



---

Northern Ireland  
Assembly

---

## COMMITTEE FOR EDUCATION

---

# OFFICIAL REPORT

(Hansard)

---

## Interim Governance Arrangements

2 December 2009

## **NORTHERN IRELAND ASSEMBLY**

---

### **COMMITTEE FOR EDUCATION**

---

#### **Interim Governance Arrangements**

---

2 December 2009

**Members present for all or part of the proceedings:**

Mr Mervyn Storey (Chairperson)  
Mr Dominic Bradley (Deputy Chairperson)  
Mr Jonathan Craig  
Mr Trevor Lunn  
Mr Basil McCrea  
Miss Michelle McIlveen  
Mr John O'Dowd  
Ms Michelle O'Neill  
Mr Alastair Ross

**Witnesses:**

Mr John McGrath        )  
Mr Eugene Rooney      )        Department of Education  
Mr Chris Stewart        )

**The Chairperson (Mr Storey):**

I welcome Chris Stewart, John McGrath and Eugene Rooney. I thought that we would ask Eugene plenty of questions about capital, but he has left that branch and is now with Chris.

**Mr John McGrath (Department of Education):**

As Members know, the Minister set out yesterday her plans for transitional arrangements for the current education bodies whose functions will transfer to the education and skills authority (ESA) in due course. The plans cover both the governance management and accountability

arrangements that will operate in the existing legislation and accountability framework consistent with managing public money, which is a successor to government accounting Northern Ireland (GANI).

All education organisations have, rightly, been preparing for transition in January 2010, and the Minister is keen to maintain the momentum for convergence and remove uncertainty for staff and boards, other bodies and schools arising from the delay. She has to respond to the letters that the Department received from some education bodies asking for clarity on the arrangements after January. She is also keen to maintain momentum across a range of policy areas, including 'Every School a Good School', the introduction of area-based planning and the entitlement framework.

The current budget figures envisage significant financial savings this year and rising next year, consequent on the ESA's being established and the rationalisation of support and shared services being set in hand. We are also entering an increasingly difficult financial position, and there is no doubt that there will be further pressures on the education budget for 2010-11.

The Minister feels that it is necessary, therefore, to take action immediately to reduce bureaucracy in education administration and to focus on activities that provide scope for reorganising within the existing bodies to reduce any impact that might otherwise fall on schools and school budgets.

The terms of office for the appointment of current members of the education boards are due to end this month; they were previously extended up to 31 December 2009 to align with the start date for the ESA. The Minister's view is that it is impractical and unacceptable to undertake a complete reconstitution of all the current posts; it would take months and would be inconsistent with the objective of getting the ESA up and running as soon as possible. Therefore, using the powers of current legislation, she has decided to reduce the membership of boards to have smaller, leaner decision-making structures consistent with progress towards the ESA. She expects, therefore, to reduce the number of board members by more than half. She will be seeking nominations presently from the representative bodies for the reduced numbers of posts in line with guidance that she will have taken from the Commissioner for Public Appointments.

We are also actively reviewing the governance arrangements for the other four bodies: CCMS, CCEA, the Staff Commission for Education and Library Boards and the Youth Council

for Northern Ireland. The Minister will give an indication of the way forward for those bodies in a matter of days.

On the subject of management and accountability arrangements, the Minister feels that there is a need to put new management structures in place to focus activity on the current period. She wants to see the chairperson designate of the ESA take a more high-profile role in tandem with Gavin Boyd. She will ask Seán Hogan to chair meetings of the chairpersons of the existing bodies, reflecting the progress of the meetings that the Minister has chaired throughout the review of public administration (RPA).

The accounting officers of the existing organisations will be asked to report on day-to-day management arrangements to the Department through Gavin Boyd, who is an additional accounting officer in the Department. Seán Hogan and Gavin Boyd have been tasked by the Minister to produce a convergence delivery plan that will set out timescales for convergence across the organisations, a plan for the reorganisation of functions and for managing cross-board services. The Department is also reviewing the financial delegations of the existing bodies to reflect the concern that, at a time of acute uncertainty, there needs to be a strong financial oversight in line with any sensible risk-management arrangements.

The Department faces significant financial pressures in the coming year. It is important that we promote collective working in the education system to reduce bureaucracy, streamline services and mitigate the effects of known and likely financial pressures. We must minimise the impact of that on schools, youth services and early-years provision. That is wholly in line with the ESA's key objective when it comes into being.

A great deal of detailed work is going on, the implications of which will be set out by the Minister in the coming days. We will be working closely with all the education bodies to have the transitional arrangements in operation in the new year. In the Minister's view, doing nothing is not an option.

**The Chairperson:**

I do not know where to start; there are so many questions. Has the Department got its sums wrong about the make-up of the education and library boards? I will give you an example, which I believe was mentioned on the radio this morning, although I did not hear it. There is an issue

about the transferors and trustees of the Belfast Education and Library Board; it all goes back to the mathematics of the Education and Libraries (Northern Ireland) Order 1986. In the structure proposed by the Minister, the Belfast Education and Library Board will not be able to have a teachers' appointments committee. Correct me if I am wrong, but I understand that the board that is being governed by commissioners — we know the board in question — was more or less stood down. How did that board's teachers' appointments committee function?

**Mr McGrath:**

The South Eastern Education and Library Board functioned on the basis that the teachers' appointments committee still functioned through the suspended board members. That sounds counter-intuitive, but —

**The Chairperson:**

Exactly. It seems as though the functions of the transferors and trustees on the Belfast board will be carried out by two board members. Under the Education and Libraries (Northern Ireland) Order 1986, the teachers' appointments committee must include two transferors. Who will be left out in the arrangements for the Belfast board? I think that the figures are wrong and that the proposed arrangement is unworkable.

**Mr McGrath:**

Which figures?

**The Chairperson:**

The figures for the Belfast board, as an example.

**Mr McGrath:**

We are still working through the fine detail of the proposals.

**The Chairperson:**

But, John —

**Mr McGrath:**

We believe that those arrangements can be made to work.

**Mr Craig:**

Chairperson, can I ask an obvious question? If the South Eastern Education and Library Board is not be reconstituted, how can it possibly have a teachers' appointments committee?

**Mr McGrath:**

We are looking at that issue.

**The Chairperson:**

It has been ignored since the commissioners were installed. The teachers' appointments committee in the South Eastern Education and Library Board has been run by people who were suspended when the commissioners appeared. That is more than an anomaly.

**Mr McGrath:**

It is a bit anomalous, but it is technically legal. You may wonder, but it is technically legal.

