
NORTHERN IRELAND ASSEMBLY

Tuesday 8 December 2009

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

Members observed two minutes' silence.

MINISTERIAL STATEMENT

North/South Ministerial Council

Language Body Sectoral Format

Mr Speaker: I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement regarding the North/South Ministerial Council (NSMC) meeting in language body sectoral format.

Lord Morrow: On a point of order, Mr Speaker. During yesterday's sitting, my party colleague Mr Campbell asked a question of the deputy First Minister. He got the following reply:

"I do not think that that question even deserves an answer."
— [*Official Report, Vol 46, No 5, p283, col 2*].

Mr Speaker, can we have a determination on that? First, are Ministers obliged to answer questions in the House? Secondly, what determines whether a question is answerable? As I look at that question, I see very little wrong with it. I would like a ruling to be made on when Members are entitled to an answer and when they are not.

Mr Speaker: I thank the Member for his point of order, and certainly —

Mr McElduff: Further to that point of order, Mr Speaker.

Mr Speaker: Order. Standing Orders are absolutely clear on Ministers answering questions. Let me look at the Hansard report, and I will come back either to Lord Morrow directly or to the House with my ruling.

Mr McElduff: I am content with your explanation, Mr Speaker. My point of order concerns whether the formula of words that the Minister used yesterday constituted an answer.

Mr Speaker: As Members know, I do not produce knee-jerk reactions to points of order. Let me look at

the Hansard report to read the question and the answer that was given to it.

Mr K Robinson: Further to that point of order, Mr Speaker, given that such matters have been raised in the House several times, it is pretty obvious that Members are dissatisfied with several Ministers and the answers that they give.

We have worked very hard in the Procedures Committee — the Chairman, Lord Morrow, is present — to make this House more relevant to Members and to the public. There is an underlying issue that will need to be dealt with at some point.

Mr Speaker: I understand what the Member is saying. However, there are two different issues. I do not sit in judgement on how a Minister answers a question, but it is a different issue if a Minister refuses to answer a question. I have always said in the House that I am not prepared to sit in judgement on how a Minister answers a question, but there is still some work for the Procedures Committee to do in determining how to move that forward. However, it is a totally different issue if a Minister refuses to answer a question. That is very clear in Standing Orders.

The Minister of Culture, Arts and Leisure (Mr McCausland): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following report on the ninth North/South Ministerial Council meeting in language sectoral format. It was the fifth such meeting since the restoration of the Northern Ireland Executive and Assembly, and it was the third that was held in 2009. This report has been endorsed by Conor Murphy MLA.

The meeting was held in DCAL headquarters in Causeway Exchange, Belfast, on 2 December 2009. It was my second North/South Ministerial Council meeting. I chaired the meeting, and I represented the Northern Ireland Executive as Minister of Culture, Arts and Leisure, along with Conor Murphy MLA, the Minister for Regional Development. The Government of the Irish Republic were represented by Éamon Ó Cuív TD, the Minister for Community, Rural and Gaeltacht Affairs. The meeting dealt with issues relating to the language body and its two constituent agencies, Tha Boord o Ulster-Scotch, which is the Ulster-Scots Agency, and Foras na Gaeilge, which is the Irish language agency.

I will now present a summary of the issues that were discussed by the Council on 2 December 2009. The Council received progress reports from the Ulster-Scots Agency and Foras na Gaeilge on developments in 2009, including a draft Internet strategy for young people, which was compiled by Foras na Gaelige, and FÓN, which is a learning from new technology project. It won the European Language Label, which is a European award for languages, on 26 September 2009.

Ministers welcomed the launch of the new Ulster-Scots Agency website and the fact that 38 language-based summer schools were supported by the Ulster-Scots Agency in 2009.

The Council noted the ongoing collaboration between the agencies, including a series of lectures on aspects of our shared heritage, which have been agreed with Dungannon and South Tyrone Borough Council, and the completion of a film in Irish about the Ulster-Scots language and culture, which will be broadcast on TG4. Ministers also noted that a joint policy on child protection is being prepared in conjunction with the NSPCC.

The Council noted the revised 2009 business plans and budget provision for the language body, which will be brought to a future NSMC meeting for approval. The Council noted that the 2010 business plans will be finalised once the budgetary allocations have been established and agreed by the sponsor and Finance Departments and that the finalised plans and budget will be submitted for approval at a future meeting of the NSMC.

Ministers considered proposals on the strategic focus, organisational structure and staffing of the Ulster-Scots Agency to reflect its emerging business priorities. They also discussed measures to strengthen corporate governance in the agency. The Council welcomed progress following the introduction of the amended financial assistance scheme for the Ulster-Scots Agency in July 2009. The financial assistance scheme affords opportunities for groups and individuals to draw financial support from the agency for Ulster-Scots activities.

The Council discussed staffing issues in Foras na Gaeilge and noted that arrangements are in place to fill five posts in Gweedore and three in Dublin. The Council noted that sponsor Departments have received an application from Foras na Gaeilge for additional contract staff to complete the English-Irish dictionary project. Ministers asked that consideration of that request be completed as a priority and that a recommendation be presented to the next NSMC meeting in language sectoral format.

The Council welcomed the Foras na Gaeilge review of its core-funded organisations. Ministers agreed that core funding of the Irish language voluntary sector by Foras na Gaeilge be reconfigured on the basis that Foras na Gaeilge will set high-level strategic priorities. Applications for funding will be invited from the voluntary sector, within those strategic priorities, for one or a limited number of organisations with a representational, information-dissemination, resource-and-support provision and advocacy role for the sector as a whole and, at local area level, from groups that take an integrated approach to the promotion of the Irish language, including working in community,

family, educational and youth settings. The reconfiguration is supposed to ensure a more effective, streamlined and cost-effective approach to the sector's funding.

The Council noted the progress that has been made on the annual reports and accounts for the North/South Language Body, including the fact that the 2005 accounts have been cleared formally by both Comptrollers and Auditors General and will be signed imminently and that progress is being made on the annual reports and accounts for 2006, 2007 and 2008. Both agencies, in conjunction with the sponsor Departments, are continuing to address the outstanding issues in relation to the annual reports and accounts as a priority. The Council requested a further progress report for the next NSMC meeting in sectoral format.

The Council agreed to hold its next meeting in language sectoral format on a date to be agreed in the second quarter of 2010.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a Cheann Comhairle. Tá mé sásta gur tháinig an dá Rialtas le chéile chun an t-ábhar seo a phlé.

I welcome the Minister's statement. Why did he not refer to the development of an indigenous language strategy, both for the Irish language and Ulster-Scots, given that he is scheduled to brief the Committee for Culture, Arts and Leisure on Thursday and that he has still not submitted a paper to the Executive, not even on a strategy or on high-level principles that might guide a strategy? Was the language strategy discussed at the meeting that he attended? If not, when does the Minister intend to consult with Foras na Gaeilge and the Ulster-Scots Agency on a draft strategy? Furthermore, when does the Minister expect the Ulster-Scots Agency to improve its corporate governance arrangements, and how did it get into a position whereby its corporate governance is not what it should be? Finally, how will budget revisions affect service delivery, which he mentioned in relation to the language body and the 2009 budget?

The Minister for Culture, Arts and Leisure: The Member asked about the language strategy, which does not come under the North/South Language Body's jurisdiction. Therefore, I do not intend to answer that question. However, I will write to the Member about that subject.

The Member also asked about governance and accountability matters with respect to the Ulster-Scots Agency. I shall take this opportunity to address those matters more fully. The Ulster-Scots Agency is part of a North/South body. Therefore, its oversight rests with the two sponsor Departments: the Department for Culture, Arts and Leisure and the Department of Community, Rural and Gaeltacht Affairs in the Irish Republic. A range of significant governance and

accountability issues have been identified in the Ulster-Scots Agency, and the sponsor Departments have been working closely with the agency's board and chief executive to ensure that an effective financial control system is in place.

My predecessor Gregory Campbell recognised that there were issues in the agency, and a senior civil servant was seconded on a short-term basis to the organisation to help sort out the problems. However, that action alone has not resolved the situation. It is clear that there are ongoing issues concerning the agency's strategic direction and about governance and administrative processes.

I am determined to ensure that the agency is fit for purpose, provides value for money, is efficient and effective and is good for the community that it serves. That is what I said in the Assembly on 24 November, and that view is shared by Minister Ó Cuív in the Irish Republic. Consequently, at the North/South Ministerial Council meeting on 2 December and in the absence of the CEO, who was unable to attend due to illness, Ministers agreed to designate an interim CEO to the agency to try to make progress on the issues. The Ulster-Scots community is entitled to a first-class service, and I will endeavour to ensure that the agency is, therefore, fit for purpose and provides such a service.

10.45 am

Mr Craig: Will the Minister comment on the Ulster-Scots Agency's distribution of 3,000 full-face Santa hats at a recent Ulster rugby match? I think that we would all admit that that was a bit of a Christmas cracker. More importantly, will the Minister comment on the fact that board members were not informed of the distribution of the hats or of other decisions that were made?

The Minister of Culture, Arts and Leisure: That issue does not relate specifically to the NSMC meeting, but it does have a connection to the previous question. Last Friday night, 3,000 Santa hats advertising the agency's website were distributed at the Ulster versus Glasgow Warriors rugby match at Ravenhill. Production of the 3,000 Santa hats cost £2,542.56. The agency also placed a full-page colour advertisement in the official programme for the match and a feature article in Ulster Rugby's e-newsletter, at a cost of £2,300. The total cost to the agency was £4,842, inclusive of VAT. At a time of scarce resources and when there is significant pressure on budgets, such actions hardly set the right example with regard to the effective use of public funds, and I am certain that any right-minded person would share that concern. I want to see the resources directed where they should be. Those resources should be directed at community development, cultural development, research, tuition and teaching.

The Member has made a valid point, and it is true that members of the agency's board were not informed of the decision to purchase the Santa hats.

Mr McNarry: In his statement, the Minister referred to strengthening corporate governance in the agency. Recently, in the House, when referring to the Ulster-Scots Agency, he said:

"It is clear that there are issues regarding the strategic direction of the agency and issues around its governance and administrative processes." — [Official Report, Vol 146, No 2, p111, col 2].

He made those comments in response to a question for oral answer. Was that subject discussed in detail at the meeting? Does the Minister envisage any particular outcome on the strategic direction of the Ulster-Scots Agency, or is it too soon for such an assessment to be made?

The Minister of Culture, Arts and Leisure: The Member touched on two areas: first, strategic direction; and, secondly, governance and accountability. They are distinct issues, but there is a connection between them. On receipt of the draft business plans for 2010, my officials examined and commented on the 2010 business plan for the Ulster-Scots Agency. Subsequently, my officials wrote to the agency on 11 November to outline their concerns and comments on the business plan. The comments included a direction from me on how the agency could improve plans and priorities.

I asked the agency to consider four main issues in developing further its 2010 business plan. First, the primary focus of the agency should be the high-level promotion of Ulster-Scots culture, heritage and language to local and international audiences. Secondly, the agency should include a target in its business plan to develop high-level strategies to ensure that its work is carried out in a strategic way and that funding decisions are made in a clear, transparent and efficient manner. Thirdly, the agency should have high-level, explicit targets in the business plan for the development of the infrastructure and capacity of the Ulster-Scots community. Finally, the agency has a key role to play in the cultural marketing of all things Ulster-Scots. That will require proactively building practical working relationships with other public sector organisations such as the Arts Council of Northern Ireland, Northern Ireland Screen and Craft Northern Ireland. A high-level objective for that should be built into the business plan.

I am determined to ensure that the business plan for the Ulster-Scots Agency is fit for purpose, provides value for money and reflects the needs of the community that it serves. I know that that is also Minister Ó Cuív's view of the work of the Ulster-Scots Agency and Foras na Gaeilge.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle agus gabhaim buíochas leis an Aire as an ráiteas atá déanta aige inniu. Ba mhaith liom a fhiafraí

den Aire an bhfuil cóip den dréacht-straitéis 20 bliain don Ghaeilge atá foilsithe ag Rialtas na hÉireann faighte aige. Sa straitéis sin tá tiomantas ag Rialtas na hÉireann do reachtaíocht Gaeilge anseo sa Tuaisceart. Ba mhaith liom a fhiafraí den Aire fosta an mbeidh plé aige leis an Aire Ó Cuív faoi impleachtaí an tiomantais sin don straitéis anseo sa Tuaisceart.

Has the Minister received a copy of the Irish Government's 20-year strategy for the Irish language? Did he notice that the strategy gives both support and a commitment to Irish language legislation here in Northern Ireland? Will the Minister discuss with Minister Ó Cuív the implications of that commitment for the Northern Ireland indigenous languages strategy?

The Minister of Culture, Arts and Leisure: The development of a language strategy for Northern Ireland is a matter for the Northern Ireland Executive, the Northern Ireland Assembly and my Department. It is not a matter for the Irish Republic. I did not receive a copy of the strategy, and I have not read it. Whatever it contains is of no relevance to the internal matters of Northern Ireland, and it was not discussed during any part of the North/South Ministerial Council meeting.

Mr McCarthy: I welcome the Minister's statement. A' haeny a cloo as tae whut Dominic was takkin aboot. I don't understand what Dominic was talking about. Everybody accepts that the Irish and Ulster-Scots languages are important to a lot of people. However, will the Minister consider introducing at the next Council meeting the important issue of the Irish and British sign language problem? If that sign language were further promoted, many of our constituents in Northern Ireland would benefit.

The Minister of Culture, Arts and Leisure: I am disappointed to find out that Kieran McCarthy did not understand what Dominic Bradley said. Kieran McCarthy used some Irish at a previous sitting, and I thought that he had now developed a great fluency in the language.

On the point of the British and Irish sign language, the North/South Ministerial Council met to discuss the cross-border language body, which deals with two indigenous languages only, Ulster Scots and Irish. That is its remit, and those were the only matters that were discussed at the meeting.

Miss McIlveen: I welcome the Minister's statement. He mentioned the introduction of the revised financial assistance scheme. How has that benefited the Ulster-Scots community since its introduction?

The Minister of Culture, Arts and Leisure: The NSMC approved the revised Ulster-Scots Agency's financial assistance scheme on 8 July 2009. The scheme affords opportunities to a variety of groups and individuals to draw financial support from the agency for a range of Ulster-Scots activities. Primarily, the

scheme provides support for community and voluntary groups offering music and dance tuition to the Ulster-Scots community.

In October 2009, the agency received more than 350 applications for financial support for a tuition programme to be funded in tranche form and to run from 1 January 2010 to 31 December. Before October 2009, applications for tuition funding were received throughout the year; since the introduction of the tranche funding scheme, applications have increased by more than 100%.

Ulster-Scots community groups seeking financial support for administrative workers can also be funded through the community workers scheme. Applications have been received from a number of groups, and to date eight awards have been made. Groups have been able to draw funds from the agency since the end of November 2009. My predecessor Gregory Campbell identified community empowerment as one of the priorities for the agency, and the introduction of the funding stream for community workers is an outworking of that commitment.

