared is not sufficiently detailed and accurate to determine the flood risk to specific properties or locations? Is the strategic flood map fit to be used to identify flood risk to particular properties and, consequently, their insurance requirements? Can it be used to reassure insurance companies about the risk to commercial as opposed to domestic properties?

A broader concern arises — not just in west Belfast, although it is particularly acute there — about overdevelopment and whether the water and sewerage infrastructure in some areas is fit for purpose and whether it can deal with future flood risk. I know that that strays more into the responsibility of the Department of the Environment and the Planning Service, but Planning Policy Statement (PPS) 15, which was issued in 2006, sets out guidance on planning and flood risk. It contains land-use planning policies to deal with the flood risk in parts of the North.

In light of the experiences of the past two years, I urge the Minister for Regional Development to speak to the Minister of the Environment to determine whether PPS 15 is all that it needs to be in relation to the flood risk to properties in Belfast and beyond. Scotland's equivalent, Planning Policy Statement 7, states that people should err on the side of caution when developing areas of flood risk. I am concerned because there has been such intense development in west Belfast, and there will be more in future, much of which is very welcome because of the need for social and other housing. Is the balance right between erring

on the side of caution and allowing developments to proceed? Planning Policy Statement 15 should be looked at in that regard.

Last August, many people and agencies, including the emergency services, worked hard in response to a very difficult situation, and nothing should diminish their contributions in mitigating the acute situation that too many people in this city faced. I also acknowledge that since last August there have been structural and policy developments in central and local government that could mitigate future risk. None of my questions should take away from the positive work of the past 10 months.

The people of Glenhill and of other parts of Belfast had to fight insurance battles because of what they experienced that Saturday afternoon; some people were out of their houses for nine months, returning only in recent weeks. There is a risk in that area and in other parts of the city. Is everything in place or will it be in place by the middle of August to ensure that, as far as possible, every action has been taken to guarantee that there will not be a repetition of what transpired in August of last year in Glenhill and in other parts of the city?

That question lingers, doubts persist, and the risk remains. I hope that the Minister will reassure the people of Glenhill and of other parts of Belfast who, over many years, have suffered the danger of flooding.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for bringing the debate to the Floor. I concur with what he said. As someone who lives in that area, I know well the consequences of what was faced on 16 August 2008. That day, I was stuck in my car for about two and a half hours due to the underpass being flooded and the diversion that was in place around Belfast. When we managed to get home, I made a record of the number of phone calls that I received and made that evening: there were around 50 or 60, many from residents who had phoned me, and I phoned them back or contacted the Departments.

I agree with Alex Attwood that the issue of flooding is relevant not only to the Department for Regional Development but to other Departments. That evening, I contacted the Roads Service, the Rivers Agency, which is an agency within the Department of Agriculture and Rural Development, and the Housing Executive, which is the responsibility of the Department for Social Development. I also contacted Belfast City Council and many other bodies that evening. The last phone calls that I took and made were around 11.30 pm. That was after being out in some of the affected areas, where I saw at first hand the state in which places were left after the heavy downpour that occurred that evening.

We spoke to people about the flooding of their homes. Glenhill took the brunt of that because the

Blackstaff River burst. When we went there and inspected the area outside people's homes, we saw that manholes had blown off and water was going 20 ft or 30 ft into the air, which destroyed many homes in the area. The extent of the damage could still be seen days afterwards. People have only recently returned to some of those houses.

The issue of insurance companies has been raised. If there is anything that the Assembly can do, it is to put pressure on insurance companies to step up to the mark. Many of the people who have been affected will not be able to insure their homes again, and there are still delays with some payments, not only in Glenhill but in many other areas of west Belfast and, I am sure, throughout the North of Ireland.

I have copies of correspondence from 18 August 2008, which was the Monday following the flood. Those are letters from my office to the various Departments, stating clearly that we want to get the issue resolved. On 18 August, we called for a full investigation into why the flooding occurred and how it was allowed to happen again after it had happened in previous years. That put the marker down to the Departments that we wanted a full investigation to be carried out because we did not want to see anything similar again.

Ms J McCann: Does the Member agree that, beyond the scenario of the 16 August flooding, there were and still are major roads in and out of west Belfast — in particular in the Colin area, the main Stewartstown Road, the Cherry Road and Summerhill Road — that flood when there is heavy rain? Does he agree that that is down to the lack of adequate drainage systems on those main arterial routes?

Mr Deputy Speaker: The Member has an extra minute.