**Mr Craig:**

It may become technically illegal if you reconstitute all the other boards but refuse point-blank to reconstitute the South Eastern Board.

**The Chairperson:**

A Minister of the Crown tells the House that appendix A to her statement is how things will be, yet you tell the Committee that the fine detail is still being worked through. That is not a good way to make progress. How will you deal with the democratic deficit that there will be when you start to look at the councillors? Other members mentioned that yesterday. Appendix A of the Minister's statement is not worth the paper it is written on.

**Mr McGrath:**

The Minister has the scope under the legislation to change the size of boards' membership.

**The Chairperson:**

I accept that the 1986 Order gives the Minister that right. However, when a Minister produces a statement and an appendix to the House and says that that is how matters will be and that those are the figures with which we have to work, the Department should at least know that one cannot have a teachers' appointments committee based on how the figures stack up for the Belfast board.

I will tell you what I think happened. The figures are based on councillor representation, and a calculation was made working back; that is how the figures were arrived at. I was never a great mathematician, but I worked out on a wee piece of paper that the councillors represent two fifths. I suspect that the calculation was made on the number of councillors and that there was a miscalculation about the transferors. Were that implemented, there would be no teachers' appointments committee in the Belfast board.

**Mr McGrath:**

We are looking at that. We have spent a great deal of time working on it, and some of the fine detail still has to be worked out.

**The Chairperson:**

The Minister will have to come back to the House to tell us the accurate figures, because the figures in appendix A are not accurate.

**Mr McGrath:**

I do not necessarily accept that. The Minister will want to share the fine detail of various issues with the House. She revealed the overall architecture yesterday, and we are working on some of the fine detail, and when it is in place she will want to share it.

**The Chairperson:**

I move to another issue on which I want clarification. On 20 November, the same day as the speech to the Association of Education and Library Boards, the Minister said:

“A reconstitution of the boards as currently constructed is not an option.”

Then we have a reconstitution of the boards. The Minister also said on that day — and I do not know where this came from — that:

“It is common knowledge that the Bill has not reached Consideration Stage and that we are close to the wire.”

By “the wire” did the Minister mean the 31 December or did she mean resolving the issues that have prevented the Bill reaching Consideration Stage?

**Mr McGrath:**

It was probably the sense that the scope to resolve the outstanding issues and the time available to bring the ESA into being on 1 January 2010 were shrinking rapidly, and therefore that, even if

there was a resolution to some difficulties, it might not be possible to get the Bill through.

**The Chairperson:**

The boards have been reconstituted. Some of us have always said that although that may not be desirable or practical, it was legal. The only legal recourse available was to do what should have been done when the problem first arose: reconstitute the boards for a smooth transition.

Today, you gave us another definition of Gavin Boyd's role. Gavin Boyd has been described as chief executive designate; interim chief executive; and, at a briefing with the Minister yesterday, the permanent secretary described him as the de facto chief executive; now he is the additional accounting officer.

He will have more letters after his name than someone who has been knighted by the Queen. Once and for all, John, will you put to bed the issue of Gavin Boyd's role and the legislative basis under which he and Seán Hogan operate. In a letter to the Committee on 4 September 2009 — which, if the Committee wants to note, is my birthday —

**Mr B McCrea:**

I am just keying that in now.

**The Chairperson:**

Remember it for my present next year.

In the letter, John Leonard said that people could be appointed by administrative action. We had asked for advice about the appointment of non-councillors to the ESA and, in his reply, John Leonard said that appointments could be made by administrative action.

My personal view is that the Minister and the Department are attempting to implement the Bill without the House's approval. Consequently, we will have a transitional board, which does not appear in the legislation, and, from 1 January 2010, the education and library boards will be reconstituted. The education and skills authority implementation team (ESAIT) is operating, but there is no such thing in the legislation as a transitional board. How can we have confidence that the plan is not as I suspect?

**Mr McGrath:**

Given that the ESA does not exist and while we await the legislation being put in place, Gavin Boyd was appointed as an officer in the Department in the role of chief executive designate in order to lead the implementation team. When the ESA comes into being, he will transfer as chief executive.

Since we entered what we thought would be the final nine months of transition last April, we have adopted proper risk-management approaches and considered the scope for better co-operation between boards. In April, we wrote to the relevant people about managing the transition period. That was when we started to use the language of closer relationships and checks in the system.

Gavin was also appointed as an additional departmental accounting officer, because greater oversight was required on the financial arrangements, particularly in what looked like being a difficult financial year, and because, on 1 January 2010, he will become the accounting officer in the ESA and will inherit all the financial arrangements of the boards. At the minute, as an officer in the Department, he is an additional accounting officer appointed by the Department of Finance and Personnel with a specific brief to keep an eye on day-to-day management arrangements in the service.

**The Chairperson:**

Under what power?

**Mr Chris Stewart (Department of Education):**

With respect to legislation, Gavin Boyd is an officer of the Department and operates according to the Minister's direction using, as we all do, the full range of education Orders. Seán Hogan is in a different position: unlike Gavin, he is not an employee of the Department, and the position of chairman designate of the ESA is not referred to in any legislation. However, we are not asking Seán to undertake statutory functions. He is being asked to play a role in assisting the Department and the existing organisations to plan for transition. No legislation is required to play that role, because he has not been asked to undertake any legislative functions.

**The Chairperson:**

The Member for East Londonderry asked about convergence. What was the point of

convergence? I do not often get worried by what the Minister says, but yesterday I was worried when she said that her proposal would go ahead whether it takes three months or three years; she went further than any of us have gone before. After all the talk about having to meet the 31 December 2009 deadline, all of a sudden, there was a sense that the Bill was no longer so important and that it could be introduced anywhere between three months and three years. I am worried, therefore, that the Department thinks that convergence, wherever that point may be, can be reached by another method and by using existing legislation.

**Mr McGrath:**

The Minister's position, which is the only position that matters, is that she was keen to see the ESA come into being. That remains her policy and objective. The fact that it is not coming into being on 1 January brings with it a number of pressures, particularly financial and about the rationalisation of services and the protection of front line services. Dealing with those pressures cannot wait until legislation is passed. Therefore, she wants progress to be made on convergence, the driving out of savings and consistency of policy delivery, particularly in special educational needs (SEN). If that cannot be taken forward with the ESA in being, she does not want it to be delayed; she wants current momentum to be maintained.