Mr Brolly: Go raibh míle maith agat, a Cheann Comhairle. I have some difficulty in understanding why a strategy for the indigenous languages is not relevant or has not been discussed at the North/South Ministerial Council, particularly as the Ulster-Scots Agency has a headquarters in Raphoe in east Donegal. Will the Minister explain why that is not relevant to and should not be discussed by the North/South Ministerial Council? Does the Minister understand the frustration of Ulster-Scots and Irish-language speakers at the slowness in bringing forward a strategy for Ulster Scots and Irish?

The Minister of Culture, Arts and Leisure: I will repeat what I said earlier: the strategy for indigenous languages is a strategy for Northern Ireland. It is not a matter for the Government of the Irish Republic; it is solely a matter for Northern Ireland. It is our responsibility to bring that strategy forward, and it is being worked on at present.

Since taking over at the Department at the beginning of July, I have been engaged in consultations about the strategy. I have met Irish-language representatives, I have visited Scotland to gain an insight into how indigenous languages are promoted there, and I intend, in the early part of next year, to visit Wales as well. There are lessons that we can learn not just from the other parts of the United Kingdom but from other European countries, because the same issues of language promotion and cultural development apply across Europe.

Two of the key areas that I firmly believe to be important in this matter are education and the media. That has always been my view, and it was confirmed by all those to whom we spoke who are engaged in

indigenous language development. To that end, I wrote to the Minister of Education, Caitríona Ruane, asking for a meeting to discuss culture in the classroom. I am awaiting a reply to that request and hope that the meeting will take place in the near future so that we can progress in that area.

I have also been in conversation with the Westminster Government about broadcasting, which is, of course, a reserved matter. I want to see progress on that. It is important that we get an Ulster-Scots broadcasting fund to match and complement the Irish language broadcasting fund, and it is important that the cultural rights of children in the Ulster-Scots community are fully implemented and given effect in schools in Northern Ireland. I am not convinced that that is happening at the moment, but that will be an important element in the strategy, so the meeting with Caitríona Ruane will be an important one, and I hope that it takes place very soon. That meeting, when it does take place, will take us further along the road to the development of the strategy. The sooner it takes place, the better; I am sure that the Member will understand the point that I am trying to make.

Mr K Robinson: I thank the Minister for his statement. I welcome some things in it. I am particularly pleased to see that 38 summer schools have been supported by the Ulster-Scots Agency and that TG4 will now put out a programme in Irish showing the Ulster-Scots language and heritage. I am sure that the Chairperson of the Committee for Culture, Arts and Leisure will also be pleased with that, and I hope he will let me know when it is on in case I miss it.

There seems to be —

11.00 am

Mr Speaker: Will the Member ask a question?

Mr K Robinson: I am coming to it. There seems to be a definite strategic plan to deal with the Irish language and how it is brought down to community level by core funding and through the creation of eight posts. Why is there not the same drive in the Ulster-Scots community to bring funding and the influence of Ulster Scots into homes and schools that there seems to be with the Irish language?

The Minister of Culture, Arts and Leisure: I agree entirely with the Member's aspiration for Ulster-Scots language and culture to be brought down to community level and into homes, because that is where language and culture are passed on from generation to generation.

As I said earlier, the key point is that a more strategic approach is needed. I want strategies in place for language awareness and for publications in Ulster Scots. It is not simply a matter of making more money available, although we want to do that. However, that

money must be spent strategically, and, unless clear strategies are developed, that will not happen. That is why I told the Ulster-Scots Agency that it must include strategy development as a key part of its business plan. The agency has been in place for 10 years, and it should have clear strategies on all those matters.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Chomh maith leis sin, gabhaim mo bhuíochas leis an Aire as ucht an ráitis a chuir sé os ár gcomhair inniu. Molaim an earnáil dheonach agus an fheidhm atá léi. An aontaíonn an tAire liom cé chomh héifeachtach agus atá na húdaráis áitiúla, ó thaobh straitéis áitiúil de, ag cur chun cinn na teanga i gcomhoibriú leis an earnáil dheonach, agus, go deimhin, ag cur chun cinn na teanga i gcoitinne?

I thank the Minister for his statement, and I acknowledge the contribution of the voluntary sector in promoting the Irish language. Will the Minister agree that core funding from Foras na Gaeilge has resulted in an important strategic and local role being held by Irish-language officers in local councils in working with local communities and the local voluntary sector?

The Minister of Culture, Arts and Leisure: That matter was not discussed at the meeting, but I agree that that funding stream from Foras na Gaeilge to local councils has benefited the Irish-language community. The Ulster-Scots Agency can learn lessons from that on how it works in partnership with other bodies, which is why I mentioned a number of bodies earlier. I recognise the fact that that has been a good partnership that has benefited the Irish language.

Mr Speaker: That ends questions on the ministerial statement.

Mr K Robinson: On a point of order, Mr Speaker. Some Members choose to use a language other than English, and, this morning, it appeared that much flexibility was given to those Members with the time that they were permitted. However, I feel, and my colleagues agree, that I was rushed in my question and was unable to outline the setting in which to place it.

Mr Speaker: As Members will know, I encourage all Members, as far as possible, to come to their question, even when they decide to use another language. That issue has been raised in the House on several occasions when Members have decided to use another language.

I also encourage those Members who want to use another language to come to their question sooner rather than later.

Lord Morrow: It is patently obvious that that tactic is used as provocation and has very little to do with culture or anything else. Will you assure the House today that the issues that Mr Robinson raised will be given due consideration? It strikes us on this side of

the House that a battle is raging between the SDLP and Sinn Féin about who is worse at speaking Irish.

Mr D Bradley: On a point of order, Mr Speaker.

Mr Speaker: I will take Mr Bradley's point of order.

Mr D Bradley: Go raibh míle maith agat, a CheannComhairle, as glacadh leis an pointe seo uaimse. Thank you very much for accepting a point of order.

People who choose to use a language other than English are obliged to then translate their words into English. If we had the proper simultaneous translation equipment in the Chamber, that would not be necessary. However, given that those circumstances do not apply at the moment, we are obliged to translate questions, which obviously takes longer. I must admit that Mr Robinson is not usually as long-winded as he was today.

Mr Speaker: Order. Two issues must be considered. The first is Mr Bradley's point about examining facilities in the Chamber for the use of languages other than English. He should perhaps raise that point with his party's Assembly Commission member as an issue for the Commission to consider. Secondly, Lord Morrow's point, which he raised previously, is perhaps a matter for the consideration of the Committee on Procedures.

Members know that I continually encourage them to come to their question as soon as possible. That is important. I continually tell the House that when a Minister makes a statement, Members should not try to also make a statement. A ministerial statement allows for a Member to ask one question and is another way to hold the Minister and Executive to account. Members, from whatever side of the House they come, should not abuse that system. More than anything else, that is what this issue is about.

I will take a further point of order.

Mr McElduff: On a point of order, Mr Speaker.

Tá mé ag caint faoin chóras aistriúcháin.

My point of order also concerns the simultaneous translation system. The matter was raised in the House about a month ago, and I understood that the Speaker's Office was to explore the feasibility of putting in place headsets and a simultaneous translation system to benefit all Members, not just those who sit at the top Table. Such facilities would solve the problem.

Mr Speaker: I told the House at that time that it was for party members who sit on the Commission to raise the issue. To date, no one has raised it in the Commission. Therefore, I encourage Members to raise the issue with their party members who sit on the Commission, and I assure Members that the Commission will consider the issue and try to deal with it.

Mr Brolly: On a point of order, Mr Speaker.

Mr Speaker: Order. I am almost running out of patience. I will take Mr Brolly's point of order.

Mr Brolly: With your indulgence, Mr Speaker, I will make what might be a parting suggestion. *[Interruption.]* Pending the introduction of simultaneous translation facilities, perhaps the Speaker could get the authority to ask Members who intend to use two languages to speak twice as quickly as everyone else. *[Laughter.]*

Mr McNarry: On a point of order, Mr Speaker.

Mr Speaker: I will take Mr McNarry's point of order, and we then really need to try to move on.

Mr McNarry: Returning to the seriousness of the issue, I concur with what you said, Mr Speaker, and ask the House to support the direction in which you pointed it. However, those who would consider simultaneous translation facilities might also bear in mind that a great number of Members do not wish to avail themselves of that service.

Mr Speaker: Order. I very much note what the Member said.

Order. This is a matter for the Commission, and I am sure that the Commission will deal with it if its members raise the issue, which they have not done up to now.

EXECUTIVE COMMITTEE BUSINESS

Diseases of Animals Bill

Final Stage

The Minister of Agriculture and Rural Development (Ms Gildernew): I beg to move

That the Diseases of Animals Bill [NIA 22/07] do now pass.

At the outset, Cheann Comhairle, I want to say that, sometimes, I would benefit from simultaneous translation when some of the Members opposite are speaking in English. *[Laughter.]*

I am absolutely delighted that the Diseases of Animals Bill has reached its Final Stage. It was one of the first topics that were put in front of me when I was appointed Minister of Agriculture and Rural Development in May 2007. At that time, the focus was on issues that had arisen from the foot-and-mouth disease outbreak in 2001, which clearly indicted that the Department needed to review and update its powers to deal with outbreaks of serious disease.

Since then, of course, the threat to the agricultural industry has widened to include avian influenza and bluetongue. In the future, the industry will, undoubtedly, face threats from other new and emerging diseases. One thing is certain: we simply cannot afford to be complacent. The consequences of a full-scale disease outbreak here could be disastrous for the agrifood industry and economy. If vital export markets are lost, they will be very difficult to regain in today's highly competitive trading conditions and economic climate.

First and foremost, farmers and everyone else who is involved in the industry must do everything that they possibly can to keep disease out. However, if the unthinkable happens and there is an outbreak, robust powers will be needed to stamp it out quickly. It is in that context that I introduced the Bill to the Assembly in June 2008.

It is an appropriate moment to remind the House of the aims of the Diseases of Animals Bill. First, it will protect the North's animal-health status through enhanced disease-prevention, biosecurity and control measures. Secondly, it will enable policies to be introduced to reflect the latest developments in research and technology to trace and combat disease. Finally, it will ensure that appropriate enforcement powers are available and that the rights of innocent farmers are protected.

Those aims are, I believe, supported by all right-thinking people in the agrifood industry. However, in bringing the Bill forward I was conscious of the apparent lack of trust and confidence between farmers and my Department. That has concerned me greatly.

As Minister, I want to address that. There is no doubt that relationships must be built on mutual trust and respect. To that end, I will look at future initiatives that could improve or tackle that perception and assist in developing a better working relationship between farmers and my Department. A good example of how departmental vets already tackle that is through my brucellosis initiative, whereby they, together with vets from the South of Ireland, have worked in partnership with farmers in local brucellosis working groups with some success and are building good working relationships with farmers on disease-control measures.

I wanted the Diseases of Animals Bill to be subject to intense scrutiny by the Committee for Agriculture and Rural Development and stakeholders. I am glad to say that that is what happened. I believe that that type of scrutiny helps to develop better relationships between my Department and the farming community.

The Bill is the first that I have taken forward and the first to be scrutinised by the Committee for Agriculture and Rural Development during the current mandate. I want to formally thank the Chairperson, Deputy Chairperson and members of the Committee for their extensive consideration of the Bill and for the publication of two comprehensive reports. I am particularly grateful to the Chairperson and Deputy Chairperson for making themselves available to me on several occasions during the summer to discuss the Bill's provisions on biosecurity.

The Committee suggested a number of important amendments to provide greater transparency and reassurance about the way in which the Department conducts its business on the ground. I fully support the Bill's emphasis on openness, transparency and accountability. I was glad to accept the Committee's suggestions.

The former Committee Chairperson often said most emphatically that there can be no hiding place for those who would sacrifice the reputation of our industry for short-term gain. I am satisfied that the Bill has struck a balance between protection for the vast majority of conscientious law-abiding farmers and the need for measures to deal with those who would bring the industry to its knees for personal gain.

The Bill, as it stands to be voted on by the Assembly, shows how a Minister, Department and Committee can work together on legislation to achieve a positive outcome and can produce a robust and significant piece of legislation, which, I must say, is a somewhat different and much improved version of the Bill that was presented to me on my first day in office in 2007.

I look forward to continuing that productive work with the Committee during its consideration of the Forestry Bill and the two further Bills that I hope to

introduce to the Assembly next year on the welfare of animals and dog control.

11.15 am

I thank all the stakeholders who responded to the consultation on proposals for the Bill; their comments were helpful in determining its final shape. I pay tribute to the Ulster Farmers' Union for working with me and my officials on the Bill and for their constructive comments and advice. The role of the union in developing legislation such as the Diseases of Animals Bill is crucial to ensure that a fair balance is struck between the need for regulatory controls and the industry's ability to operate without unnecessary interference by government.

I thank officials in the Office of the First Minister and deputy First Minister, the Office of the Legislative Counsel, the Departmental Solicitor's Office and the Assembly Bill Office, which gave us much support and advice. I also thank the Committee Clerk and his staff for their support and commitment, and my departmental officials, including my permanent secretary, who worked hard on the Bill to achieve such a good outcome. I am grateful to all of them.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Paisley Jnr): I will try to speak slowly and clearly so that the Minister and the Members opposite fully understand the import of what is said and how it is said.

The Bill passed from Second Stage to Committee Stage some 15 months ago. When it came before the Committee, members were told that the principles of the Bill covered three key areas: the enhancement of existing disease prevention, biosecurity and control measures, including the slaughter of animals and poultry with disease and the specification of Transmissible Spongiform Encephalopathies (TSEs); the creation of new offences and provision for enforcement of the law against them; and enabling the Department to prepare guidance on biosecurity.

Machiavelli has stated:

"It is necessary for him who lays out a state and arranges laws for it to presuppose that all men are evil and that they are always going to act according to the wickedness of their spirits whenever they have free scope."

I suppose it is with that in mind that the Minister said that there is a lack of trust between farmers and the Department.

A great deal has been learned in taking the Bill through to its concluding stages. When the Committee considered the Bill, members felt that it was important that the powers detailed in it not only provided the Department with the ability to enforce them but that, in doing so, the Department avoided presupposing that the industry was in some way at fault and that it

needed to be corrected. The Committee, therefore, sought to ensure that the Bill also provided protection to the industry, to the needs of the wider Northern Ireland economy, to individual businesses and to farm families from excessive use of the departmental powers prescribed in the Bill while ensuring that it brought the full effect and severity of the law on the minority of criminals who continue to place our industry in jeopardy. I believe that the Committee has achieved that objective, and it commends the Bill.

The Committee has agreed the enhancement of existing disease prevention, biosecurity and control measures that are relevant to TSEs. However, it is no secret that the Committee sought to have the Department enforce the eradication programme for TB. The Committee believes that sufficient evidence has been presented to demonstrate the failure of the current policy. The Department states that it has substantially reduced the disease from the high incidence levels that were identified in 2002, but we need to examine that claim. As a consequence of BSE, it became necessary for herds to be housed and not moved, which helped to create the environment and conditions for other diseases, in particular TB, to rise. Incidence levels are the same now as they were before BSE. Almost 10 years and £200 million later, there has been little progress on TB. That continues, and the Department has returned £0.5 million from the key departmental badger prevalence study in the December monitoring round because progress had been slower than anticipated.