Mr P Maskey: Thank you, a LeasCheann Comhairle, agus go raibh maith agat fosta, a Jennifer. There are many issues and that is why we called for the investigation into how the problems occurred. The Department for Regional Development has carried out some investigations. From a very early stage, among our priorities was making sure that lessons are learned from that incident because it must not be allowed to be repeated.

Mr Attwood mentioned the Rivers Agency on a number of occasions. After the source of the flooding was identified, most of the responsibility for sorting it out lay with that agency. We called for the agency to make it a paramount priority in its work scheme to ensure that the necessary work was urgently carried out after the surveys.

4.15 pm

I regret that individuals in the Rivers Agency told us that the situation would be sorted out as a matter of urgency. Some of the correspondence that I received from the Rivers Agency stated that the matter would be given high priority, and, at that stage, I was told that it was hoped that the work would be carried out by mid-February. I sent a letter to the Rivers Agency in which I welcomed that development and said that I hoped that the work would be done. I also said that, if they encountered any problems that would prevent them from resolving the matter by mid-February, I would try, in my role as an elected representative for West Belfast, to assist them in overruling any difficulties. However, I was left in no doubt that the Rivers Agency was still hopeful that the work would be carried out by mid-February.

After speaking to residents who informed me that the work had not been carried out by March, April or even May, I phoned the Rivers Agency. Indeed, the work has not been carried out as yet. I ask the Minister for Regional Development to take that forward to the Executive, particularly to the Minister of Agriculture and Rural Development, given that the Rivers Agency falls within her remit. I have raised this issue to ensure that that happens, and we have received correspondence saying that it is hoped that the work will be done in the near future. Since the Minister for Regional Development is in the Chamber, as Alex Attwood said, it would be remiss of Members not to take the opportunity to urge him to raise with the Minister of the Environment some of the issues that have been mentioned.

Through talking to people, we see that they are upset greatly by what happened, and we must ensure that the effects of any future heavy rainfall are reduced. Nobody could have accounted for the rainfall of somewhere over 60 mm that fell that night. According to different forecasts, the rainfall was higher, but we cannot say that there will not be such heavy rainfall again. It is hoped that it will not rain so heavily again, but all efforts must be made to ensure that such flooding does not happen again. We must pull out all the stops to ensure that the required work is carried out.

People's kitchens and homes were devastated. Council representatives went into the local leisure centres and assisted people. That may or may not have been good enough. I know that the Minister for Regional Development, along with the Minister of the Environment, was on site in parts of west Belfast a few days after the heavy rain; in fact, it might have been the day after the rainfall. People came out and tried to help.

I visited some houses, and I saw that the heavy rain was coming in through the roof and that water was coming down walls and into fuse boxes. I mentioned

the Housing Executive earlier, because I was in a house in Lenadoon, which is not far from the Andersonstown area. A subcontractor from the Housing Executive had fitted a new fuse box recently in that house, and there was silver paper around a fuse that had blown at some stage. That put someone's life at risk. That example demonstrates that dealing with the effects of the floods is the responsibility of many Departments.

I have written to the Department for Regional Development again regarding some parts of the drainage system in Kennedy Way in the Andersonstown area. I have been rapping people's doors recently, and they have been telling me that it has been a while since the drainage system has been cleared. I would like to think that Roads Service can and should check the drainage system more regularly, because, as has been said, a lot of new developments have been built recently in west Belfast, and, by the look of things, a lot more will be built in the future. Checks should be made to see whether the infrastructure is in place to allow that to happen. As well as that, the drainage system should be checked regularly.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. I commend the Member for securing the Adjournment debate. This is an issue that had an impact on many thousands of people across Belfast last August. Although the rainfall of that period was extreme and unusual, it raised a number of problems that need to be addressed for the future.

I remember the outcry when the new underpass on the Westlink was flooded. People asked how that could happen to such a new and modern road. For the people whom I represent, the flooding of the Westlink was a blessing. Had it not happened, areas such as St James's and the Village would have found themselves under many feet of water. However, that is not unusual for the people of those areas; they have grown up with vivid memories of their areas being flooded.

Many people say that it is great to live beside a worldwide nature reserve such as the Bog Meadows. However, that brings with it many problems, one of which is periodic flooding. Many rivers flow from Black Mountain and Divis Mountain to the Bog Meadows, and from there they flow into rivers that run through local communities. Many older residents say that, in the past, sluice gates at the junction of the old Donegall Road roundabout and Broadway were closed at times of heavy rain to ensure that the city centre was not flooded. The result was that communities in that area bore the brunt of flooding.