**The Chairperson:**

With regard to the legislation, the Minister mentioned the entitlement framework, 'Every School a Good School' and area planning. Area planning will be covered in the second Bill, so there is no legislation for it. Is it in the Department's power to make progress on an issue for which there is no legislation? Area planning policy will be covered in the second Bill. How can we work towards a convergence or a contingency plan, or whatever it is, on the basis of a policy that does not exist?

**Mr McGrath:**

Recently, the Minister has given time and attention to gathering the entitlement report. Work has been done on area-based planning and the entitlement framework, and that work needs to be taken forward now. We touched on the review of capital provision, and we have to begin to set to work on that. We also talked about some strategic work and asked how policies would be delivered. We are getting into strategic planning, because we need to do it for good governance.

**Mr Stewart:**

We can pursue a form of area planning in existing legislation, but we cannot do it as easily or well as we could if we had the full provision that we hope will be in the second Bill. However, the need to commence the area-planning approach is there, and we have to respond to that.

Members may recall that the Association of Education and Library Boards advanced the argument to the Committee that the benefits of the review of public administration could be obtained without the organisational change that was involved. You may recall that the Department rejected that argument in our response; we are not convinced by it. It is not the case that convergence is an alternative or a substitute to the review of public administration, let alone an alternative route. It is a necessary step in preparation for the ESA, and it is part of the Executive's policy. The convergence programme was agreed by the Executive at the same time as the legislation. As a result of the Executive's decision, we are under an obligation to pursue convergence.

**The Chairperson:**

The Executive approval was not a blank cheque, and that issue must be made clear. I do not say that in my capacity as the Chairperson of the Committee, but as a DUP member of the Committee. At no time was the Executive's approval of the Bill's progression to Committee Stage an endorsement of all the elements and details of the ESA. It should not be read or portrayed as that. The Minister is not being accurate when she says otherwise. The minutes of the Executive meeting minutes clearly show the concerns that were raised. We had to do that with SEN. If you read the foreword to the provisions on SEN, you will see that that has gone out without the full endorsement of the Executive. It should not be interpreted as the Executive granting carte blanche.

**Mr Stewart:**

I recognise that, and I would not disagree with that in any way. I do not think that the Minister would place that interpretation on it. The Minister remains committed to taking the Education Bill back to the Executive and the Assembly at the earliest possible stage, when Members will pass their verdict on it and make whatever changes to the Bill that they see fit.

**Mr McGrath:**

The immutable point in the middle of this is that efficiency savings predicated on the ESA

coming into being, and, as we rehearsed here last week, they have not been taken away because the ESA is coming late. There is £20 million to be found. I am sure that members will support the view that, as far as possible, those savings should be taken out of support or back-office services. That needs to be addressed, and that is high in the Minister's thinking. If that was being deferred, there might be a different argument. However, that is a requirement and it is not going away.

**Mr D Bradley:**

You agreed with the Chairperson earlier that the 1986 Order allowed the Minister to vary the number of members of a board. What conditions does that Order lay down for the appointment of councillors?

**Mr Stewart:**

Schedule 2 to the 1986 Order lays down two absolute requirements and a stipulation to which we must have regard. The absolute requirements are that the councillor proportion of the membership must be as near as possible to 40% and that there must be one member from each of the councils in the area of the board. We have also, in making the appointments, have regard to the population sizes of the councils.

**Mr D Bradley:**

It seems from looking at the figures at the back of the Minister's statement that the Department has not given much regard to the population of the council areas. For example, there is one member, for example, from Moyle District Council area and one from Derry City Council area, yet there is a huge difference in population between those areas. Those figures do not proportionately reflect the populations of the various areas that are all represented by one councillor.

**Mr Stewart:**

You are right to draw attention to the significant difference between the two council areas that you named. I do not think that any running of the figures could fully address or compensate for the population sizes across the 26 district councils.

However, there is a more fundamental point. The Minister's starting point for the governance arrangements is to ensure that they are fit for purpose and that they comply with the legislation.

The starting point is the Minister's determination of the size of board membership. Beyond that, the other requirements kick in. We must ensure that it is lawfully constituted; therefore, councillors must make up 40% of the membership. There must be at least one member from each district council in the board's area. That is the route that the Minister has chosen. In those circumstances, the requirement to have regard to the relative sizes of the populations in the council areas has no actual bearing on the numbers, because we are going for a minimum set of appointments.

**Mr D Bradley:**

Why is it there in the first place if you are supposed to have regard to it? You seem to have shown a total disregard for it.

**Mr Stewart:**

I would not characterise it like that, Dominic. If we were not going for the minimum —

**Mr D Bradley:**

The man in the street looking at that and comparing it with the legislation, would come to the understandable conclusion that you have had total disregard to the population sizes of the various council areas.

**Mr Stewart:**

I would willingly take on the challenge of explaining it to the man in the street. If we were making more than the minimum set of appointments, if there was more than one councillor per council to be appointed, then, in apportioning those places, we would have to take account of the relative sizes of those councils. Larger councils would have more members, smaller councils would have fewer. However, when the starting point is one member from each council, then the issue of proportionality has no bearing. It is not that we have disregarded it; we have had regard to it, but it has not had a bearing on the outcome.

**Mr D Bradley:**

What do you say to the —

**The Chairperson:**

Just so that we do not lose that point, Dominic, the Minister said in the House:

"I plan to reduce membership of the boards by over half, taking into account equality legislation and discussions with the Commissioner for Public Appointments. I aim to ensure that the transitional boards will reflect the communities that they serve."

The "transitional boards" that she referred to are the education and library boards. How will that be done when, in some cases such as Belfast, it will not necessarily reflect the community that it serves? You could end up with a situation whereby people are on the board who do not reflect the community of the schools that they are governing, that is, controlled schools.

**Mr Stewart:**

It is for Belfast City Council to determine who it nominates to represent the community that it serves.

**The Chairperson:**

It will not have too much difficulty with four members.

**Mr D Bradley:**

How can you ensure that, across the board, the make-up of the new board will be reflective of the various communities?

**Mr Stewart:**

The answer lies partially in your question. The board will have membership from across the board and will not be made up only of councillors.

**Mr D Bradley:**

Why was the South Eastern Board not reconstituted? For example, if the old board had been accused of acting unreasonably, it would now be gone. If the Department is starting with a clean slate, it could have appointed a new board, which would have meant that the Department had saved money by not having to pay commissioners. Considering the fact that there are huge pressures on the Department's budget, as we heard earlier, why did the Department decide to continue to pay commissioners, rather than to appoint people who would have done that work without the need for payment?