The Committee has agreed the policy associated with the enhancement of control measures that are relevant to TSEs, but it cautions the Department about the need for control measures for all diseases to bring about real changes to real disease problems and to alleviate Northern Ireland's economy of the burden of spending £125 million over the next five years in pointless pursuit of the current TB maintenance policy. It is not an eradication policy.

I now draw Members' attention to the protection offered by the second principle of the Bill, namely the creation of new offences and the provision of enforcement. As with the previous point, there was initially a difference of opinion, with the Department proposing a level of punitive penalties that the Committee considered to be too lenient. However, to the great credit of the Department, disagreement on that point did not last too long. Indeed, the Committee commends the Department for pursuing the issue of greater punishments through the Minister of State. No doubt the Department will unite with the Committee in sending out a strong and clarion message to criminals who place the industry at risk that the full power of the law will be brought upon them at every given opportunity.

As stated, the Committee wanted to ensure that a high level of protection was afforded to the wider industry and individual businesses. The Committee was successful in ensuring that the painful lessons that were learned during the alpha-nortestosterone debacle do not reoccur by insisting that the powers of entry proposed by DARD include access, third-party aids and search liaison officers for farmers. There is now greater transparency than ever before in the exercise of those powers. I think that that will, as the Minister said, go some way to ensuring that trust is built between the farming community and the Department.

The Committee objected to the introduction of fixed penalties, and that has led to the removal of the relevant clause at Consideration Stage. There was too much scope for the misuse of that power, and the Committee heard about concerns that innocent farmers might accept a penalty as being a cheaper option than being pursued through the courts.

Finally, the Committee recommended that the Department should limit its proposal to reduce compensation where there is evidence of poor biosecurity — specifically, poor biosecurity for brucellosis. That proposal would have prevented the Department from potentially targeting other diseases, such as TB, and would have brought about cost-saving efficiencies rather than the eradication of the disease.

As the Minister said, the Committee has been very exacting in its scrutiny of the Bill. It has taken what was presented and honed that into a very good piece of legislation. The Bill provides the necessary but balanced powers that are required to enhance disease controls and the punitive powers to discourage criminals, while offering protection to the law-abiding majority of farm businesses. Furthermore, the Bill, in conjunction with the Department, no longer suggests that all men are evil.

Like the Minister, I commend her Department's team for its interaction with the Committee, my Committee team, the Office of the Legislative Counsel and the Bill Office. The Committee for Agriculture and Rural Development commends the Bill.

Mr Savage: The Diseases of Animals Bill is very important to the agriculture industry in Northern Ireland. I know that things had to be done to bring the industry up to speed for the twenty-first century. The Bill has been the subject of a lot of discussion in the Committee and at its various other legislative stages over the past number of months. I know that many Committee members did not always see eye to eye with the Minister about some of the things that had to be done. However, common sense prevailed. These things had to be done to bring Northern Ireland into line with the rest of the UK. I support everything that has been said.

The Minister of Agriculture and Rural

Development: Go raibh maith agat, a Cheann Comhairle. I thank the Chairperson and the Member for their contributions to the debate. I will respond quickly to a couple of the issues that were raised. I again emphasise that the slower than anticipated progress on the issue of TB, which the Chairman mentioned, does not relate to the eradication of TB but to the tendering process, and I accept that there have been difficulties with that.

The Member raised the issue of penalties, and, again, we were keen to work with the Committee and take its recommendation on that. The Member also mentioned the alpha-nortestosterone incident. If such an incident were to happen again, I am hopeful that the Committee would agree that it would be handled in a very different way, because the recommendations from the Ruddock report, and others, have been implemented by my Department.

Clause 8 is not aimed at efficiency savings or cutting costs. The emphasis, and our entire focus, is on eradicating brucellosis, and clause 8 very much comes at it from that point of view. Although it will have the impact of cutting costs, the main purpose of clause 8 is to eradicate the disease and to remove one of the horrible difficulties that farmers have to contend with on a weekly basis.

In conclusion, I am confident that the powers in the Diseases of Animals Bill will help protect and improve our animal health status through effective disease prevention, improved biosecurity and robust enforcement measures. The availability of powers to deal quickly and effectively with a disease outbreak will also minimise the impact on the agrifood industry and will protect vital export markets. The agrifood industry can be reassured by the measures in what is an important Bill.

Question put and agreed to.

Resolved:

That the Diseases of Animal Bill [NIA 22/07] do now pass.

Pensions Regulator Tribunal (Transfer of Functions) Bill

Accelerated Passage

The Minister for Social Development (Ms Ritchie): I beg to move

That the Pensions Regulator Tribunal (Transfer of Functions) Bill proceed under the accelerated passage procedure.

The Pensions Regulator Tribunal is an independent appeal tribunal established to hear appeals against determinations of the Pensions Regulator for example, a decision to impose a financial penalty, the suspension or prohibition of a trustee, a contribution notice or a winding-up order. Tribunal members are required to have special experience of the financial regulatory environment and/or the operation of pension schemes.

Unlike the appeal bodies for social security, the Pensions Regulator body operates on a UK-wide basis. By way of a transfer Order, the Lord Chancellor proposes to transfer the functions and members of the Pensions Regulator Tribunal to the new Tribunals Service structure with effect from 6 April 2010. From that date, the existing Pensions Regulator Tribunal structure will cease to exist. However, the Lord Chancellor does not have the power to effect the transfer of the tribunals function in relation to Northern Ireland. The Bill is a purely technical measure to effect the transfer of functions of the Pensions Regulator Tribunal, in respect of Northern Ireland, to the new Tribunals Service structure. The Bill merely gives effect to the transfer of functions simultaneously with England, Scotland and Wales. Rights of appeal against a determination of the Pensions Regulator remain unchanged, and appeals against determinations of the Pensions Regulator will continue to be heard by an independent appeals tribunal under the new structure. In practical terms, the only difference for the end-user will be the name of the tribunal.

During Second Stage, I will explain the background to the Bill and outline its provisions in more detail. The provisions of the Bill ensure that, in transferring the functions of the Pensions Regulator Tribunal to the new Tribunals Service structure, the right to a fair and independent appeal is maintained for people in Northern Ireland. It is important that people here continue to have the right of appeal to an independent appeal tribunal in relation to determinations of the Pensions Regulator, not least to ensure compatibility with article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

If we were to use the normal Bill procedure, we could not be sure that the functions would transfer simultaneously in Britain and Northern Ireland. That could result in a person in Northern Ireland having no

right of appeal to an independent appeal tribunal against a determination of the Pensions Regulator. All Members will agree that the right of appeal is fundamental and that we cannot endorse a situation in which people in Northern Ireland are deprived of that. That would be wrong in principle. We must ensure that appeal rights remain fully compliant with the Convention for the Protection of Human Rights and Fundamental Freedoms. It would not be right to take the risk that is inherent in the normal Bill procedure, which would leave people in Northern Ireland without the right of appeal.

The use of accelerated passage will ensure that this technical Bill can effect the transfer of functions. It will also allow my Department to make the necessary subordinate legislation to ensure that people in Northern Ireland continue to have a right of appeal to an independent tribunal against determinations of the Pensions Regulator.

11.30 am

In summary, the provisions of the Bill merely give effect to the transfer of functions of the Pensions Regulator Tribunal to the new Tribunals Service structure to bring us in line with England, Scotland and Wales. The Bill's provisions are purely technical in nature to bring about that transfer. I am sure that Members will support the motion for accelerated passage to ensure that the right to a fair and independent appeal is maintained for people in Northern Ireland when the Pensions Regulator Tribunal is abolished. The granting of accelerated passage means that the Bill will not have a formal Committee Stage. There will be an opportunity for all Members to make their views known and for issues to be fully discussed at the Second, Consideration and Further Consideration Stages.

The Chairperson of the Committee for Social Development (Mr Hamilton): On 26 November 2009, the Minister attended a meeting of the Committee for Social Development to explain her reasons for requesting that the Pensions Regulator Tribunal (Transfer of Functions) Bill be subject to the accelerated passage procedure. As required by Standing Orders, the Minister also outlined the consequences of accelerated passage not being granted. The Committee listened very carefully to what the Minister said and considered further evidence from expert witnesses from the Pensions Advisory Service.

As the House knows, the Pensions Regulator provides the regulatory function for work-based pension schemes throughout the United Kingdom. The regulator undertakes an essential role, including the protection of pension scheme members' benefits and the promotion of good administration by work-based pension schemes. To achieve that, the Pensions Regulator has a number of tools at his disposal, including improvement notices and financial direction

statements. When a pension scheme operator disputes a determination by the Pensions Regulator, it may appeal to the Pensions Regulator Tribunal. The tribunal is an independent UK-wide body that can consider and overrule a determination by the Pensions Regulator.

As the House has just heard from the Minister, the Bill provides for the transfer of the functions of the Pensions Regulator Tribunal in Northern Ireland to the Tribunals Service with effect from 6 April 2010. As all Members will be well aware, the granting of accelerated passage would deprive the Social Development Committee of the opportunity to review the Bill in Committee. The Committee Stage of a Bill is a very important part of any Statutory Committee's work, so it was with great care and consideration that the Committee considered the proposal for accelerated passage for the Bill.

Given the assurances received from the Minister and the independent advice that it received from the Pensions Advisory Service, the Committee came to the view that it had no issues with the principles of the Bill. The Committee felt that the Bill would have a negligible impact on the services that are provided by the Pensions Regulator Tribunal. The Committee consequently accepted that further detailed scrutiny of the Bill would be unnecessary. The Social Development Committee agreed to support the accelerated passage procedure for the Pensions Regulator Tribunal (Transfer of Functions) Bill.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. When any Minister brings legislation before the Assembly and asks for accelerated passage, that request has to be carefully looked at. As the Chairperson stated, the Committee was given assurances, and it looked carefully at the Bill. In this case, it seems that accelerated passage is appropriate.

Given the specialised nature of such tribunals, cohesion of appeals seems to be practical. As the Minister said, people to whom the legislation applies will have the right to a fair and independent tribunal. It is worth pointing out that, to date, none of those appeals has ever been heard in the North. Accelerated passage is appropriate in this case.

Mrs M Bradley: I welcome the fact that the Minister brought the motion to the House. I support accelerated passage; it is right that the people of Northern Ireland have the same opportunities as everyone else.

Ms Lo: We support the principles of the Bill and the granting of accelerated passage. It is important that people in Northern Ireland have rights that are in line with those that are provided under UK legislation.

The Minister for Social Development: I thank the Chairman of the Committee for Social Development, and I also thank Mr Brady, Mrs Bradley and Ms Lo for their remarks. I am pleased with the Committee's

approach to the issue and with its unanimous support for accelerated passage.

We all agree that the right of appeal is a fundamental right. The use of accelerated passage will ensure that this technical Bill can effect the transfer of functions and allow my Department to make the necessary subordinate legislation to ensure that the people of Northern Ireland continue to have a right of appeal to an independent tribunal against determinations of the Pensions Regulator.

Subject to the Assembly's approval of accelerated passage, I look forward to further discussion on the Bill at its Second Stage. I appreciate the support across the House for accelerated passage for this technical but important legislation. Given that we can use the accelerated passage procedure, it would be wrong to risk leaving people in Northern Ireland without a right of appeal against the determinations of the Pensions Regulator.

Mr Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Pensions Regulator Tribunal (Transfer of Functions) Bill [NIA 4/09] proceed under the accelerated passage procedure.

Pensions Regulator Tribunal (Transfer of Functions) Bill

Second Stage

The Minister for Social Development (Ms Ritchie): I beg to move

That the Second Stage of the Pensions Regulator Tribunal (Transfer of Functions) Bill [NIA 4/09] be agreed.

Given that the Bill's Second Stage immediately follows the motion to agree accelerated passage, Members will be familiar with some of my comments. However, I trust that Members will bear with me as I address the Bill's proposals in greater detail.

The Pensions Act 2004 established the Pensions Regulator on a GB and NI-wide basis. The Pensions Regulator's primary aims are to protect the benefits of members of work-based pension schemes, to reduce the risk of situations that may result in calls on the pension protection fund and to promote and improve understanding and good administration of work-based pension schemes.

The Pensions Regulator tries to prevent problems developing and, if potential problems are identified, provides support and advice to scheme trustees, administrators, employers and so on. In addition, the Pensions Regulator has a range of powers that allows it to carry out investigations, impose financial penalties and prohibit unfit people from acting as trustees of schemes. Moreover, it can instruct schemes, employers and so on to carry out certain actions to, for example, secure the proper running of the scheme and to ensure that adequate funding is in place.

The Pensions Regulator Tribunal is an independent appeal tribunal that was established to hear appeals against determinations of the Pensions Regulator. Tribunal members are required to have special experience of the financial regulatory environment and/or the operation of pension schemes. Unlike the appeal bodies for social security, the Pensions Regulator Tribunal operates on a GB and NI-wide basis, and its functions, as is the case with the Pensions Regulator, are conferred by GB and Northern Ireland legislation.

The Tribunals, Courts and Enforcement Act 2007 provides for a new, simplified statutory framework for tribunals and brings existing tribunal jurisdictions together. That Act provides for a new unified structure by creating two new tribunals — the First-tier Tribunal and the Upper Tribunal — and gives the Lord Chancellor the power to transfer the jurisdiction of existing tribunals to the new tribunals structure. The Lord Chancellor proposes to transfer the functions and members of the Pensions Regulator Tribunal to the Tribunals Service with effect from 6 April 2010. The

existing Pensions Regulator Tribunal structure will, therefore, cease to exist.

The Lord Chancellor, however, does not have the power to effect the transfer of the Pensions Regulator Tribunal's functions in relation to Northern Ireland. Given the specialised nature of the Pensions Regulator Tribunal's work and the small number of appeals UK-wide, it would not be practicable to establish a separate tribunal for Northern Ireland. To date, there have been no appeals in Northern Ireland.

The Bill is strictly a parity measure to effect the transfer of the Pensions Regulator Tribunal's functions in respect of Northern Ireland to the new Tribunals Service simultaneously with Britain. The Bill corresponds to the provisions of the transfer Order that applies to England, Scotland and Wales. It allows consequential amendments to be made to primary legislation and re-enacts existing provisions relating to offences; for example, when a person fails to present documents to the new tribunals. It includes provision to allow the Department to make corresponding amendments to subordinate legislation by way of an Order, subject to the confirmatory procedure. It also makes transitional provision to ensure a smooth transfer — for example, of cases that are already in process at the date of transfer — to the new structure.

The provisions of the Bill are purely technical in nature and will effect the transfer of functions so that people in Northern Ireland can continue to have rights of appeal to an independent tribunal. Rights of appeal against a determination of the Pensions Regulator remain unchanged. Appeals against determinations of the Pensions Regulator will continue to be heard by an independent appeal tribunal under the new Tribunals Service structure.

The Chairperson of the Committee for Social Development (Mr Hamilton): We are experiencing Pensions Regulator overload. Members cannot leave the House today saying that they do not know anything about the work of the Pensions Regulator.