Recently, people in areas such as Beechmount, parts of the Falls Road and Andersonstown and many other parts of the city bore the heartache of having their homes damaged by floods. Many of those people are still trying to put their lives and homes back in order.

We must ask whether we learned anything from that and whether we are prepared for the next floods. We must also ask whether we did enough for those who suffered from the serious events of 2008.

The fundamental issue is ensuring that we are prepared for that type of emergency in future. Many local people say that the inspection and cleaning of street gullies is a problem. In the St James's area, many gullies were blocked during the last floods. The problem must be rectified by regular checks.

Work that is carried out by utility companies and Departments leaves a patchwork of repairs across roads. That impacts on drainage and leaves many uneven road surfaces, which results in water lying in large pools. That causes major problems, which, if not dealt with, add to serious flooding at times of heavy rain.

The ongoing development of land along the heights of west Belfast is the biggest problem. Previously, that land might have soaked up the surplus water that now flows through channels to flood the lower ground. That puts a twofold pressure on the system: at times of flooding, sewage pours from sewers; and rivers burst their banks. Many new housing developments have not been thought out fully. Rather than being part of a longer-term strategy, housing is built in small developments.

Ms J McCann: Does the Member agree that not enough thought goes into the planning of drainage for such developments? I am thinking, in particular, of some areas of Poleglass, such as Glenkeen, where two families' homes have been routinely flooded during the past 20 to 25 years. When those homes were built, not enough thought was given to the planning of drainage for surplus water in heavy rain.

Mr F McCann: That is a fair point. In developments on Suffolk Road, some of the pumping systems that were installed to deal with sewage have been unable to cope, and sewage has been running into local rivers.

Small housing developments put pressures on a system that was not designed to take such a flow of sewage or water. I realise that the Minister for Regional Development is in the Chamber, but this is a multi-departmental problem that can only be sorted out by taking a multi-departmental approach. Planners, the Department for Social Development, the Rivers Agency and other bodies must play their part. If we are to tackle the problem, we need to take a co-ordinated approach that the Executive should oversee.

At present, there is a lull in the construction industry because of the serious economic problems. What better time is there to develop a strategy that will deal with flooding problems? If we do not grasp the nettle, we will undoubtedly be back, time and again, to ask the same old question: where did we go wrong? The

people of west Belfast demand leadership, and it is up to us to ensure that that leadership is provided.

The Minister for Regional Development (Mr Murphy): A LeasCheann Comhairle, I thank Members for the debate. It is clear from the contributions of Alex Attwood and other Members that this is a cross-departmental issue, and the response to it should also be cross-departmental. Nevertheless, in a debate such as this, only one Minister responds, and I will endeavour to answer some of the points that have been raised. However, some points clearly relate to the Rivers Agency, which falls under the remit of DARD; others relate to planning matters and how some of the Housing Executive's properties were maintained. I will endeavour to answer for the other Departments as best I can. Some specific points have been made, and, if I cannot answer them, I will ensure that a copy of the Hansard report is distributed to the relevant Ministers, and I will ask them to respond in writing.

Comments have been made about the ongoing flooding issues, such as surface water on roads and so on. However, the specific incident is the severe flooding that occurred on 16 August 2008, which was caused by extreme levels of heavy, persistent rainfall. It is estimated that between 60 mm and 80 mm of rain fell during the day, which exceeded the total rainfall that would normally be expected for the whole month. As a result, the design capacity of the drainage network was exceeded, and, in some places, totally overwhelmed. That was compounded by the rainfall, which caused surcharging of rivers and watercourses into which the drainage system would normally discharge.

In retrospect, it is widely acknowledged that no sewerage system could have coped with rainfall of that intensity. Consequently, although Northern Ireland Water will continue to monitor and improve its network to reduce the risk of future flooding, it must be recognised that it is not possible to guarantee that such flooding will not reoccur in similar weather conditions.

NIW has advised that there were two main localised flooding incidents in the Andersonstown Road and Falls Road areas that related to infrastructural problems on 16 August 2008. As Paul Maskey said, I had the opportunity on Sunday 17 August, the day after the flooding, to visit east Belfast, the Beechmount area and the Broadway underpass, which drew most of the media attention. However, the most difficult issues to face were those that involved the flooding of people's homes. My sympathy is with the people affected. Unfortunately, during the previous summer, I had to visit homes in east Belfast and in the Lower Ormeau areas where flooding had also occurred.