**Mr McGrath:**

The Minister has remained of the view that commissioners in the South Eastern Board are doing a good job, and, if she wants a leaner, fitter model —

**Mr D Bradley:**

She also thinks that the existing boards are doing and have done a good job, yet she is not continuing with the existing format.

**Mr McGrath:**

The commissioners have done a good job in taking the South Eastern Board from where it was to where it is now. If the Minister wants a leaner, fitter model, that currently exists perforce in the South Eastern Board.

**Mr D Bradley:**

Why is there inconsistency between what is happening in the South Eastern Board and the rest of the boards?

**Mr McGrath:**

There was a difference between the South Eastern Board and the rest of the boards.

**Mr D Bradley:**

Yes, but there was an opportunity to iron out that inconsistency.

**Mr McGrath:**

The Minister has chosen to leave the commissioners in place.

**Mr D Bradley:**

How much will it cost the Department to pay them?

**Mr McGrath:**

I do not have the figures to hand, but the Department's view is that, considering the turnaround that has taken place in the finances of the South Eastern Board in the past few years, it has been money well spent.

**Mr D Bradley:**

If a turnaround has been made, there is no necessity to continue with the commissioners.

**Mr McGrath:**

The Minister may have the view that she can have greater stability in the South Eastern Board by not changing any of the commissioners. That is the decision that she has taken.

**Mr Stewart:**

It is worth remembering, notwithstanding the Minister's reference to reconstituting the boards for another three years or three months, that those are intended to be short-term, interim arrangements. The arrangements are intended to be in place for as short a time as possible, and they will depend on the will of the Assembly.

**Mr Craig:**

The arrangements could be in place in for three years.

**The Chairperson:**

Dominic's point about the South Eastern Board does not square with the Minister's statement of 25 November 2008, when she said:

“local democratic accountability ... is vital for a service as important as education.”

There is no democratic accountability with the commissioners who were appointed. There is none; it is gone and absent, and the only reason that they were brought in was because the other commissioners did not act in accordance with the Department's wishes on finance and impose the financial cuts that were required. Therefore, they were ditched, and the Department has commissioners, and there is a democratic deficit, even though the Minister said on 25 November 2008 that democratic accountability is vital to education. That smacks of double standards.

**Mr McGrath:**

As Chris said, the Minister is keen that the ESA be set up as quickly as possible.

**The Chairperson:**

We all are keen on that.

**Mr McGrath:**

Those are interim arrangements, and, in a sense, if it ain't broke, don't fix it in the South Eastern Board.

**Mr Craig:**

I am intrigued by that phrase. A number of members of that board who are on the teachers' appointments committee are well and truly outside their remit, if I have read the legislation correctly.

**The Chairperson:**

The Department would say that they are only technically outside their remit.

**Mr Craig:**

If those members were to resign from the board and refuse to sit on the appointments committee, how would the Department handle that? Would it have to renominate a board to appoint an appointments committee? There is a strong possibility that that will happen.

**Mr McGrath:**

Membership of the South Eastern board will end on 31 December 2009. We rehearsed that issue earlier.

**Mr Craig:**

Who will sit on the teachers' appointments committee after that?

**Mr McGrath:**

The Department is considering that issue, and, when it is resolved, departmental officials or the Minister will share it with the Committee.

**Mr Craig:**

Could we be in the absurd position of the £500-a-day commissioners almost constantly appointing new teachers?

**The Chairperson:**

They cannot do that.

**Mr McGrath:**

The Chairperson is correct.

**The Chairperson:**

The legislation is clear: the teachers' appointments committee is in statute and must include transferors.

**Mr Craig:**

So the insistence of not dealing with the deficit of public representatives in the South Eastern Board will cause even more legal difficulties.

**The Chairperson:**

The board was done away with and commissioners were brought in. However, we did not do away with the board. Technically, we still have the board.

**Mr Stewart:**

That is correct. The legislation does not permit doing away with the board.

**The Chairperson:**

It just convinces us that it is not beyond the bounds of possibility for the Department to do whatever it wants, whether that rides roughshod over democratic accountability or whether it gets what it wants by another method or means. It is not like me to sound like this, but, I have got to the stage where I think that it would be much better if the Department wrote to us to tell us what it wants and for us to say yes or no. Even if we say no, six months or six years down the line, the Department will come back and say that it got what it wanted anyway.

**Mr Stewart:**

You fear that we may have untrammelled power, and, as a civil servant, I perhaps wish that that were true. However, as a citizen, I am very glad that it is not. The issue of the teachers' appointments committee in the South Eastern Board is one that we are looking at specifically, and we have sought legal advice on a particular point. We have not yet received that legal advice. Therefore, rather than speculate, which may be unhelpful, when we have established a definitive position, which I am hopeful that we will do within days, we, or the Minister, will convey that information to you.

**The Chairperson:**

I hope that that will be as definitive as the last legal opinion that you got about another issue. For

a long period of time, the Department ran with that issue, and then it came to the Committee to say that the legal opinion was incorrect. I cannot remember what the issue was, but perhaps you can refresh our memories.

**Mr Stewart:**

It was that we could do what the Committee asked us to do, so I am not sure whether that was a bad news story or not.

**The Chairperson:**

The outcome may not have been a bad news story, but it proves that you should not always hang your hat on a legal opinion. As the saying goes, if doctors differ patients die.

**Mr McGrath:**

We have to start somewhere. However, on the issue of the teachers' appointments committee, I would add that the Minister's view is that the arrangements are transitional and, she hopes, will be as short as possible.

**The Chairperson:**

The arrangements are transitional, but the boards are not. They are reconstituted education and library boards which may be there for three months or three years.

**Mr McGrath:**

Exactly.

**The Chairperson:**

It is up to the Minister to determine when she wants to come to address the issues.

**Mr Stewart:**

The Minister does not want the arrangements to be in place for three years. The point that she was making, in referencing three months and three years, was that, whatever the period, there have to be effective governance arrangements in place to ensure that services continue.

**The Chairperson:**

It is my view that appendix A of the Minister's submission is not compliant with the legislation

and is seriously flawed. I ask that that be looked at again. The Minister reminded us of the legal minefield around another issue, and I do not want to be in a situation in which the education and library boards go down the road of challenging what is being about this issue. That would not be helpful in governance arrangements for education.

**Mr D Bradley:**

Given some of the anomalies that have come to light today about representation of the transferors, will there be a full quality impact assessment on the proposals?

**Mr McGrath:**

As we said, the proposals are fully within the existing legislation and there is no proposal to change the legislation. The Minister, or, indeed, anyone who was Education Minister, could reduce the size of the boards. The arrangements are deemed to be short term, and I think that the Minister will keep a watching brief for if and when sufficient issues of quality arise to justify such an assessment.