At the risk of repeating what the Minister said word for word, I want to make some remarks on behalf of the Committee for Social Development. The Committee considered the principles that underpin the Pensions Regulator Tribunal (Transfer of Functions) Bill at a number of meetings in November 2009. As the Minister said, the Pensions Regulator Tribunal is an independent appeal tribunal, which was established under the Pensions Act 2004 and which hears appeals against determinations of the Pensions Regulator.

The Pensions Regulator's powers involve the collection of information on occupational pension schemes, actions to safeguard pension scheme members' rights, and the minimisation of risks to the pension protection fund through, for example, freezing orders,

the recovery of unpaid contributions, and the issuing of improvement notices, financial support directions and restoration orders. Everyone will agree that those are significant regulatory powers and that they are necessary to ensure confidence in the work-based pension schemes in all parts of the United Kingdom.

A good regulatory regime must ensure proportionality, consistency and accountability, and it must be targeted where regulation is most needed, but, most crucially, regulation must be transparent. The key guarantor of those better regulation principles is an independent appeal function, and, in the case of pensions, the Pensions Regulator Tribunal provides that important function.

Although there are many work-based pension schemes in the United Kingdom, the services of the Pensions Regulator Tribunal have not been used excessively since its inception in 2004. Indeed, in its evidence to the Committee for Social Development, the Pensions Advisory Service indicated that, of the eight appeals to the Pensions Regulator Tribunal that were made throughout the UK in the period, only one has proceeded to consideration by the tribunal itself, and it is understood, as the Minister said, that none of those eight cases was related to work-based pension schemes in Northern Ireland.

Despite the presence of the Pensions Regulator Tribunal and its remit in respect of the whole of the United Kingdom, it is an essential part of the regulatory regime that maintains confidence in our occupational pensions system. As Members will be aware, the Department for Social Development has introduced the Bill in order to effect the desired transfer of functions in Northern Ireland from the Pensions Regulator Tribunal to the First-tier Tribunal or the Upper Tribunal of the Tribunals Service.

11.45 am

The Department advises that the Bill will have a minimal impact on the services provided by the Pensions Regulator Tribunal in Northern Ireland. The Department has indicated that cases started in the Pensions Regulator Tribunal will simply be transferred to the Tribunals Service. It is understood that, in those instances, the same tribunal members will continue to hear the case.

The Department has also indicated that directions on orders made by the Pensions Regulator Tribunal before the transfer will continue to be enforced as if they were directions or orders of the Tribunals Service. The clarifications provided by the Department in that regard are most welcome and have served to assure the Committee that the Bill will, in principle, lead to no detriment to the people of Northern Ireland.

The Department has advised that the provisions of the Bill continue the long-standing principle of parity between Northern Ireland and the rest of the United

Kingdom in pension matters. The majority of Committee members accept that the maintenance of the parity principle in respect of pensions, social security and child maintenance is generally beneficial to the people of Northern Ireland. I am happy to advise the House that the Social Development Committee welcomes the principles embodied in the Bill.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. The Minister has explained the technicalities of the Bill, and I am sure that I can rely on Mr Hamilton to advise me of my pension rights and my right to appeal in the future.

The Chairperson of the Committee for Social Development: I might even represent you.

Mr Brady: Thank you very much.

The Bill consolidates the appeals system and is practical. It also maintains the right to appeal to an independent tribunal against the decisions of the Pensions Regulator. I support the Bill.

Mr Armstrong: I support the Bill. It is my understanding that it transfers the functions of the Pensions Regulator Tribunal, insofar as they relate to Northern Ireland, to the new tribunal structure created by the Tribunals, Courts and Enforcement Act 2007. The 2007 Act amounted to the most important change in the tribunals system for almost 50 years. The modernisation of the system in the United Kingdom was necessary, as the number of cases being dealt with has increased significantly over recent decades. More cases are now heard at tribunals than in courts. There are 70 different administration tribunals in existence, and it is clear that a more co-ordinated approach was needed, with a common landscape of standards and performance accountability. To that end, I support the transfer of the Pensions Regulator Tribunal to the new system.

Pensions systems have undergone much upheaval in the past decade. I support the Bill, but there are a couple of areas of concern that the Minister may be able to clear up. What level of tribunal services will be available in Northern Ireland? Will there be a local first-tier tribunal located here and, if so, where? Also, where will the upper tribunal be situated? There is always a concern that in the co-ordination of these systems some local services might be lost. I seek confirmation from the Minister that these reforms are purely organisational and not location-driven.

Mrs M Bradley: The Minister and the Chairman of the Committee have explained everything clearly. The important thing is that we protect what we have for the people of Northern Ireland. I support the Bill.

Ms Lo: I support the Bill. People pay into occupational pension schemes for many years, and it is important that we have a fair and effective system to safeguard those schemes. It is also important that people in

Northern Ireland continue to have a right of appeal to an independent tribunal in relation to the determinations of the Pensions Regulator. However, will the Minister clarify whether there is just one tribunal, in England? If so, what happens if people in Northern Ireland want to make use of the system? Do they have to go to England, or will a tribunal be set up in Northern Ireland to deal with the issue?

The Minister for Social Development: I thank the Chairperson of the Committee for Social Development and the other Members — all of whom are Committee members — coincidentally, for their contributions. I listened carefully to all the points that Members made, and I will address the concerns that were raised by Mr Armstrong and Anna Lo.

Their concerns related essentially to Northern Ireland cases in which the Tribunals Service is required. Will the person involved have to go to England, or can a tribunal be established here to deal with the case in Northern Ireland? I advise both Members that, if a Northern Ireland case should arise, a tribunal will be convened locally; that is only right and proper. Why should people who may have other disadvantages or be unable to travel have to go to England? If we want to support the legislation, provision must be made for tribunals to be held locally.

It is interesting to note that there have been no appeals in Northern Ireland to date. However, it is important that people in Northern Ireland continue to have a right of appeal to the independent appeal tribunal in relation to determinations of the Pensions Regulator. The Bill ensures that the right to a fair and independent appeal is maintained in the transfer of the functions of the Pensions Regulator tribunal in Northern Ireland to the new Tribunals Service. I hope that I have addressed fully all the points that Members raised. Northern Ireland-specific cases will be dealt with here to provide an opportunity and some comfort for the people involved. I will read carefully the Hansard report of today's debate and write to any Member who raised a matter that I have failed to address.

Question put and agreed to.

Resolved:

That the Second Stage of the Pensions Regulator Tribunal (Transfer of Functions) Bill [NIA 4/09] be agreed.

Mr Speaker: We were due to move to the Second Stage of the Wildlife and Natural Environment Bill, but the Minister of the Environment is not in his place. Therefore, I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The next item on the Order Paper is the motion on foster care.

The sitting was suspended at 11.53 pm.

*On resuming (Mr Speaker in the Chair) —
2.00 pm*

PRIVATE MEMBERS' BUSINESS

Foster Care

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.

Mr Shannon: I beg to move

That this Assembly notes the fact that there are not enough foster carers, with 200 long-term carers currently being required and half of carers being of retirement age; further notes that those people who provide foster care do not receive enough support; and asks the Minister of Health, Social Services and Public Safety to initiate, as a matter of urgency, a new policy on foster care.

We tabled the motion some time ago, so it is good to have the opportunity to draw it to Members' attention. We seek support from the Members who are present and from the Assembly as a whole.

Some of the statistics give a cold idea of where we are. On any given day in the UK, 51,000 children live with 43,000 foster families. The shortage of foster carers means that local authorities and health and social care trusts in Northern Ireland are often forced to place children where there is a vacancy, rather than with the foster family that best meets the individual needs of the child. Not having enough foster carers means that children may be forced to change schools and move a long way from family and friends. Indeed, those are the experiences of some of the people whom I represent. Foster carers and children who experience a breakdown in a placement invariably suffer as a consequence. That is a side effect of what happens. Very little has been done in recent years to profile the foster care workforce, and that is something that we have to try to do here today.

Against that background, the Fostering Network contacted other Members and me to look at the age of current foster carers so that we could identify whether there are any immediate concerns about the future of foster care provision. In March 2009, the Fostering Network analysed a sample of 11,000 of its foster carer members. The results were quite illuminating. They showed that 94% of foster carers are aged 40 and over and that 65% are aged 50 and over. I am not ageist, especially given that I fit into that category, however, although there is, rightly, no upper age limit for fostering, the figures suggest that a huge proportion of the workforce

could choose to retire over the next 10 to 15 years. That is the crux of the matter, and it would be cause for concern in any sector. Therefore, it is crucial that more people of all ages come forward to foster.

The average age of foster carers is rising significantly. According to the most recent comparable study, in 2001 the average age of a female foster carer was 46. Today, it is 53. For the men folk foster carers the average age has risen from forty seven to fifty five over the same period. A more recent study carried out by the Fostering Network in Scotland found that just two percent of carers were under forty years of age and that just a when of young foster carers were being taken on. The new survey found that only 6 percent of that current foster care workforce is under forty. Over the same period, the average age of male foster carers has risen from 47 to 54. A more recent study that the Fostering Network in Scotland carried out found that only 12% of foster carers were under 40 years of age and that fewer younger foster carers were being recruited. That survey found that only 6% of the current foster care workforce is under 40 years of age. Unless the recruitment of new foster carers of all ages is stepped up sharply, there will be a far higher deficit of foster carers in the near future. It is vital that national and local governments put in place measures to ensure that the shortage of foster carers is not more severe in 10 or 15 years.

Most fostering services succeed in replacing the 10% of the workforce that ceases fostering every year. In that way, they maintain their pool of available foster carers on a year-on-year basis. However, local authorities are struggling to achieve an increase in that pool. Hence, they are not recruiting sufficient foster carers to cope with the potential rise in retirements, so a real problem looms on the horizon.

Some evidence shows that independent fostering providers have been more successful in increasing the supply of foster carers, but the overall shortage of foster carers continues. That situation is likely to get worse. There are also specific acute shortages that fostering services are attempting to address. Those include finding foster carers to care for teenagers, either on a short-term or long-term basis, caring for children with disabilities and finding foster carers from some ethnic minority communities.

Furthermore, although many people come to fostering with a range of relevant experiences, it can take several years to develop all the skills that are needed to foster. In the coming decade, as the most experienced foster carers retire, it will become increasingly difficult to find the right foster carers when and where they are needed for children coming into care. That is the crux of the matter, which is why we tabled the motion.

Although there are no age limits for people who apply to foster, all applicants must attend training courses and undergo a thorough assessment to ensure that they are capable of taking on that demanding job. I know a number of foster carers who do good work in my constituency, and they have a constructive attitude to building character in the children whom they foster.

Foster caring tends to attract mature individuals, many of whom have experience of working with children or of bringing up their own family. Sometimes, it is good to have that base, but it is not the only basis on which to become a foster parent. The breadth of experience that older foster carers can offer is welcome, and I recognise the value of their knowledge and skills. However, although it is essential that people who are aged 50 and over continue to come forward, fostering now also needs to appeal to the untapped pool of people with relevant skills, qualities and experience who are in their 20s, 30s and 40s, particularly given the increased trend towards long-term fostering, whereby a foster carer might look after the same child or sibling group for up to 15 years or more. Foster carers in their 20s, 30s and 40s are also generally the best-placed group to provide stability to children who need long-term care. Therefore, we must consider that group with respect to long- and short-term fostering.

Foster care placements can vary from a few days or months to 15 years or more, and we have all heard of such experiences. In 2000, the average placement was for seven years, which accounts for a critical part of any young person's life and helps to build his or her character for adulthood and his or her future place in society. The trend towards long-term fostering means that more foster carers are required to offer a home to children for as much as 15 years or more. In general, people in their 20s, 30s and 40s are best able to meet that need.

We need urgent action to prevent a crisis in foster care, and fostering services must aim to recruit more carers. I shall outline several ways in which that could happen. Fostering services should review their promotional activity and the age and type of people who are applying to foster, and they must identify any gaps in the recruitment of younger people and the factors that might motivate that group to foster in the future. In other words, how do we encourage people to take on fostering as a vocation? Fostering services must undertake a full audit of their workforces to assess the potential retirement ages of foster carers and put in place a strategy to replace their expertise before it is lost from the service. We do not want to lose that experience and ability. Fostering services must make use of foster carers to mentor new recruits and to help them to develop their skills and experience.

To recruit enough foster carers, fostering services must be adequately funded so that all foster carers

receive appropriate fees and allowances. People must be able to afford to foster, so an adequate financial package must be in place. The current package needs to be improved.

We must work with fostering services and awarding bodies to develop nationally accredited training courses that are accessible to all foster carers at times and in ways that fit in with and around their working lives. We must be more flexible about how we do that. A standardised and accredited framework for professional development is also required.

We must recognise foster carers as equal partners in the team that surrounds a child. Let us remark on their role and the job that they do. We must accord foster carers the status and authority that allows them to help children in their care to lead a normal life.

Workforce statistics must be made available annually and include a breakdown of demographics such as age, gender, ethnicity and religion as well as the type of foster care that individuals are approved to offer and the length of time that they have been fostering. All those matters are vital when it comes to doing better. Opportunities must be explored through social marketing and other methods to motivate a greater number of people of all ages to consider a career in fostering as well as other roles in the children's workforce.

Unlike in other parts of the UK, in Northern Ireland, fostering services remain unregulated. Indeed, there has been only one inspection of fostering services here since the inception of the NHS in 1948, and that was in the late 1990s. We need new legislation to allow the introduction of minimum standards and fostering regulations to monitor and to ensure consistency in service provision across all sectors, whether public, voluntary or private.

Consultation on the draft minimum standards took place at the end of 2004, but, to date, there has been no movement on it. The consultation on the draft regulations closed in November 2008, but there has been no outcome to that either. I know that the Minister will refer to that in his response, but I ask him to incorporate it in any review that he implements.

Many statistics were given, but I do not want to forget the main reason why we are debating the motion: to ensure that children who have had a rough time and who, for one reason or another, have been placed in care have the assistance of people who are equipped to help them and able to provide a stable and happy home life for them. That is important. Those vulnerable children need our help, and change must happen to enable that help to be provided. I ask the Minister to do just that.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I thank the Members who tabled the motion, because foster carers do a fantastic job, often in difficult

and challenging circumstances, providing a stable home for the child or young person who requires it.

Fostering is often a temporary arrangement, and many foster children return to their own family. However, at any one time, there are approximately 2,500 children living with foster carers across the North. We must do all that we can to make certain that there is foster care to ensure that placement choice is improved and that, at any given time, there will be appropriate carers to allow children to be matched to the care that is most suited to their needs. When moving the motion, Jim Shannon said that children are often placed in vacant positions rather than in positions that best suit their needs.

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

In preparation for today's debate, I contacted a family in my constituency who are long-term foster carers. Frank and Susan Gervin have fostered almost 140 children since 1975, five of whom they adopted. I commend them for their commitment and dedication to looking after those children who have been most in need. When I asked Susan why she did it, she said that she was motivated by her love of working with children and by the knowledge that she was providing a stable environment for them.