There is a responsibility on all Government agencies and Departments to do everything that is reasonable and possible to ensure that those incidents do not

happen again, or, if they do, that it is not as a consequence of the failure of a system that has been put in place by the various Government agencies.

There was localised flooding in the vicinity of numbers 117 to 119 Stockman's Lane. That general area is upstream of the upper Falls wastewater pumping station, which was overwhelmed as a result of the exceptional conditions on that day. Although attributed to the conditions at that time, the main sewer in Stockman's Lane, which runs through Shane Retail Park, has since been de-silted as a precaution. It was also found that a parallel road drainage line was heavily silted, and the Roads Service has subsequently addressed that matter.

Alex Attwood gave us fairly graphic details of what happened at Glenhill Park, and my sympathy is with the people affected. NIW was on site following the flooding on 16 August 2008, and an inspection indicated that a Rivers Agency culvert to the rear of the houses in Glenhill Park surcharged and caused flooding in the area. The sewerage system was, in turn, overwhelmed as the flood material entered the NIW system. That area is off the Glen Road and under the shadow of Black Hill, from where the run-off to that river would originate.

I understand that Rivers Agency officials met the residents and their representatives the week after the event, and the emergency interim works proposed to reduce the risk of the recurrence of flooding were carried out within one week of that meeting. Further long-term work is proposed by the Rivers Agency to replace the pipes where the blockage occurred, to which Alex Attwood referred. That work is programmed for June and July 2009, pending approval by the Drainage Council, and I understand the point made by Alex Attwood and Paul Maskey that people expected that work to have happened earlier. I sincerely hope that Drainage Council approval will be forthcoming. However, I will raise the issue with the Minister of Agriculture and Rural Development to try to ensure that the work that residents were promised will be carried out as quickly as possible.

NIW is not aware of any other particular flooding in the Andersonstown, Beechmount, Falls or Westlink areas relating to defects in infrastructure. Of course, if any Member has concerns about a specific location, I will arrange for Northern Ireland Water to investigate and report back to the Member.

With regard to road drainage, the extreme flooding that occurred on that Saturday and Sunday in August was not caused by any failure to maintain the operational effectiveness of the storm water gullies or the road drainage system. The road drainage infrastructure was simply overwhelmed by the deluge of rain that fell on Saturday 16 August 2008. Although the torrential

rainfall throughout that Saturday was particularly bad, resulting in some of the worst flooding in recent times, it had been preceded by other spells of very wet weather.

4.30 pm

It is also clear that, while a large number of roads were flooded, this was in the vast majority of cases caused by rivers overflowing. As a result, very few of the roads-related flooding incidents were caused by shortcomings in the road drainage infrastructure. Generally, the road drainage infrastructure was fully operational and simply overwhelmed by the intensity and duration of the rain.

The Broadway underpass flooding was mentioned, and I have previously reported to the Assembly that Roads Service has commissioned an independent review of the issues associated with the design and the operational response to the flooding incident. The independent report on the flooding incident at Broadway has been received, and its conclusions and recommendations have been accepted in full. A number of recommended measures have been implemented to ensure public safety. Roads Service, in partnership with the Rivers Agency and the contractor, has also commissioned a physical and mathematical model and study of the Clowney /Blackstaff river system that flows through Broadway to help us understand the river system and identify any additional mitigation measures that could be put in place to further reduce the possibility of a recurrence of flooding incidents. That report is due in June.

Members will be aware that responsibility for drainage infrastructure is shared between my Department and the Department of Agriculture and Rural Development through Rivers Agency, Roads Service and NI Water, the three main drainage organisations. The proceedings for liaison and co-ordination of emergency response between the three organisations are set out in the inter-agency flooding information pack.

There is also a shared flooding hot spot list which identifies areas at greatest risk of flooding and the lead drainage organisation for each location. Those organisations also take the lead in the development and implementation of measures to reduce the likelihood of future flooding at those hot spots. In addition, hot spot lists are held by each of the drainage organisations, and they each have their own programmes for dealing with those on a priority basis.

In the case of Roads Service, the problems encountered at flooding locations are not always easy to resolve, as the solution may be prohibitively expensive or not immediately obvious. Even with the most careful and thorough of planning, gullies, road drainage and watercourses can simply be overwhelmed by a deluge of rain falling within a short period.

Roads Service has plans in place to deal with road-related flooding incidents which ensure that a 24-hour-a-day, seven-days-a-week response is available. Roads Service co-ordinates with and works alongside NI Water, Rivers Agency and the other responding organisations, including the PSNI, local councils, the Fire and Rescue Service and other statutory agencies as far as possible to ensure a quick and appropriate response to flooding incidents.