**Mr D Bradley:**

If, as we have heard today, the arrangements could impact adversely on certain religious groups, is there not a need that they be fully screened?

**Mr McGrath:**

I am not sure how they have an adverse impact. They are in line with legislation.

**Mr D Bradley:**

We heard today that the representation of transferors, in at least one board, is not enough to fulfil the needs of the teachers' appointments committee.

**Mr McGrath:**

That is an issue that we will consider. However, it does not mean that any damage is being done to the transferors. The provisions are in line with the law. Admittedly, it is a complicated law, one of management by fractions, but the provisions are in line with it.

**The Chairperson:**

In a sense it is not. It is management by a very clear statute. However, as you have proved in the

South Eastern Board, you can get round that. You got round it by keeping in place the very thing that was abolished. It is clear that there have to be transferors on the teachers' appointments committee. That is the law. It is not a technical issue; it is a legal issue.

**Mr Stewart:**

We will look at the figure that you have drawn to our attention. The Minister expects that of us.

**Mr D Bradley:**

Does that situation also arise in the Western Board and the Belfast Board?

**The Chairperson:**

I used that as an example only.

**Mr Stewart:**

You have drawn our attention to that figure, and we will look at it. The Minister expects us to deal directly with any equality impact assessment that might arise from that. If there were an equality issue, I do not think that she would expect us to wait around before we do an equality impact assessment; she would want us to deal with that.

**Mr D Bradley:**

It appears that that is the case in four out of the five boards.

**Mr Stewart:**

We will certainly look at the figures that you have drawn to our attention.

**Mr D Bradley:**

There might be a necessity to go further than that. However, we will leave it in your hands.

**The Chairperson:**

To follow on from Dominic's point about the equality impact assessment: the legislation predates equality legislation, so is there a requirement for that to be equality proofed?

**Mr McGrath:**

Are you talking about the legislation as a whole?

**The Chairperson:**

I am talking the Education and Libraries (Northern Ireland) Order 1986, which is the existing legislation that the Minister is using, and which predates any of the new equality requirements.

**Mr McGrath:**

No, that does not require equality proofing. That is the legislation governing education boards. The Minister is not using it as opposed to using something else. She is sticking to the legislative framework that sets out the governance arrangements for the education and library boards.

**The Chairperson:**

So, an equality impact assessment will not necessarily have to be done on that?

**Mr McGrath:**

No, not if that legislation predates other equality legislation.

**Miss McIlveen:**

I am just trying to get the timeline straight in my head. The boards finish on 31 December, and the Department is hoping that the new slimline version will kick in on 1 January. Is that realistic?

**Mr McGrath:**

We think that it is. I like “slimline”; we were thinking of calling it “ELB light”.

**Miss McIlveen:**

Given that the Christmas holidays may make that unachievable, are we likely to have a situation in which no boards exist?

**Mr D Bradley:**

Will the councils have the time to put forward nominations?

**Mr McGrath:**

There does not need to be a full complement of board members. Even in the current arrangement, there may be vacancies. The critical thing, frankly, is that there is a quorum.

**Miss McIlveen:**

On 31 December will the board stand down?

**Mr McGrath:**

The current board members will stand down.

**Miss McIlveen:**

Therefore, nothing will be in place unless there is something to replace the board.

**Mr McGrath:**

The appointments will need to be made to be effective from 1 January.

**Miss McIlveen:**

Given that that may not happen, what is plan C?

**Mr McGrath:**

Plan B is doing well. Our objective, in line with the Minister's decisions, is to implement plan B and to have the necessary minimum governance arrangements in place on 1 January.

**Miss McIlveen:**

Given that those appointments will come through the councils, it will be difficult to achieve that by 1 January. Councils may meet early or the committee meetings in which they make their decisions may have changed because of the Christmas holidays. Therefore, the timescale will be very short by the time the appointments are agreed among the groups.

**Mr McGrath:**

That is why we want to have the required minimum arrangements in place from 1 January.

**Mr Stewart:**

As public bodies, the boards exist. As John said, we need to move quickly to get the governance arrangements in place as quickly as possible. If there were a gap and a period within which there were not sufficient board members for a quorum, the board itself would not go into suspended animation; rather, it would continue to operate and discharge its functions. However, the board would not be able to take formal decisions that require what lawyers call "the guiding mind".

Therefore, issues that require a formal board decision cannot be taken until or unless a quorum of board members is in place. Therefore, it is in all our interests to get that down as quickly as possible.

**Miss McIlveen:**

I am not making the point to be difficult. I am trying to be realistic about the timescale. Councils will not fall into that or have the same problem as the South Eastern Education and Library Board, but there might be an issue. Have there been any meetings with the chief executives?

**Mr McGrath:**

A meeting was held with the chief executives of all the education and library boards this morning.

**Miss McIlveen:**

What sort of detail did they receive? Will the current chief executives be the chief executives on 1 January?

**Mr McGrath:**

They will be, because they are part of existing organisations. The board membership may change, but its officers do not. They were briefed on the detail this morning and were then told that further detail would be coming out. Some of the management arrangements were explained about Gavin Boyd's role. The chief executives raised certain queries, some of which have been reflected today, and there will be further communication with them. It is likely that there will be far closer working with them on a regular basis than has been the case in the past.

**Miss McIlveen:**

We are in this situation because of various issues that still need to be resolved in the legislation for the ESA. What work is being done to resolve the problems that have caused an impasse? Are there discussions with various bodies outside —

**Mr McGrath:**

What problems are you talking about?

**Miss McIlveen:**

The problems with getting the legislation agreed.

**Mr McGrath:**

That is a political process. We simply serve.

**Miss McIlveen:**

There are issues outside these rooms, and there are issues with transferors and various other groups. However, are discussions still going on about other issues?

**Mr McGrath:**

As I said, issues to be resolved with the legislation are part of the political process. We are simply here to serve.

**Mr O'Dowd:**

I caution people against seeking a full equality impact assessment on the 1986 Order, because the problems that Michelle referred to would be highlighted again and the transferors would be the losers. Going down that road will not be helpful to anyone.

**The Chairperson:**

You mean an equality impact assessment on the 1986 Order?

**Mr O'Dowd:**

Yes; an equality impact assessment would highlight that the transferors have a guaranteed place, and I do not want to see that unravel.

I am also concerned by a view among some Committee members that the bodies will be around for the long term. The bodies should not be long term. The issues affecting the establishment of the ESA can be resolved quickly. It is also worth noting that the problems are associated with the second Bill and not the first one and that all those problems can be resolved.