The Gervins are voluntary carers who have witnessed many changes in how fostering has developed over the years. They recognise the need for more foster carers. Frank and Susan are in their 60s and should be retired, but they are so dedicated to the children that they will not stand down from their fostering role. They are afraid that, if they do, there will not be enough foster carers in the Southern Trust to provide the daily support that they offer.

The motion notes that there is not enough support for foster carers. One of the benefits received by a child who goes into foster rather than residential care is the opportunity that he or she gains to share in family life. However, there needs to be a cultural shift to ensure that that can happen. For instance, foster carers should have the authority to make everyday decisions on behalf of the child, and that has to be introduced without unnecessary delays or restrictions. Jim Shannon said that foster carers need to be equal partners in the decision-making process of the team that surrounds the child; they need to be valued as the experts, because it is they who care for and know the child, and their views should be given equal consideration. They are not being given equal consideration now. Foster carers should be recognised as part of the children's workforce, and they should be registered with an approved body.

Pay and remuneration for foster carers also need to be looked at. In this day and age, most households depend on two incomes for survival, and often those

who are interested in fostering cannot afford to do it. Unless there is reasonable pay to attract more foster carers, we will not be able to recruit the numbers that we need.

There have been improvements in foster care support over the years, but our message today is that we will not let down children or foster carers, and the Department must do all that it can to support foster carers in their role.

Mr McCallister: I thank the Members who tabled the motion. Although I support the motion and understand the reasons for it, we must be careful not to paint a negative picture of foster caring in Northern Ireland.

Fostering is a highly rewarding and worthwhile vocation that makes a real difference to the lives of thousands of young people in Northern Ireland each year. Foster parents make a meaningful contribution not only to the children whom they help but to society at large. Foster parents help to protect and support the most vulnerable in our society, and they should be commended highly for their work. They should be encouraged at every opportunity, and others should be encouraged to take up the role of foster parents.

2.15 pm

It is true that, over the next three years, we need to recruit a further 150 to 200 long-term foster carers in Northern Ireland. On any day, around 2,500 children and young people are living with foster carers. In order to provide those children with the highest standard of care, it is important that they are matched with foster carers who can meet their specific needs. It is not the case that any foster carer will do, and therein lie some of the problems. The overwhelming priority for the Department is the welfare of children, and to ensure that welfare we need more foster carers.

The need for improvement should not detract from the progress that has been made and the steps that the Minister is taking. The Minister has already met his public service agreement, which was to increase the number of foster carers across Northern Ireland by 300 from the 31 March 2006 baseline figure of just over 1,500. By December 2008, there were over 1,800 registered foster carers in Northern Ireland. That was achieved through the dedicated work of the Department and many other organisations. The Minister has taken many steps to recruit new foster carers and to improve the support for those who undertake that work.

The Minister has supported and launched recruitment schemes and has introduced a 24-hour, seven-days-a-week support service for foster carers. In November 2007, the regional fostering recruitment and training co-ordination service was set up to support the local trusts in the recruitment, assessment and training of foster carers. A television advertisement campaign and other measures have led to a significant increase in the

number of foster carers recruited over the past year. There has been an increase in foster care allowances, and there has been a concerted effort to improve the number of foster carers and the support that they receive. I hope that the Members who tabled the motion recognise that fact.

Although we must always take population size into consideration, the situation in Northern Ireland is comparable to that in the rest of the United Kingdom. There is the need for another 8,200 foster families to provide placement choices in England; Scotland needs another 1,700; Wales needs 750; and Northern Ireland needs almost 200. Therefore, we are not out of step with the rest of the United Kingdom. However, I accept, as does the Minister, that we need to continue to build on the progress that we have made.

Children in foster care are some of the most vulnerable in our society. Unfortunately, children in care often face significant hurdles in life, be it educational underachievement or a greater incidence of mental-health issues. There is also a far-reaching need to improve parenting skills and the ability of vulnerable people to look after their children. There is a need to increase the number of people who are willing and able to adopt to ensure that children get the permanent support that they need.

I support the motion, but I encourage those who proposed it to look at the positive steps that have been taken and to build on them by positively encouraging more people into foster care. Every Member knows that we are entering a period of great fiscal uncertainty and constraint, which will put further pressure on those services. It is of paramount importance that we get people to provide foster care and that we give them the support that they need. I am sure that, in his opening remarks, Mr Shannon referred to the need for financial support, and I have no doubt that he will encourage the Minister and others to provide that support.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis na Comhaltaí a chuir an rún os comhair an Tí tráthnóna inniu. I thank Mr Shannon and Lord Morrow for tabling what is an important motion. It refers to one of the most vulnerable groups in our society: looked-after children.

I have had the good fortune to have been involved in fostering as a foster carer, and I know that others in the House have had the same experience. It is an enriching experience in many ways and is at least mutually beneficial to the foster carers and the children for whom they provide care. I pay tribute to those who are still involved in fostering. We owe them a huge debt.

Fostering is not easy, either for the children, who, through no fault of their own, need to be cared for, or for the carers. Both need all the support that we can give them to make the fostering experience as beneficial

as possible to the children. The policy direction is probably right, but Care Matters needs an implementation plan and to be monitored by the Assembly. We need sufficient foster carers to provide placement choice, thereby providing more stability for children in care. That, in turn, increases the chance of children having better educational outcomes, greater security and attachments to foster carers and better mental and physical health.

It would help if we had a single database of foster carers for all Northern Ireland against which the needs of young people coming into care could be matched. That would be a significant step forward. It would allow for an audit of the current fostering workforce to assess the potential impact of forthcoming requirements and would be helpful in reviewing recruitment activities to ensure that we are appealing to people of all ages. An annual audit of the profile of foster carers is required so that we are clear that a diverse pool of people is recruited to match the needs of children. That is particularly the case for children who require long-term care.

Considerable investment is needed to make the payment of fees to the majority of foster carers a reality. In 2007, Fostering Network estimated that an additional £8 million would be required to fund a payment scheme. There is a clear need for the regulation of fostering services by the implementation of minimum standards. Northern Ireland lags behind the rest of the UK when it comes to the regulation and inspection of foster care. Jim Shannon mentioned that we have had only one inspection of foster services since the inception of the Health Service in 1948. That is alarming; indeed, it is incredible.

I appreciate the advice that I received from Fostering Network, and the report of its Together for Change campaign outlines the elements of an effective and comprehensive support service. That would include good access to and communications with the child's social worker; regular meetings with the supervising social worker; the availability of peer support; a dedicated fostering-specific out-of-hours service; and other useful proposals. It also outlines a number of important recommendations: government should set standards for the availability of support and ensure that the Regulation and Quality Improvement Authority inspects those against standards; government should commission research to evaluate support programmes and ensure effective programmes are rolled out; we need to ensure that support for foster care associations and groups is strengthened and that services are inspected for their support for such groups; we need to set standards that define independent support and require that that service is made available to foster carers —

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

Mr D Bradley: In conclusion, foster carers make a huge contribution to the lives of the children whom they foster, and the least that we can do is provide every possible intervention, support and backup for them.

Mr Easton: In addressing the need for a new policy on foster care that is fit for the twenty-first century, we are addressing one of the most vital issues to society. I place on record my deep gratitude to the foster carers with whom I have worked in my constituency of North Down and throughout Northern Ireland. Their vocation, dedication and love have transformed lives that were vulnerable and needy and given children loving care with appropriate guidance, boundaries and stimulation, affording them the opportunity to fulfil their God-given potential.

The positive contribution that foster carers make to society cannot be overestimated. It is not hard to recognise them as unsung heroes. The ripple effect of dedicated fostering will be felt for years to come in the lives of children who grow up to be responsible adults. The difficulty is that 55% of foster carers are now in their 50s, 60s and 70s. I was disturbed to read that, in the past decade, the average age of foster carers has increased by four years.

I recognise the work that is undertaken by dedicated residential social workers in children's homes. Often, they are the first point of contact when children are brought into care in an emergency, and those staff address with professionalism the physical, sexual and emotional abuse and neglect that those children have had to endure. In May, some 1,480 children were in residential homes.

The benefits of a foster home for vulnerable children are seismic, and I use that word advisedly. The consistent care and love of a family home, the application of fair and consistent boundaries and the stimulation and love that are provided by dedicated people go a massive way to meeting the physical, psychological and emotional needs of young people. Given that Northern Ireland faces a staggering deficit of at least 200 foster placements, the Minister of Health should urgently apply himself to a new policy on foster care.

Having looked at the positive aspects of foster care, I will now focus on the negative impacts of the dearth of fostering placements on the lives of vulnerable children, as uncomfortable as that may be. First, a shortage of fostering places leads to children being moved from home to home, and we already understand the impact that multiple moves have on children. Secondly, many children will be separated from their brothers and sisters, and I do not need to underline the negative effect that that has on children. Thirdly, many children will subsequently have to live a long way from their family, friends, schools and church organisations.

Such children are already vulnerable and have multiple needs. I was shocked by the fact that children in foster care are 100 times more likely to be expelled from school than their counterparts. That highlights the needs of those children.

We would do well to pay due regard to the call for action in the Fostering Network's report, which demanded that measures be put in place to ensure that there is not an even greater shortage of foster carers in 10 to 15 years. We must strive to do more to promote fostering by people in their 20s and 30s, who can provide the long-term fostering placements which are so critical for the stability of children.

Mr Shannon: Will the Member agree that the role of foster parents is critical? The Member said that children who come from broken homes are vulnerable. I am aware of a foster couple from Newtownards who took two young boys from broken homes at an early stage. Today, one of those two young men is an excellent soldier in the British Army, and the other is an assistant manager in a shop. Given the right opportunity, those children do well.

Mr Easton: I totally agree. We must look to a policy that increases the number of registered foster carers in Northern Ireland, while paying tribute to the 1,812 foster carers who are currently registered. The positive benefits to the 1,376 children who are in foster care in Northern Ireland should be recognised, and more children need foster placements. For them, time is of the essence.

Let us recognise fully the skills and knowledge base of foster carers. I note with concern that many feel that their views are not given due regard; we must do all in our power to reverse that.

Let us increase the opportunities for training and skill development, allow foster parents access to appropriate respite, support the 24/7 out-of-hours helpline and develop the educational opportunities for children in care.

2.30 pm

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. Like other Members who spoke, I thank the proposers of the motion — Jim or Jem, I do not know what the Member is today. Similar to yesterday's debate on people aged under 25 who are not in education, employment or training, it is important that in this last debate before the Christmas recess we are focusing on children, and vulnerable children at that. I also thank the Minister for attending the debate. That he has the space and freedom to take part in the debate indicates to me that we must be getting on top of the swine flu bug.

Like other Members, I acknowledge the time, effort and commitment that those people who have taken the step to become foster parents give to society. We are

all aware that a substantial number of young people would have gone on to have negative experiences had they not been fostered and brought into a loving family and home environment.

Other Members quoted statistics, and some of their comments were very relevant. However, I want to highlight a number of cases. I am aware of a 14-year-old who, since the age of three, has been subjected to more than 100 care moves, including fostering, trial homes and respite. That is over 100 moves in 11 years. That indicates to me that that child's case was not properly assessed at the outset. Whenever we hear of such cases, we must do all that is in our power to ensure that a proper care package is put in place.

Some issues that I raised in the debate that I secured yesterday about young people who are not in education, employment or training also relate to kids who are in the care system, including foster care. Is it any wonder, therefore, that some young people who have had 100 moves in 11 years sometimes find themselves in trouble with the justice system and the PSNI, and, as a result, do not achieve at school?

In saying that, however, we have moved on in recent years. In fairness to the Department of Health, Social Services and Public Safety and to those who have worked there in the past few years, there has been movement towards and a focus on children's services. We talk about the most vulnerable. However, we must make sure that we get it right whenever people find themselves, sometimes through no fault of their own, needing foster or other types of care. As a society, we have a duty to make sure that we get that right.

I agree with Jim Shannon and Michelle O'Neill when they said that individuals must be allowed to take on the role of foster parents. However, we need to take that a step further and allow them to become the corporate parents of the child in question.

Ms Anderson: Does the Member agree that the regulations that govern special guardianship, which were introduced in England and Wales in 2005, should be introduced here? Some foster carers, as has been said, are prevented from adopting because those regulations were not introduced here. In my constituency, I am dealing with a lady who has been fostering for more than 10 years. However, when she tried to adopt a child who was in placement with her for over two-and-a-half years, she was told, among other things, that she was overweight and, therefore, did not qualify to adopt.

Ms S Ramsey: That case raises a number of issues. It is OK for that person to be a foster parent for 10 years, yet when she wants to take that step to become fully committed to the child and the child's life, society says that she is OK in one sense, but not in another. We need to take that on board.

I am not keen to promote legislation and policies from other parts of the world. However, if legislation and policies in other parts of the world are right, I am keen that we lift them and adapt them to suit our needs.

We should not lose sight of the fact that some people, in fairness to them, actually take that step further, decide to give back to the community and become foster parents. What does society do in return? It throws that back in their faces. It makes them jump through hoops.

I would appreciate it if the Minister could look into another issue that struck me, and which was mentioned by my colleague Mickey Brady. It relates to the age limit for jobseeker's allowance. I know that that is a DSD matter, but will the Minister look into whether, if the youngest child of a lone foster parent who needs to claim jobseeker's allowance is 12 years old, the fact that that person continues to foster will impact on his or her benefits? If so, that will knock out of the system many people who are willing to become foster parents. It would be useful for the Assembly to find out from the Minister, through his DSD colleague, whether it will affect a person's benefits if he or she continues to foster a kid who is under 12 years of age.

I am aware that my time is almost up. I want to respond quickly to a comment that was made by John McCallister. I hope that he was not suggesting that the Assembly make further cuts in funding for children's services, particularly foster services, next year.

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

Ms S Ramsey: Dominic Bradley was given an extra 10 seconds. I propose, either in the spirit of Christmas goodwill or of "bah, humbug", that the Assembly cuts senior civil servants' and chief executives' pay. Maybe that will free up some money.

Mr Deputy Speaker: You got 11 seconds.

Mrs D Kelly: I, too, congratulate the Members who brought forward the motion, which I support.

A job of work needs to be done to dispel the myth of fostering. Many people do not fully appreciate why young people and children go into foster care. As some Members have said, it happens for a wide range of reasons. It can be due to ill health within a family or to personal circumstances. Statistics show that, more often than not, it is due to the breakdown of family relationships in the home.

We need a Minister at Executive level with sole responsibility to bring forward policies to support families, so that family units can stay together. I understand that the key criterion that is used by social services when they consider a child's needs is whether they can enable the child to remain in his or her family home. We should be looking at the range of policies that is being introduced

across government and score them on how well they support families of all shapes and sizes in the twenty-first century.

Far too many young people in the North are called "looked after children" because they are in care. Surely that says that something is wrong in society. It is my understanding that there are more children in care, per head of the population, in the North than in the Republic of Ireland or in England, Scotland or Wales. I see the Minister shaking his head. He might be able to get that one right.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): It is not true.

Mrs D Kelly: I am sorry. I was not sure whether that statistic was correct. I was told it long ago. I was not sure whether it still stacked up. That was my understanding of the statistics.