In its response to flooding, Roads Service seeks to restore normality to flooded roads, having regard to the safety of members of the public and Roads Service personnel, the prevention of traffic disruption and the protection of homes and property. If Roads Service becomes aware of roads that are flooded, signs are erected, where practicable, advertising the possible risks to road users. However, in the event of widespread flooding, resources are targeted at busier routes which carry a greater volume of traffic.

Roads Service has a programme of planned maintenance to ensure that the network remains safe and serviceable. Priorities are assessed using information obtained from condition surveys, other work programmes and professional engineering assessments by Roads Service engineers. Roads Service also aims to inspect and clean, where necessary, all gullies in urban areas twice a year. That point was raised by Fra McCann. That policy ensures that a reasonable level of maintenance is carried out to drainage systems —

Mr F McCann: It may be well and good that the drains are inspected. However, continuous work is carried out on roads and streets, and a lot of rubble and stuff goes into drains and blocks them. Recently, I was in touch with Roads Service in relation to Beechmount Avenue and other places where, continuously, there are puddles of water which in heavy rain rise over kerbs towards the level of houses. It is a constant concern for residents. The process needs to be improved.

The Minister for Regional Development: I take the Member's point. Where utilities or contractors building houses interfere with roads, a bond is paid. They are required to reinstate the road to the condition that it was in before the work. If there are particular issues in relation to the inspection of that and the impact that some of it has in gullies and the ability of the road to drain, I will bring it to the attention of Roads Service. If the Member has some particular instances in mind, in Beechmount or elsewhere, I will bring them to the attention of Roads Service. However, there is a requirement on anyone who interferes through work with the road surface or drainage to reinstate the condition of the road.

In addition to the scheduled operations on road gullies, clearing of blocked gullies is carried out,

particularly where fallen leaves represent an ongoing problem at certain times of the year or where there is a history of gullies becoming blocked for other reasons.

After the flooding incident in August 2008, I asked Roads Service to carry out an internal review of its response and procedures. From that review, an action plan was developed that covered a number of aspects of Roads Service's flooding response. Those action points are now being implemented.

Over the past 12 months, Roads Service and the other two agencies that deal with drainage have put considerable time and effort into developing a flooding incident line. The telephone number for that service was released in January 2009 and is now available 24 hours a day, seven days a week. I fully appreciate that it is important for people to know who to contact for help when they are faced with the possibility of their house being flooded. Members of the public no longer have to decide which organisation to ring; they can simply contact the flooding incident line, where the details of the incident will be recorded and passed to the relevant agency.

As I said, I can assure Members that, having visited a number of sites over the past couple of years, I am aware of the trauma and stress that flooding causes, particularly when the system becomes overwhelmed and sewage leaks into the flood water. I am also aware of the responsibility that Government agencies have to do everything that is reasonably possible to ensure that such incidents do not reoccur.

Some Members raised issues relating to planning. If planning policies, such as PPS 15, are found to be deficient, they should be looked at. That is particularly the case in relation to areas such as west Belfast or east Belfast, where people are continuing to build developments in the Castlereagh hills. The potential redevelopment of the Glen 10 sites in the Glenmona area of west Belfast will create drainage and sewage issues for those developments and the developments below them, because water will run down the hill to those lower sites, where it will not be absorbed into the ground.

I am quite happy to discuss such planning issues with the Minister of the Environment to ensure that, with future developments, it is not only the requirements for those developments that are taken into account but the knock-on effect of those developments on the surrounding area. Members raised some other issues that are the direct responsibility of other Ministers. I will ensure that the Hansard report is studied and that we bring those issues to the attention of the relevant Departments.

I accept the argument that all agencies have a responsibility to work together. Obviously, there is more scope for that now that we have a local Executive and Ministers who are able to bring agencies together.

On the Sunday after the flooding incident last August, the Minister of the Environment and I managed to pull together a number of agencies and get an immediate report on what was happening. We should take full advantage of that facility to ensure that all agencies work together. As the Minister responsible for Roads Service and NIW, I will ensure that those agencies, as well as others, play their full part in doing that.

Once again, I thank the Members for their contributions. More than one Department has responsibility for this issue, and I endeavoured to answer questions about some of the issues for which other Ministers have responsibility. However, I will ensure that those issues are addressed and that Members get the proper response from the Ministers concerned. Go raibh míle maith agat.

Adjourned at 4.38 pm.