If there needs to be a slight readjustment to the numbers of transferors on any of the boards, so be it. If it has to be done, it has to be done. However, we are missing the point. I congratulate the Chairperson on becoming a spokesperson for the Executive. No minutes of Executive meetings are published, but they have accepted in principle, as has the Assembly, that the ESA should be established by 1 January 2010. However, we have not achieved that.

We can point fingers and blame others, but some people around this table rested on their laurels in the belief that the education and library boards could forever remain as they are. That was a mistake. It is clear that the Minister has the power to reconstitute the education and library boards, reduce their membership dramatically and make them a more effective and efficient delivery service for the future. That should not be for the long-term future. If we get our acts together, those bodies will be only transitional bodies and will be in place only for the minimum period — months rather than years. If they are in place for years, the bodies will be constituted and will be able to move forward.

I have sat on Craigavon Borough Council for 12 years. In the 30-odd year history of Craigavon Borough Council, never has a nationalist or republican representative sat on the Southern Education and Library Board. That example makes the concern about community representativeness ring hollow in my ears.

**Mr D Bradley:**

I would not take the lead from Craigavon Borough Council.

**Mr O'Dowd:**

I agree, but unionist representatives are saying that the bodies must ensure that they represent the communities that they serve. Some 40% of the community that Craigavon Borough Council represents is nationalist or republican, yet DUP and Ulster Unionist Party representatives on the council have consistently failed to send a representative of that section of the community to the Southern Board. That has happened for 30-odd years.

That should not be the case on the Belfast Board or on any other board: council representation on boards should be representative of the entire community. In the House yesterday, the Minister referred to the Department's discussions with the Commissioner for Public Appointments. What is the outcome of those discussions, and will they continue?

**Mr McGrath:**

There have been productive discussions with the commissioner about the transitional arrangements, and we will finalise how we intend to make nominations and fill posts. The commissioner has given a strong steer that whatever happens should reflect the principles that

underpin public appointments rather than just the arrangements that are envisaged by the 1986 legislation. We have adopted those principles in identifying the ESA's likely board members, which is to offer the Minister choice and facilitate a proper merit test.

**Mr Lunn:**

Are councils legally obliged to nominate to the boards or can they refuse?

**Mr Stewart:**

Councils are not legally obliged to nominate. If councils do not make a nomination, the Department can nominate by default.

**Mr Lunn:**

When answering questions on her statement yesterday, the Minister said that to reconstitute the boards and roll them over would be contrary to the objective of radical reform because it would cause staff and schools further uncertainty. However, it seems to me that a simple rollover would have the opposite effect. I have no particular problem with the Minister's proposal. However, if that proposal is legally possible, surely it is legally possible to reappoint boards with the same numbers that they had before; it would save a lot of palaver.

**Mr Stewart:**

That would be legally possible, but the Minister's point is that it would be at odds with policy.

**Mr Lunn:**

It is at odds with policy only in that she is trying eventually to reduce the number of representatives on education boards from 175 — 35 multiplied by five — to 17, or whatever number we come up with. Surely, the other approach would have been less troublesome, although perhaps that is a political question.

**Mr McGrath:**

The Minister recognises that there are pressures. She wants to streamline the system and to create more commonality in convergence towards the ESA and in policy delivery, which is not as evident as it might seem. Letters have been sent to the Department expressing, on the part of at least two boards, reluctance to take forward key policy initiatives. The Minister is keen not to lose momentum on school improvement, for example.

Therefore, it is not just about streamlining; it is also about having more co-ordination and coherence in policy delivery. Indeed, those are some of the reasons why the Executive decided in favour of moving towards the ESA. The current model is long in the tooth and is probably not fit for purpose in a modern public service. The Minister is saying that enough is enough and that she needs to make changes. She hopes that those changes will be short term pending the long-term changes that will come from the ESA.

**Mr Lunn:**

Streamlining means efficiency savings and cost savings, but there are no cost savings here.

**Mr Grath:**

We will be required to generate £20 million of savings next year, without necessarily having the mechanisms in place now —

**Mr Lunn:**

As you know, I am completely in favour of the creation of the ESA, which will, we hope, create cost savings of about £20 million. However, the move from the existing boards to the numbers that have been suggested is already causing trouble, and we have genuine queries about transferors, teachers' appointment committees, and so on. There is no cost saving at all; it seems pointless.

**Mr McGrath:**

The point is that the Minister is mandating Gavin Boyd and Seán Hogan to work with the ESA's director designate to come up with a convergence delivery plan to identify posts.

The budget settlement that was agreed by the Executive at the same time as it agreed the creation of the ESA would bring savings of £8 million this year and a further £13 million next year, predicated on the ESA's coming into being. The timetable for those savings has not changed, but the timetable for the ESA has. The Minister must therefore square the circle. Part of that is to begin, as she has done now, to create mechanisms to identify whence savings will come. If that does not happen, savings will come out of front-line services, as was mentioned at last week's Committee.

**Mr Lunn:**

I am glad that the Minister has done something, even if certain areas may be challengeable legally. It is meant to be a temporary arrangement. Let somebody challenge it.

**Mr McGrath:**

Some fine detail will be added. As Chris said, we will, if needs be, take the numbers back to the Minister, and if they cannot be solved, they may have to be revisited.

The Minister's actions are intended to slim down the number of boards; get them working in much closer harmony and to a common agenda, which has not been entirely the case in the past; and to ensure that she can drive forward policy, such as school improvement. It is evident that some people believe that current legislation prevents them from driving up standards in schools, which, frankly, we find surprising.

**Mr Lunn:**

The Minister and the Department seem to be going to a great deal of trouble to streamline and make more efficient boards that, we hope, will be there only for another two or three months.

**Mr McGrath:**

That is what we hope. However, the Minister's view is that she has waited long enough; the efficiency savings clock is ticking, and she finds it difficult to understand why boards are reluctant to implement school-improvement policies. Therefore, she feels the need to change the system within current arrangements and structures of education boards in order to achieve more cohesion and momentum.

**Mr Stewart:**

I do not believe that the Chairperson was indicating confidence that the interim arrangements would be as short as three months.

**Mr Lunn:**

I am not looking at him. *[Laughter.]*

**The Chairperson:**

I assure you that he never looks at me when we are dealing with the issue of confidence.

**Mr Lunn:**

I do not need to look at you; I can feel the heat. *[Laughter.]*

**Mr Ross:**

From the response to Michelle's question, it is clear — well, as clear as it can be — that there can be boards with no members. From January onwards, boards can exist without any membership.