Thus far, there has been discussion about financial rewards to foster parents. Indeed, the motion calls for a new policy. Other Members talked about accreditation and greater support for foster parents. We all know that people who put themselves forward to become foster parents do not do so for financial reward; they do it to make a contribution to society and because they love children and young people.

We have all read in the media about parents who have abdicated their responsibilities. Undoubtedly, that also leads to some young people and children having to go into foster care. Far too many children, as we saw at the weekend in Derry, run the streets late at night, get involved in street violence, and take alcohol and drugs. A greater joined-up approach should be taken across government to encourage parents to fulfil their responsibilities.

There have been a number of debates on dog licensing. People need a licence to be a dog owner, but anyone can be a parent.

Ms Anderson: I agree with the Member about the incident in Derry. However, it is important that we take a balanced view: the vast majority of young people in Derry are decent young citizens, and I want that reflected in the record.

Mrs D Kelly: I accept that the vast majority of our young people are good citizens. I welcome the fact that the education curriculum now includes good citizenship. However, we should send some adults back to school to teach them how to be parents.

In Belfast, I met the Sisters of the Good Shepherd, who run a tremendous programme of outreach work to teach people how to run a home. It included the sort of thing that one's grandmother would have taught: how to bake, to cook and how to look after a house. Those life lessons are now missing, as people live increasingly

busy lives. We have lost what is important in life: the simple things.

It is ironic that, in a time of economic recession, we are seeing a return to community life. More people are choosing simpler lifestyles because they do not have as much money to spend. One has only to look at the sums that are spent on landfill. Those costs are diminishing because people do not dispose of as many things as they did a year ago. For some people, children are treated as a commodity and as though they were disposable. That should not be the case. I urge the Minister to work with his Executive colleagues to ensure greater support for families so that there is less need for children to go into foster care.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I join others in welcoming the motion and commending those who tabled it. As has been said, it is an important motion because foster carers and foster families do invaluable work in society, in communities and for the young people who need them. The motion states that we need 200 long-term carers right away. If we do not get those 200 foster carers, many children and young people will not have the support of a fostering family.

A number of Members have told of the good work that is done in their constituencies. We can all do that; I can think of a couple of families in West Tyrone who do exceptional work. As other Members have said, they do not do it for money, but because they care about society, children who come from broken homes, and for those who, perhaps for just a short time, need support and help.

The issues caused by the dearth of foster families and foster carers, as described by Mr Easton, were flagged up by Barnardo's in January. Those issues were flagged up again by the Fostering Network last month in its campaign Together for Change. The Fostering Network commended the Department's policy as set out in the document 'Care Matters', but pointed out that the ambitions stated in it will not be realised unless something is done along the lines that other Members have articulated.

Mention has been made of the average age of foster carers. It is difficult for young people to see fostering as a career, but the Fostering Network, which provided us with a very good briefing paper, stated that we need to raise the profile of fostering, that it is good work, and that it should be remunerated.

The Fostering Network is of the view that we should recruit younger carers and retain, where possible, carers who have the experience and skills required; we need carers who have a breadth of skills. We also need those who will bring something fresh to fostering.

2.45 pm

The Fostering Network spoke about the need to register carers, set standards, inspect services, increase pay, and fund services. Were all that to happen, and we have the resources to do it, standards would be raised, consistency would be promoted across the service, the professional standing of carers would be raised, and society would acknowledge and appreciate the valuable work that carers do.

The Department of Health, Social Services and Public Safety is doing good work. Yesterday, we debated those who are not in employment, education or training. I commend the Department for its Fostering Achievement scheme. The Members' information pack included examples of young people who had participated in the scheme and who had gained confidence from the funding that they had received. Although the scheme is not perfect, I commend the Department of Health for its work on it. Go raibh maith agat, a LeasCheann Comhairle.

Mr Gardiner: As with most complex social problems, there is no quick fix for foster care shortage in Northern Ireland. However, the Department of Health, Social Services and Public Safety has already taken significant action to recruit more foster carers to address the shortage.

In May 2008, the Department of Health announced that of the £10 million funding to develop children's services for the next three years, £1.2 million was earmarked to increase the number of fee-paid service foster carers by 100. That immediately went some way towards addressing the assessed shortfall of 200 carers, which was identified in 2004 and confirmed by the Fostering Network in 2009, to enable a choice of fosterers to be offered to any child who needs to be fostered.

Indeed, over the past three years there has been an increase in foster care allowances; the launch of a 24-hour, seven-day-a-week support service for foster carers; the introduction of the Go the Extra Mile (GEM) scheme, which allows young people to remain with their foster carers after their eighteenth birthday; and an increase in the number of foster carers from just 1,178 in 2002 to 1,800 in 2008.

In 2002, 20% of all children who had been looked after for more than a year had changed placements at least once. That lack of stability in the lives of children can lead to low educational attainment, lack of self-esteem and to disruptive and challenging behaviour. Significant progress has been made since then, and this is literally a work in progress.

People should not conclude from today's motion that nothing has been done and that the Assembly is demanding action; nothing could be further from the truth. The motion rides on the back of extensive action that the Minister has already taken. The Care Matters

strategy provides a positive starting point for developing foster care policy. For example, it sets out ambitious goals, including reducing the number of children and young people in care by 20% from about 2,500 to 2,000 and increasing the proportion of care leavers who are in education, employment or training at the age of 19 to at least 80%.

It must be understood that every aspect of policy costs money and that we live in a time of financial constraints. The Minister has had to manage savage spending cuts of £700 million, which were imposed at the start of the present budgetary cycle. In addition, the Finance Minister is now demanding a further £370 million in cuts across all Departments. All that is being imposed before the efficiency savings demanded by Westminster come into force in 2011.

The Health Service is underfunded by £600 million when compared to that in England and Wales. Therefore, proposing undercost motions is the easy option. Perhaps the Members who tabled the motion should have asked the Finance Minister, who comes from their party, to give additional money to the Health Minister so that he can fund their proposals.

Having said that, I, in common with other Members, want to see an expansion in the number of carers, and I want to see proper funding for the carers network, with all the necessary backup services. We should not forget that, for many children, being in care remains a positive experience, and that foster carers, as well as staff in residential units, have shown real energy, dedication and devotion in their work.

Mr Shannon: Will the Member give way?

Mr Gardiner: No, I am on my last line. We must all remember how important this issue is and that it needs to be handled sensitively.

Mrs M Bradley: Many children arrive in care through no fault of their own. That can be as a result of an illness, the death of a parent, or, worst of all, the abuse of the child, to name but a few. The one constant in the situation is that that child or young person will have been through a traumatic time and will need the help of a foster carer in the interim.

To be a foster carer takes remarkable commitment. It is not an easy pathway, and some children have emotional scars that do not make the job of a foster carer easy. Many people choose the longer-term option of adoption to give a child a good home in a loving and caring atmosphere, as that offers stability for the adoptive parents and the child. However, foster carers may have to open their homes to children for various lengths of time, and it can be heart-wrenching when a child has to return to his or her former home or move on.

The role that foster carers play for children must not be underestimated. They can teach the value of family,

be role models and provide much-needed solace for the children in their care. It must be a terrible and frightening ordeal for a child to be removed from his or her usual surroundings. Yet many young adults who were part of foster families have very strong ties to those families, and, even though they may have reached the age at which they can leave foster care behind, many still live with their foster families.

I know one young man, who is well into his thirties and who still, to this day, refers to his foster carers as his mother and father and still lives with them. That young man has included his foster carers in every milestone in his life. I am sure that other Members could tell many similar stories. That placement was certainly a success for the carer and the child.

It is only right that there is an adequate support network for foster carers, given the media coverage of many high-profile cases and given that the roles of social workers and foster carers have been thrust into the spotlight. Although it is only proper that problems are highlighted, the media attention can be off-putting for many people who have been, or who perhaps still are, contemplating a role in foster care.

All devolved Governments have recognised the need to update and reconsider their existing policies. I am sure that all Members have received the report from the Fostering Network. That report is quite clear on the issue of revision of existing practices and the necessity for a complete overhaul of what is expected from foster carers. The ultimate goal in any review has to be the betterment of the child.

As Members know, approximately half the existing foster carers in Northern Ireland are of retirement age or are approaching it. Recent advertisement campaigns have raised awareness of foster care and shown how it benefits the child and the birth parent.

However, we have a severe lack of foster homes. Many people still do not know that those who are single or unemployed can foster and that it is not a prerequisite for foster carers to have their own children. Foster carers do not have to own their own homes either.

Deciding to foster is a huge decision, because it is life-changing for the entire household. It is a challenge to say the least. For those who take on the role of foster carer, we need to see an improvement in training, more financial support and more practical support systems. To benefit the children, we need to see other child-centred professions working closely in partnership with foster carers.

Due to the growing incidence of depression, drug and alcohol abuse and child abuse in today's society, there is even more reason for concern that there will be lots more vulnerable children but fewer foster homes to take them in. Northern Ireland has a deficit of 200 long-term carers. Factoring in the number of children

who are likely to need care in the future, there is a recipe for disaster. I have no doubt that the Minister will take all of this on board. Credit is due to all people who foster children; every one of them does a good job. I support the motion.

Mr Deputy Speaker: As Question Time commences at 3.00 pm, I suggest that the House take its ease until that time. The debate will resume after Question Time, when I will call the Minister to respond.

3.00 pm

Oral Answers to Questions

FINANCE AND PERSONNEL

Government Property

1. **Mr McClarty** asked the Minister of Finance and Personnel what action he has taken in relation to the sale or use of government buildings or property as collateral for Treasury borrowing. (AQO 522/10)

The Minister of Finance and Personnel (Mr S Wilson): I thought that I was late. It seems that I was not; that is good.

The Northern Ireland Executive have the facility to borrow up to £200 million per annum under the reinvestment and reform initiative. That borrowing does not require any collateral. Under the terms of the statement of funding, any additional borrowing by the Executive will be offset by a reduction in the block grant from the Treasury and, therefore, would not lead to additional spending power.

Mr McClarty: I thank the Minister for his response. Does he agree that the introduction of new money through Treasury borrowing would help to offset some of the substantial savings that we will have to make? Furthermore, does he agree that the best way to provide collateral is through the asset value of government buildings, which could be upwardly revalued as the commercial property market recovers?

The Minister of Finance and Personnel: The Member will know that the consideration of an equity-release scheme was part of his party's proposals. Indeed, Mr McNarry raised that matter last year. We considered the option of handing over the value of our assets to the Treasury, which would offer favourable loans to the Executive on that basis. That idea was informally discussed with the Treasury, which outlined that it does not consider it acceptable for several reasons, such as the cost to the UK Exchequer — I noticed the Member's comments about the increasing value of the assets — the implied transfer of risk, and value for money on a UK level. Moreover, there were implications for other Whitehall Departments and devolved Administrations.

I assure the Member that I am open to any suggestions that enable us to increase our amount of borrowing or the amount of money that we receive for capital. We seriously considered that issue and discussed it with Treasury officials. However, for the reasons that I have

outlined, the Treasury does not consider it an acceptable method of finance.

Mrs D Kelly: After the collapse of Workplace 2010, what mechanisms have been examined to finance the upgrading of the government estate?

The Minister of Finance and Personnel: Members are well aware of the reasons for the collapse of Workplace 2010: the judicial reviews, and so on. We should not necessarily turn our backs on the whole project. We should, perhaps, consider the cases of individual buildings, and I want to discuss that possibility with officials. Although we may not be able to consider projects for the whole government estate, or for a large part of it, on the grandiose scale that we had envisaged through Workplace 2010, we could, perhaps, examine some principles behind Workplace 2010 to determine whether individual building needs could be explored. I am open to new ways of trying to bring finance into dealing with public expenditure matters and the upgrading of the estate. I hope that we can consider that matter and, perhaps, discuss it with the Committee for Finance and Personnel.

Mr Shannon: Infrastructure investment is one way to stimulate the economy and boost jobs. Can the Minister obtain additional funding for infrastructure investment?

The Minister of Finance and Personnel: We have borrowed money extensively through the reinvestment and reform initiative over the lifetime of this Assembly. We borrowed £209 million in 2006-07 and £104.6 million in 2007-08. We did not use the full amount in 2007-08, which meant that we were able to obtain a Treasury dispensation to borrow £260 million in 2008-09 to increase the amount of money that was available for capital. Where we can, we have used the borrowing powers that are at our disposal. That not only creates construction jobs but delivers infrastructure that can improve people's lives in the form of houses, schools, hospitals, roads and other projects.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. Has the Minister had any discussions with the British Treasury about giving the Executive powers to borrow from organisations such as the credit unions?

The Minister of Finance and Personnel: There would be no difficulty with borrowing from the credit unions. Indeed, when I last answered questions in the House, I indicated that, for example, if housing associations wanted to borrow money from credit unions, there was no reason to stop them doing so. However, we must be careful not to structure that borrowing in a way that leads the Treasury to say that it is subject to departmental expenditure limits and, consequently, reduces our block grant. Any borrowing should be done on the basis that it does not affect some other income source. The most obvious example is that when we make

contributions to housing associations, they then have to find around 40% more of the capital that is required for housing developments. There is no reason why they cannot go to the market and ask for loans from credit unions.

Departments: Reduction in Number

2. **Mr K Robinson** asked the Minister of Finance and Personnel whether he has made an assessment of the actual monetary savings that could be made by a reduction in the number of Departments. (AQO 523/10)

The Minister of Finance and Personnel: I refer the Member to the answer that I gave to the House on 6 October 2009 in response to a similar question, in which I stated:

“it is estimated that reducing the number of Departments ... would save tens of millions of pounds per annum on an ongoing basis.” — [*Official Report, Vol 44, No 2, p65, col2*].

The precise figure would depend on how many Departments remained and the extent to which they combined services in a common way. In addition to the monetary savings, however, there would be a general improvement in the effective delivery of public services and greater clarity for the public about which Department is responsible for delivering particular services. That was highlighted in the independent review of economic policy, which suggested that a Department of the economy, amalgamating the Department for Employment and Learning and the Department of Enterprise, Trade and Investment, would make it simpler for those who are engaged in economic activity in Northern Ireland to identify the responsible Department, Minister and officials.

Mr K Robinson: I thank the Minister for the clarity of his answer. Will he, however, accept that a reduction in the number of Departments, although it is politically popular and headline grabbing, will save only approximately £37 million out of the £370 million deficit that we already have? Will he acknowledge that the efficiency savings that were recently announced by the Government further dilute his ability to tackle the problem?

The Minister of Finance and Personnel: The Member has raised an important point. Sometimes, I get a wee bit tired of people saying that, when difficult decisions have to be made, we could soon get rid of the problems by reducing the number of Members and Departments or making efficiencies in the cross-border bodies. Such comments are made out of ignorance. There are good reasons for doing those things, but the Member made an important point when he said that they would not be sufficient. Members should not forget that the savings are required because of decisions that the Assembly made collectively on water charges, rate rebates and a range of other issues.

If we are to meet those savings targets, as well as the additional efficiency requirements that were announced this week, we will need to examine other aspects of public spending.