**Mr Stewart:**

They can for a short time.

**Mr McGrath:**

They can conceptually, but not necessarily.

**Mr Ross:**

When you say a short time, what do you mean?

**Mr Stewart:**

If it were to be any longer than a short time, the boards would run into difficulties. They could not take decisions that had to be taken formally at board level.

**Mr Ross:**

What happens in that case?

**Mr Stewart:**

We would come under extreme pressure to ensure that there were sufficient members in place to allow decisions to be taken. For example, if a board needed to let a contract but there were not sufficient board members to take a formal decision, the contract could not be let.

**Mr Ross:**

We have determined that the figures are not final; in fact, they are sort of made up.

**Mr McGrath:**

Sorry: those are the figures. As I said, if there needs to be some variation around the margins of

some of them —

**Mr Ross:**

They may all need variation.

**Mr McGrath:**

Conceptually, they may need variation. A great deal of time and work has gone into those figures. The Bill is not the easiest bit of legislation, as the Chairman noted.

**Mr Ross:**

What do you mean that a great deal of time and work has gone into them? We asked questions at last week's meeting and at the previous week's meeting about whether there was a plan B.

**Mr McGrath:**

A great deal of work has been done since then.

**Mr Ross:**

Right: a great deal of work has been done in a week.

Trevor asked about what would happen if councils do not nominate. We have already looked at the example of Belfast, where, according to these figures, there would be four councillors. It is more than likely that they would come from the four main parties. Therefore, Trevor's party would not get a nomination and would not be represented.

**Mr Lunn:**

Belfast would not do that to us.

**Mr Ross:**

Therefore, it could be argued that the arrangement for Belfast is not representative of the community that it serves. If councils cannot nominate their members, Chris said that the Department would nominate.

**Mr McGrath:**

If they choose not to nominate.

**Mr Stewart:**

If they choose not to nominate because they cannot reach agreement, the Department can nominate.

**Mr Craig:**

It must nominate an elected member, though.

**Mr Stewart:**

Yes.

**Mr Ross:**

Nominate whom?

**Mr Stewart:**

Alastair, bear with me till I check the precise detail.

**The Chairperson:**

I would not use John's "conceptually". It is my view that appendix A does not comply with legislation; that is a bigger issue than "conceptually". We want you to reconsider the issue. It is serious if a statement by a Minister to the House is not compliant with legislation, and that needs to be addressed. It has huge implications for the outworking of the legislation.

**Mr McGrath:**

We have heard all that the Committee has said about that issue, and we said that we would reflect its views to the Minister. My point is that, conceptually, there may be appointments by 1 January; however, that may not necessarily be the case.

**The Chairperson:**

Can the Department give executive power to the education and library boards? After all, it has to give them executive power over the summer, as they do not meet then. Does the Department have such a power? Is there a rule enabling the chief executives of boards to have executive power?

**Mr McGrath:**

Believe it or not, there is no such power.

**The Chairperson:**

Is that a working assumption?

**Mr Stewart:**

It is not a working assumption; it is a sensible practice. There is no formal power in legislation for the members of an education and library board to devolve or delegate functions to officers of a board. Nevertheless, there are normal routine, administrative duties that officers can discharge over the summer. If issues arise that require formal decisions by a board, they are taken before the summer or after it when the board returns.

As a precaution, the Department will be encouraging boards to look at matters that they feel are likely to require a board-level decision in the immediate future and to deal with them before 31 December. I cannot answer Alastair's question. The situation is as I described: if a council fails to nominate members or fails to nominate a sufficient number of members, the head of the Department may, on behalf of the council, make such nominations or additional nominations as are required.

**Mr Ross:**

Would the nominee have to be a member of the council?

**Mr Stewart:**

Yes. It is the nomination of councillors.

**Mr Ross:**

Would the Department pick the councillors who would go onto the board?

**Mr Stewart:**

The nominated councillors would be invited to go onto the board.

**Mr Ross:**

Could those councillors refuse?

**Mr Stewart:**

We could not compel them.

**Mr Ross:**

I have some sympathy with Trevor's point. The Department and the Minister have been criticised for creating confusion. As a result of her announcement and what we have determined today, there seems to be confusion about the numbers involved and about what happens. There are only a few weeks until 1 January. What happens if councils cannot nominate in that time? Reconstituting boards in their current form would avoid much of that confusion and create certainty.

**Mr Stewart:**

I want to make a point to provide completeness on the issue that Alastair raised. If, for any reason, a council did not or could not nominate members or if members nominated by the head of the Department declined to serve, that in itself would not impinge on the working of a board. We would have made every effort to constitute the board properly. The vacancy in its membership that would arise would not in itself invalidate board decisions. A board could, therefore, continue without councillor members.

**Mr O'Dowd:**

If there is confusion, it was created by those who believed that in the absence of political agreement on the ESA Bill the status quo would remain. It could not remain for a variety of reasons, especially if the Executive, in principle, supported a radical reform of education services.

Parties can print glossy documents about streamlining administration and government and removing bureaucracy from the system, or they can act to ensure that we remove all those systems from government and direct into front-line services the £21 million savings that we have to achieve. Those who are confused, therefore, are those who believed that by sitting on their hands, the education boards would remain as they were.

**Mr Ross:**

No one could argue that there is not confusion.

**Mr O'Dowd:**

What part confuses you?

**Mr Ross:**

We have heard that the numbers are not final, and that much thought is needed about what happens if councils cannot nominate by 1 January.

**Mr O'Dowd:**

It is in the legislation.

**Mr Ross:**

There is confusion, and the Committee will say that a great deal of work still has to be done. The Minister's statement to the House was not clear.

**The Chairperson:**

Let me add to the confusion so that you know that it exists. I do not accept that the figures are legally competent. Someone told me earlier that the issue with the Belfast Board was raised in the media today. I did not hear it, so I will not repeat it.

The Council for the Curriculum, Examinations and Assessment (CCEA) met last week; it might have been its annual general meeting. Did it decide to dissolve? Does anyone know the outcome or the current situation? I find it frustrating that the Minister went to the conference of the education and library boards and said that she would be making an announcement and that she would talk to her Executive colleagues. That meant that at some time before 10.30 am on Monday a communication was sent saying what she was going to do. There was no discussion on the matter: the Minister was going to make a decision.