At least the Member's question has given me the opportunity to inject a wee bit of realism, and to get away from the "Nolanisation" of politics, whereby there is some easy answer and one would have only to click one's fingers to get rid of a few MLAs to save £370 million. If life were as easy as is made out by Stephen Nolan, the editorials of the 'Belfast Telegraph' and some of the other misinformed or uninformed messages that go out to the public, it would make my job a lot easier.

Mr Deputy Speaker: Minister, you will have to temper your language.

Mr Hamilton: That is a difficult act to follow.

Mr Kennedy: He is a Nolan regular.

Mr Hamilton: One of the uninformed. *[Laughter.]*

Perhaps, after his last answer, he will say no, but does the Minister agree that in facing tens of millions of pounds of savings as a result of decisions taken collectively and unanimously by our Executive, it would be a grave offence if we did not first look at making savings by reducing the duplication or triplication of administration in Departments? Does he agree that we should not target front line services particularly, and that we should, first and foremost, examine the duplication of administration costs?

The Minister of Finance and Personnel: I hope that I did not give the impression that I do not believe that cutting the number of Departments, reducing the size of the Assembly, or other measures, are not issues that we should actively pursue. I am on record as emphasising that issue at every Question Time.

There is considerable duplication in Departments. All Departments have their own private and press offices, permanent secretaries, business planning and monitoring teams, retained finance and budgeting teams, internal audit bodies, internal records management, retained IT support, equality units, and other retained personnel. That is replicated across 11 Departments. If we were to amalgamate Departments, a lot of that replication would be done away with. However, as Ken Robinson indicated, even if we were to reduce the number of Departments from 11 to six, the savings would total around £37 million. I put that figure into the public domain at my previous Question Time. I am not saying that that is not the right thing to do, but if we think that it is the end of the story, or that it is the answer to all our problems, we are kidding ourselves. However, of course we should do it.

If we say that we want greater efficiency, it should start here. It should start with decisions that we can

actively make. As I said, there would be other benefits in doing that, in so far as streamlining Departments would mean that there might not be three Departments involved in planning, two or three Departments that deal with the economy, and a range of Departments that deal with education.

Mr O'Loan: I welcome the realism that the Minister has brought to the matter. The fundamental question is how best to govern. Does he accept that there is an analogy in the form of the reduction in the number of district councils, whereby there will be costs of £118 million in the first instance, which will not be recouped for some 12 or 13 years? Does he also agree that upfront costs would be involved if there were a reduction in the number of Departments?

The Minister of Finance and Personnel: The Member makes a good point. His analogy of the local councils is a good one. That is one of the reasons why when we have been discussing next year's Budget, and the £370 million savings that we have to find, I have asked Departments to look at savings well beyond that figure, so that we can ask ourselves, as an Executive, whether we want to keep some money over and above that £370 million so that we can spend to save. In other words, if we were to opt for rationalisation and there were upfront costs, the money would be available to meet them. That would result in longer-term savings over a number of years. Those are the questions that the Executive and the Assembly will need to ask when discussing the Budget.

3.15 pm

The Member is right that there will be initial, upfront costs in making the savings that he talked about, if that is the route that we go down. It is another reason why I am sick and tired of the simplistic suggestions of uninformed people who write to newspapers and to me, asking why I cannot just cut the number of Departments, as if I could do that today and have made huge savings by Monday morning. Such measures will require planning. We will also be required to set aside resources to deal with the problem that the Member raised.

Mr Kennedy: I thought that that was your party policy.

Mr Deputy Speaker: I remind Members that —

Lord Morrow: Do you have a supplementary question, Mr Kennedy?

National Asset Management Agency

3. **Mr Ross** asked the Minister of Finance and Personnel what discussions he has had with the Irish Government regarding the appointment of representatives to the National Asset Management Agency panel.

(AQO 524/10)

The Minister of Finance and Personnel: Perhaps Mr Kennedy will rise to ask a question at some stage. I am always happy to answer his questions, which are usually entertaining and interesting.

My recent meeting with the Irish Finance Minister, Mr Brian Lenihan, was constructive in addressing Northern Ireland's concerns about the National Asset Management Agency (NAMA). I have since written to Minister Lenihan to put forward the names of individuals who might represent our interests on the NAMA advisory council. Furthermore, my officials recently had a meeting with their Dublin counterparts to discuss the practicalities of that engagement. Minister Lenihan and I agree that it is in no one's interests for Northern Ireland to be destabilised as a result of NAMA's actions. As I have said in debates and in answers to questions in the House, I intend to work closely with him to ensure the protection of Northern Ireland's interests. Indeed, I have demonstrated that intention already.

Mr Ross: Will the Minister advise the House how many representatives Northern Ireland will have on the advisory council, whether they will be from the Civil Service or the private sector, and when he will be able to tell us their names?

The Minister of Finance and Personnel: There will be about three Northern Ireland representatives. I have discussed the matter with Minister Lenihan, and I want one of them to be a departmental official. That will enable me to keep in constant contact with what is happening. The other representatives will be from the financial sector and the property market. We have already begun discussions with the Republic's Finance Minister and his officials. I hope to finalise the names and to get agreement with Minister Lenihan on those names. As soon as that happens, I will give the names to the Assembly.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin has fundamental disagreements with the establishment of NAMA. Nevertheless, I applaud the fact that, as we heard in the Assembly, the Minister took the initiative on the matter and showed some get-up and go. Does he agree that that was an excellent example of the mutual benefits of all-Ireland co-operation?

The Minister of Finance and Personnel: The good news for the Member is that I have no difficulty in co-operating with my counterparts in the Irish Republic. I showed that when I was Minister of the Environment, when our co-operation resulted in the problem of illegal waste dumping across the border being dealt with.

As the Member points out, I took the initiative on the NAMA issue. I must say that the Republic's Finance Minister was very responsive, and, indeed, he indicated that we can talk about the matter at any time. I will

continue to do that; I have no embarrassment about such cross-border co-operation.

The bad news for the Member — I cannot let him away with good news only — is that the record shows that it is not necessary to have expensive, grandiose cross-border structures to carry out sensible co-operation. That is how we have conducted our business so far, and it will continue.

I hope that that at least reassures him that although I remain opposed to much of the North/South structures that the Belfast Agreement put in place, I will not bury my head in the sand and pretend that there are not problems that originate in the Republic that affect Northern Ireland, and vice versa.

Mr McNarry: It is only appropriate that I wish the Minister a happy Christmas and a prosperous new year. I thank him for the joy and goodwill that he has brought to his office. If you will indulge me, Mr Deputy Speaker, I was thinking that I could buy him a ray of light to see his way through deep, dark cavities, or a book on how to waffle, which he knows all about. I then thought that, for a man who has all the answers, be they right or wrong —

Mr Deputy Speaker: Order. Your indulgence is over. Please ask a question.

Mr McNarry: I wish him a happy Christmas. I am thinking of those who are not perhaps just so joyous at this time of year or in such good shape in relation to NAMA. Does the Minister have information on how many of the Northern Ireland asset-backed bad loans are in the 40% cash flow producing category, as estimated by his friend in the Irish Republic, Mr Lenihan, and will he say how many are in the 60% no-hope loan category?

The Minister of Finance and Personnel: That will not be possible until the process of taking loans into NAMA is finished, which is intended to be by July of next year; that is the target that has been set by the Government of the Irish Republic. I think that all the loans in the Irish Republic should be taken over by NAMA by Christmas, after which the rest will be worked through. There is not a final picture of the exact breakdown of which loans will produce assets and which will not.

Civil Service Equal Pay

4. **Mr P Ramsey** asked the Minister of Finance and Personnel when he expects payments under the Civil Service equal pay settlement to start and finish; and to advise on the source of the £150 million to cover those payments. (AQO 525/10)

10. **Lord Morrow** asked the Minister of Finance and Personnel if people who were previously employed

in the Civil Service during the disputed period for equal pay will qualify for any payment. (AQO 531/10)

The Minister of Finance and Personnel: With your permission, Mr Deputy Speaker, I will answer questions 4 and 10 together.

NIPSA is consulting its members on the proposed settlement. Should the offer be acceptable to staff, a detailed and lengthy process will be followed before payments can be made because each individual has to be interviewed and their case looked at.

The precise details of the process and the timescale are being developed. However, we did not wait until we reached agreement with NIPSA before we started to put that in place. Some preparatory work has already started because I want to get this issue dealt with as quickly as possible. It is my intention that it should take no longer than is absolutely necessary.

As I have advised previously, access to £100 million was secured by my predecessor in negotiations with the Prime Minister to address a range of cost pressures that the Executive will face, one of which will be equal pay. I will discuss with my Executive colleagues how best to cover the cost of the settlement. With regards to former Northern Ireland Civil Service (NICS) employees, only those who left or retired from one of the affected grades on or after 1 August 2008 with at least two years' recognisable service in NICS will be eligible for a payment.

Mr P Ramsey: I thank the Minister for his initiative; it is a welcome relief to the many thousands of people across Northern Ireland who will avail themselves of equality in their pay scales. Will the Minister comment on the tensions in the Northern Ireland Civil Service, particularly regarding EO2 salary scales? Those people now find themselves either on a decreased salary or on a differential. Will the Minister also comment on equality for Northern Ireland Office staff and the PSNI? What is his opinion on ensuring that they have equality of pay also?

The Minister of Finance and Personnel: I understand the difficulties that face EO2 staff. However, the agreement with NIPSA was about all staff who were affected. It was always our position that EO2 grades were not eligible and were not included in the claim, although we recognised that there would be difficulties. As a result, we took three actions: we made a one-off payment; there has been an uplift of their grade; and there will be a review of their pay in the future consideration of payment structures.

Northern Ireland Office and PSNI staff are outwith the Northern Ireland Civil Service pay agreement, so NIPSA will have to deal with those employers separately.

Lord Morrow: I listened to what the Minister said. Can he assure the House today that all those who were

employed in the Civil Service during what was deemed to be the disputed period — 1 February 2003 until 14 October 2007 — will qualify under the scheme, irrespective of whether they moved from one Civil Service Department to another?

The Minister of Finance and Personnel: People who stayed in the Northern Ireland Civil Service during the qualifying period are covered by the scheme. People who retired before the cut-off date — 1 August 2008 — will not qualify. There has been some confusion about that point. However, I did not make the decision. It came about as a result of the equal pay legislation, which makes it clear that people who were employed for up to six months before the date of a claim are eligible, providing that a claim is lodged on their behalf.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister consider establishing an adjudication panel to mediate claims that are disputed under the proposals of the Civil Service equal pay settlement?

The Minister of Finance and Personnel: The agreement that NIPSA is putting to its members is an all or nothing agreement, and it includes terms for AOs, AAs, EO2s, people who have left the Civil Service and those who are not union members. The only one-to-one negotiations will be with those individuals who are eligible under the agreement. It would be nonsensical to reopen negotiations, given that that a conclusion has been reached. NIPSA's executive has agreed that the conclusion that we reached is reasonable and that it came about as a result of what it knows and of its engagement in the pay negotiations. NIPSA is putting the agreement to its members, so it would be pointless for me to say that we are putting it to members and that, by the way, it is still open to negotiation. It is an agreed settlement that people still have to vote on, and it is an all or nothing offer.

Ms Lo: Pat Ramsey more or less asked my question, which is whether the regrading exercise will cause conflict between staff, whereby AO grade staff members' earnings will be higher than their EO2 grade managers'. Will the Minister be looking to resolve those difficulties?

The Minister of Finance and Personnel: We sought to resolve that matter in the settlement. Although there was clear legal advice that EO2s did not have a valid pay claim, we did three things. First, we offered a one-off payment to EO2s. Secondly, we increased EO2 pay from, in effect, 1 February 2009. Thirdly, we said that EO2 pay and grading will be examined in the context of the Northern Ireland Civil Service pay and grading structures.

I emphasise to Members that no EO2 grade member of staff has lost any money as a result of the settlement. Indeed, we have taken the actions that we have in respect of EO2s to resolve some of those anomalies.

That is why I believe that the settlement is fair and why NIPSA is recommending it to its members.

3.30 pm

Mr Kennedy: Peace and goodwill to all men. Given that the indications are that the settlement is likely to be in the range of £150 million, will the Minister inform the House how he proposes to find the shortfall? Is he prepared to give an undertaking that it will not affect the front line services of any of his departmental colleagues?

Mr Deputy Speaker: Please be brief, Minister.

The Minister of Finance and Personnel: With a question such as that, the Member must expect Christmas to come early.

The settlement will cost the Northern Ireland Budget between £125 million and £140 million in back pay, and the uplift in pay will mean that there will be an ongoing cost of £26 million for most Departments in the coming years. That will not be without its pain. Money does not grow on trees and we cannot manufacture it. If we are spending money on one issue, it has to come from somewhere else. The one-off cost that Departments could not have expected will be borne centrally by the Executive, but the ongoing costs will be borne by Departments. I hope that it will not affect front line services. However, I was accused of blackmail when, in the Chamber, I warned that a number of the AAs and AOs work for Departments in other parts of the United Kingdom and that the cost of that work will rise, but it remains to be seen what the impact of that will be.

PRIVATE MEMBERS' BUSINESS

Foster Care

Debate resumed on motion:

That this Assembly notes the fact that there are not enough foster carers, with 200 long-term carers currently being required, and half of carers being of retirement age; further notes that those people who provide foster care do not receive enough support; and asks the Minister of Health, Social Services and Public Safety to initiate, as a matter of urgency, a new policy on foster care. — [Mr Shannon.]

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I pay tribute to foster carers for the invaluable service that they provide to some of the most vulnerable children and young people in our society. Foster carers are often the first people to whom social workers and care workers turn when refuge is sought for vulnerable children. Foster care is a service that can provide anything from short-term respite breaks through to a long-term permanent home. Finding a foster placement is the preferred option for most looked-after children. Two thirds of the 2,500 children in care at any time live with a foster carer. That is around 1,600 children, and not 2,500, as many Members said. There are 600 care leavers at any one point in time. Around 400 of those care leavers will have been in fostering placements, and half of them will have stayed with their foster carers until they were aged 21, which is another point that some Members did not properly appreciate.

I do not agree that we need another strategy for foster carers. Instead, we should continue to focus on delivering the aims of the 2007 Care Matters strategy to ensure that we continue to develop services for children in care and foster carers. Jim Shannon said that we do not have a strategy; that is not true. We have the 2007 Care Matters strategy. Mrs Kelly said that it should be a cross-departmental strategy, but that is exactly what it is. We have spent the past two years seeking cross-departmental support for the strategy and sign-off by the Executive, and that was finally achieved in September of this year. Therefore, we have a cross-departmental strategy that was signed off by the Executive only two months ago. It is a wee bit premature to be running for another strategy.

Mr Shannon: Will the Minister give way?

The Minister of Health, Social Service and Public Safety: I will give way to Mr Shannon shortly, but I want to get further into my speech. I am one minute and 59 seconds into my speech, and he is on his feet. He had a lot of fun earlier. I will give him an opportunity to speak in a moment.

Today's motion states that 200 long-term carers are needed. However, between March 2006 and September 2009, the number of foster carers in Northern Ireland increased from 1,528 to 1,910. That is an increase of

382. It is true that many of those foster carers provide short-term respite care for children in care, and we have recognised for some time that we need many more long-term foster carers. We are working hard to increase the numbers.

Around three years ago, the Fostering Network said that we needed 300 long-term foster carers. That number has now fallen to 200. There is no doubt that we are successfully recruiting such carers, although I am not satisfied that recruitment is happening as quickly as it should, and we are looking to increase the recruitment rate. However, we are recruiting more carers than we are losing.

Today's motion also states that more than half of all foster carers are of retirement age. Apart from the motion's basic ageism and its message that people of retirement age should not apply to be a foster carer, the figure that it presents is incorrect. The vast majority of foster carers in Northern Ireland are in their 40s and 50s, and about 15% — not 50% — are aged 60 or over. Although it is important to monitor the age profile of foster carers, it is entirely appropriate for some to be over the age of 60. A significant part of our efforts has been aimed at recruiting children's extended families as foster carers so that they can foster them. People are also more willing to foster when their own children have grown up. The major advantage for children is that it makes it easier for them to remain within the family circle and to maintain links with their birth family and local community.

Typically, it is a grandfather and grandmother who foster a child when mum and dad are unable to maintain the family support. The fact that many family foster carers are grandparents makes the children's experience much more positive, so it is wrong to condemn the recruitment of over 60s as foster carers as some sort of retrograde step. It is wrong to suggest that someone in their 60s is unable to look after a child in care. That ageist attitude serves only to prevent a child in care from experiencing the stability and familiarity of staying within the family circle.

At the moment, more than one in four of our foster carers have a pre-existing family relationship with the foster child. I want that figure to rise. My Department is working with the Fostering Network, the boards and the trusts to implement a separate approval process for family foster carers who are related to the child in care. In support of those arrangements, a number of trusts have now established dedicated family foster carer teams.

The motion also claims that foster carers do not receive enough support. I will be able to set out the support that is available. Members such as Mr Shannon claimed that nothing was being done. I would be happy to arrange for Mr Shannon to visit the South Eastern Health and

Social Care Trust, where he can see for himself the actions that are being taken.

Most children in Northern Ireland do not leave home until they are aged 23. In the past, the normal age for children to leave care and live independently was around 18. In Northern Ireland, unlike in the rest of the UK, we fund children to stay with their foster carers until they are aged 21 — or older, if they are in education. That initiative is called Go the Extra Mile (GEM) and was named by a young person in foster care. Nearly 200 young people, aged mainly 18 to 21, or around one third of care-leavers, now avail themselves of that opportunity. Similar initiatives are being piloted in other parts of the UK. It is my intention to bring forward proposals to place GEM on a statutory footing and to extend all the support that is available to carers until the child in their care turns 21.

Most children have much better outcomes if they are brought up in a family situation rather than in residential care. Alex Easton suggested that 1,400 children were placed in residential care. In fact, there are only 381 such places. Again, that is another statistic that seems to have gone awry.

Foster carers carry out valuable work in caring for some of the most vulnerable children and young people in society. That is why it is so important that the necessary support mechanisms are in place.

Mr Shannon: I thank the Minister for giving way. In proposing the motion, we seek support from all Members, and we seek to support the Minister when we try to move matters forward. The motion clearly mentions 200 long-term carers and states that 50% of long-term carers are of retirement age. The proposal that is being put forward is very clear, the Minister can check the Hansard report. I recognise the input and the contribution of foster carers in the upper age bracket. It is a matter of trying to address the issue of long-term carers. Perhaps the Minister can respond in the nice way in which I made my comments; perhaps we can ask for the same in return.

The Minister of Health, Social Services and Public Safety: I do not agree that Mr Shannon made his comments in a nice way. I also make the point that 50% of carers are not past retirement age, and I have already set out how we are going forward with the recruitment of long-term carers. More than 1,900 carers look after approximately 1,600 children. We have a cushion, but it is not adequate.

Support for foster care is available through a wide range of schemes and initiatives. Trusts have received funding to develop their fostering services on a consistent basis so that resources can be shared and marketed as a single service across Northern Ireland. Further support for foster carers has been made available through a £6 million investment over the past three years and that

money is recurrent. It allows us to increase foster care allowances by an average of 20% to the recommended national rates. The funding also enabled us to set up the regional fostering recruitment and training co-ordination service in 2007, which helps trusts with the recruitment and training of foster carers. Once a foster carer has been approved, each has the support of a supervising link worker who visits regularly to offer advice and support. Far from being unregulated, foster carers get regular support.

Mr Bradley and Mr Shannon said that there was no regulation. That is not the case. We operate under the 1999 UK national standards for foster care. One of the key points of the Care Matters strategy is that we will upgrade those care standards, and we are working on that. We are regulated under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003. It is completely untrue to suggest that foster carers are not regulated. Foster carers receive a maintenance allowance to cover the daily cost of looking after a child, as well as extra payments for other essential items.

In recent years, my Department has funded initiatives to support foster carers and children in care. The Fostering Achievement scheme is one of our most successful schemes delivered through Fostering Network, which we fund annually to the tune of £1.25 million. Under that scheme, we have installed more than 800 computers in foster homes, provided 400 educational packs, helped dozens of children in care to learn to drive, and provided intensive GCSE tutoring to 60 children each year. We fund one-to-one tuition to nearly 300 looked-after children as part of our £10 million funding for children's services. Over the next three years, £1.2 million is earmarked to increase the number of fee-paid foster carers by 100. At present, one in three foster carers is fee-paid. If we are to recruit more foster carers, we will need to move towards a salaried care workforce, and the price tag for that is about £20 million at today's costs. I cannot do anything about that without extra funding.

Sue Ramsey said that she hoped that we would not see cuts in children's services. I sincerely hope that too. However, unlike Sinn Féin, my party did not vote for cuts to health services. The entire workforce in the Health Service knows exactly who voted for cuts to health services and who did not.

Our overall target has been to have at least 15% more foster care places available than there are foster children. We have achieved that target but are still working to increase the number of long-term carers. I repeat my offer to Jim Shannon to take him through his local trust, the South Eastern Trust, to let him see the activity that he believes is not happening.

The regional fostering recruitment and training co-ordination service has created initiatives, including a free 24/7 regional helpline for foster carers; the development of a regional marketing recruitment strategy that will run until 2013; the production of a fostering television advertisement campaign; and the establishment of a health and social care website. Last Friday, my Department released statistics on its care leavers population for 2008-09, and I am pleased to say that those figures show improvements in economic activity. However, more needs to be done.

We have already taken decisions to bolster services, but other Departments need to play their part in taking forward preventative measures. More than half our children in care who are eligible to sit GCSEs this year came into care when they were 11 years of age or older.

Many of them are struggling with basic numeracy and literacy when they enter care. Urgent action must be taken in the education system to reduce the number of children who leave primary school struggling with numeracy and literacy.

3.45 pm

Under Care Matters we are moving ahead of the rest of the UK to give foster carers more autonomy over day-to-day decision-making for children in care. That will mean many foster carers having the ability to deal with day-to-day issues, such as agreeing to children taking part in school trips, and to basic medical treatment, without referring to a social worker. Other parts of the UK are now following our lead.

Linked to that, I have a draft paper on taking forward an adoption and children's Bill with the Executive awaiting a decision. That paper, which includes a proposal to establish special guardianships, as mentioned earlier, as an alternative to care, has been held up at the Executive since June. When Lord Morrow responds, perhaps he will tell me why his party has blocked the release of that paper at the Executive.

Since June a paper on adoption and children has been sitting with the Executive. I also recall the length of time that the young people's drinking action plan sat with the Executive earlier in the year. It is unfortunate that papers such as that, which will make major improvements to services to vulnerable groups, get lost within the Executive. How am I supposed to make a difference to children's services when papers are delayed for months at a time? It is not even as if there have been queries about it that I have had a chance to respond to.

Delays in decision-making are further compounded by years of underinvestment in children's services in Northern Ireland. Services to families and children have been under-resourced by some 30% compared to other parts of the UK. Sinn Féin wants to cut health funding further, yet demand for our services continues to grow.

Mr Deputy Speaker: Minister, draw your remarks to a close, please.

The Minister of Health, Social Services and Public Safety: I am finishing now. Over the past five years, the number of children referred to social services has increased by 24%. We are currently dealing with many more children and young people in care who have high levels of need. Our children in care deserve support. They need to be prioritised, and we need to have investment in them, rather than some of the hypocrisy I have heard here today of demanding extra services and, on other days and on other motions, voting for efficiencies and cuts to the Health Service.

Lord Morrow: First of all, I would like to thank all those who have contributed in a positive manner to the debate. Regrettably, there are those who did not find that they could contribute in a positive way, but then we always have those sorts of Assembly Members. Their attitude is negative and they have to live with that, and we have to live with them here in the Assembly.

I also noticed that the Minister got very animated today. That is no bad thing, because he is difficult to get. We should not only appreciate the fact that he has got a bit worked up. The fact that we got him into the Assembly was an achievement in itself. If there is one Minister who has ducked and dodged coming to the Assembly to answer anything, it is the Minister of Health, Social Services and Public Safety. He is too busy. He has demonstrated in the past quite clearly —

The Minister of Health, Social Services and Public Safety: On a point of order, Mr Deputy Speaker. I have appeared in the House to speak in private members' debates and other debates more often than any other Minister in the House, and more often than many of the Ministers put together. I ask Lord Morrow to withdraw those remarks.

Mr Deputy Speaker: That was not a point of order. The point is that we should discuss fostering.

Lord Morrow: The Minister also made the point that he has had a paper sitting with the Executive since June, and he wants me to address that. What the Minister is actually saying is that everybody under the sun is to blame for his failings. He has failed as a Minister and he wants everybody else in the Assembly — every member of the Executive — to bail him out.

I am sorry, Minister, but you are well paid for doing your job, and you should get on with it as everyone else has to do. If you feel that you are inadequate in the Executive, you should stand up and say that or resign your position and give your place to someone who can do it better than you.

The Minister of Health, Social Services and Public Safety: You could have picked the seat.

Mr Deputy Speaker: It appears that I have disappeared completely. All remarks must be made through the Chair. Remember the spirit of Christmas in the last debate of the year.

Lord Morrow: It is just a pity that not everyone thought about that.

The one aspect of the debate from which I have taken encouragement is the fact that it has united the House. Most Members who spoke said that the motion was worthy of support, and, therefore, irrespective of what others said, the House has got the mood of the motion and is happy to support it.

It is proper and right to pay tribute to all those who are involved in fostering. They make a worthwhile contribution to society. It was also said in the debate that, whatever we do for the protection of children and their future, we must get it right. Those who say that are spot on. If some Members got a bit agitated about the motion, they should get over it and get on with it. Vulnerable children are what we say they are: vulnerable. When all Members settle down again, they will see the importance of ensuing that those children have a future, and the people who are involved in foster caring provide that.

Some Members have tried to get replies from the Minister of Health, Social Services and Public Safety on the issue. On 23 October 2009, I asked how many applications had been made to take children in Fermanagh and South Tyrone into care and how many children that involved. The Department was unable to answer that. On 20 April 2009, I asked how many emergency referrals had been handled by social workers outside normal hours, and the Department was unable to answer that. On 20 March 2009, I asked how many children were on the at-risk register. For reasons best known to the Department, it was unable to answer that.

I note the generous offer that the Minister made to Mr Shannon to go and see how well things are being done in the South Eastern Health and Social Care Trust. I have no doubt that many things are being done well, but, before we clap ourselves too hard on the back and say that we are getting everything right, I wish to draw Members' attention to some things that should be done a wee bit better. Those of us who believe that we are perfect can sometimes come down with a bump. In the best Christmas spirit, I ask the Minister to take that on board and to show that he is listening. I know that I was a bit belligerent at the start of my speech, but I have no doubt that he is listening.

On 31 March 2008, 2,071 children were on the child protection register in Northern Ireland, which was an increase of 15% from 2007. Of the children on the register, 52% were boys and 48% were girls. I ask the Minister to give some cognisance to those figures when he ponders today's debate. Perhaps he will say

that, no matter how good he has told us that he has been, there is room for improvement. I hope that he will do that.

Between 2003 and 2008, the number of children on the child protection register increased by 29%, from 1,608 children to 2,071 children. I note that the Minister acknowledges that. That is good. We ask him to take a look at those figures and, perhaps, he will come back to the Assembly and tell us that he has considered them, and that there are new ways and means to deal with the matter. I believe that the motion will gain unanimous support, and I trust that the Minister will have listened to what Members said and will decide that there are areas on which he can improve. I ask him to keep in mind the increasing numbers on the child protection register between 2003 and 2008, because that issue needs to be addressed.

The Minister can be sure of the Assembly's support today, because it is acknowledged that his Department is doing some very good work in foster care. We are not naysayers, although some Members from his party adopted that tone by suggesting that it would be better if the Minister got more money. Every Department would say that it would do wonderful things if it got more money. However, it is a matter of priorities, and each Department must prioritise its needs. The motion asks simply that the Minister take cognisance of that fact.

None of us should be beyond criticism. However, rather than the Minister and his party seeing the motion as criticising them, perhaps he will see it as constructive, not destructive, criticism. I hope that, when he reflects on everything that was said during the debate, he will come to that conclusion and tell us that it was useful, that it brought issues to his attention, and that he feels that his Department, with all its perfections, may be able to become even more perfect.

This has been a useful and good debate, although it became a wee bit irrational at times. However, I think that rational thinking will prevail. I look forward to the motion receiving the unanimous support of the House, and I wish the Minister a very happy Christmas.

Mr Deputy Speaker: On that very happy note, I shall put the Question.

Question put and agreed to.

Resolved:

That this Assembly notes the fact that there are not enough foster carers, with 200 long-term carers currently being required, and half of carers being of retirement age; further notes that those people who provide foster care do not receive enough support; and asks the Minister of Health, Social Services and Public Safety to initiate, as a matter of urgency, a new policy on foster care.

Mr Deputy Speaker: I wish everyone a very happy Christmas.

Adjourned at 3.58 pm.

Written Ministerial Statement

The content of this written ministerial statement is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Strategy for Victims and Survivors

The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): We are pleased to inform Assembly Members of the publication on Tuesday 8 December of the Strategy for Victims and Survivors.

The main aim of the strategy is to secure a measurable improvement in the well being of victims and survivors. The overarching principles are that the strategy will be victim and survivor centred and address the needs of victims and survivors in a coordinated manner. The key elements underpinning the strategy are the Commission for Victims and Survivors, the recently established Forum and the proposed Victims and Survivors Service.

The publication of this strategy places the needs of victims and survivors at its centre and marks a step change in the way that we will provide support to victims and survivors. Two of the main strands of the strategy are in place, the Commission for Victims and Survivors and the recently established Forum. We are currently analysing all of the responses from our recent consultation on the proposed Victims and Survivors Service which will become the funding and delivery body responsible for providing support to victims.

Once this strategy is fully implemented and its structures bedded in, all those involved in the victims and survivors sector will see a more focussed, coordinated and needs led approach to how we provide support to victims and survivors.

Copies of the Strategy for Victims and Survivors are available from the Victims Unit in hard copy. It has also been published on the OFMDFM website: www.ofmdfmi.gov.uk/victims.