The Minister came to the House and made a statement that posed more questions than it answered. It is not a matter of people saying that they are confused when they are not confused; an issue has been raised about the numbers. Even if we accept that, under the Education and Libraries (Northern Ireland) Order 1986, the Minister has the power to do what she is doing, I believe that she is not being compliant.

However, she only told half the story as she only dealt with the education and library boards;

she did not deal with the Council for Catholic Maintained Schools (CCMS), the Council for the Curriculum, Examinations and Assessment, the Youth Council or the staff commission. She dealt with the education and library boards because she is going to deal with them differently. Why are they not all being dealt with at the one time, since they will all have to be in existence by 1 January 2010? Be assured that the CCMS, which is dealt with under the Education Reform (Northern Ireland) Order 1989, will want to be satisfied that it is not getting short-changed either, just as I would be concerned about other sectors. The men responsible for that sector will not be happy if it is short-changed. Why was the whole issue not covered?

To go back to my first point, do we know what is happening to the Council for the Curriculum, Examinations and Assessment?

**Mr McGrath:**

I am not sure. The council's meeting last week was part of its internal business. The council does not have the authority to dissolve itself. That is separate. It met in the Slieve Donard Hotel as part of its normal course of business, and that attracted some press comment. However, the Minister will determine what she wants to happen to the reconstitution of those bodies and will communicate that as quickly as possible.

**Mr Stewart:**

The legislation prescribes the governance arrangements for CCEA. The Education Reform (Northern Ireland) Order 1989 states:

“The Council shall consist of a chairman and not fewer than 9 or more than 17 other members.”

Within that framework, the Minister will decide on the appropriate interim governance arrangements for CCEA.

**The Chairperson:**

The Minister said in her statement that we are working towards a convergence delivery plan. The existing chief executives of the education and library boards sent letters expressing concern, and a separate letter was sent from the Association of Chief Executives expressing particular concern about being left out of the setting up of an ad hoc arrangement for the controlled sector and asking for it to be set aside. I understand that that ad hoc group has now put the brakes on and that the Department has told it that it will not get any more money with regard to an agreement to give it £25,000 for PR. We must remember that much of this pre-dates the Assembly.

I am at a loss to understand why anybody has become passionate about direct rule policies. None of the policies on the ESA or on special educational needs emanated from the Chamber or from this building; they all existed before the restoration of the Assembly.

I have the utmost respect for the chief executives and other officials because of the positions that they hold. Would it not have been easier to produce a convergence delivery plan in consultation and conjunction with them at the start of the process rather than doing so at the end? The Minister told me that they were consulted. If that is the case, why are they unhappy now? They are not unhappy because of anything that I said. They are independent people who make their own assessments and judgements.

**Mr McGrath:**

The happiness of the chief executives is not within our gift.

**The Chairperson:**

You must admit that they raised serious issues through correspondence.

**Mr McGrath:**

They raised issues to varying degrees. Initially, it was suggested that all the chief executives wrote the same letter; they did not. Two letters were identical, but several were not. Clarification about governance arrangements was at the core of all the letters, and that is one reason that the Minister made the statement yesterday. A couple of letters raised issues about policies such as ‘Every School a Good School’, which the boards patently do not understand. I find it difficult to understand why two chief executives believe that work on school improvement could be ultra vires.

They raised issues about vacancy control; serious issues exist because people are acting up in positions. There has been an intimation that some boards want to regularise that situation by fiat to make those appointments permanent. That would breach fair employment legislation, and it could expose the boards and, subsequently, the ESA to financial claims. We will respond to those letters in detail and, perhaps, outline the arrangements that we expect to apply in future to chief executives, accounting officers and Gavin Boyd, in his role as an additional accounting officer, in order to get a tighter grip on the system.

In recent years, it has been difficult to reach common agreement on convergence because, in a sense, we were going for the lowest common denominator. The Minister has now decided, particularly in areas such as SEN, that we need to outline a firm direction from the centre about the desired common standards and approaches. People will have to live with that. At the minute, our system appears to be running five different approaches. That is not acceptable; we need commonality.

**The Chairperson:**

If the Department, from the centre, introduces a review of SEN, the whole system will go epileptic, because we have not found consensus on how to provide the service for special educational needs.

**Mr McGrath:**

It is not my say; I am not responsible for that area.

**The Chairperson:**

I appreciate that. However, I am making the point —

**Mr McGrath:**

I hear the point, but I am not sure whether I accept it.

**The Chairperson:**

The issue of financial delegation has raised serious concerns, because threats are implicit in some comments. The announcement intends to lead to the streamlining of bureaucracy. However, one could argue that starting to deal with the issue of financial delegation could increase bureaucracy and make the situation more difficult.

**Mr McGrath:**

That could happen.

**The Chairperson:**

An assurance must be given that that tool will not be used to browbeat or corral the education and library boards into falling into line with the accepted wisdom on the way forward.

**Mr McGrath:**

In general, we are in a period of greater volatility. We all accept that the financial position is difficult; next year will be very difficult. There are staffing issues in boards and numerous vacancies. The greater the number of vacancies and the more people acting up, the more mistakes will occur. That is not a criticism; I would make that point to the chief executives. Will Haire, the principal accounting officer, has the responsibility to ensure that proper risk-management approaches are in place over a period when more things might go wrong. As part of that, he has recommended to the Minister that we review delegations to get a closer grip on the system when there are fluctuations and vacancies in key areas. That is appropriate diligence as an accounting officer. It has nothing to do with strangling decision making; it is about due diligence. The guidance that he has been given contains the responsibility for him to do that and to convey that to the accounting officers of the boards and other organisations.

If the ESA comes into being, there is also the view that we will need convergence of financial management. When that is inherited by the ESA, it will dock like a super-tanker rather than bang about the place. The measures that we propose suggest due diligence and good governance. It has nothing to do with increasing bureaucracy; that is not what we want. We do not want to add to the burden of anybody in the service.

**The Chairperson:**

However, we have created another post in the Department in Gavin Boyd, who is now an accounting officer. The normal practice to date has been that the chief executives, who are the accounting officers of the education and library boards, have reported either to you or to Will Haire.

**Mr McGrath:**

As accounting officers, they formally report to Will Haire.

**The Chairperson:**

That will change, and the accounting officer will report to the Department through the chief executive designate, who is an accounting officer of the Department. He will then report to the permanent secretary of the Department.

**Mr McGrath:**

Yes.

**The Chairperson:**

We have added to the bureaucracy rather than reduced it.

**Mr McGrath:**

No; we have not added to it. In that difficult time, there needs to be a closer, hands-on relationship with boards. We have given more work to Gavin Boyd instead of adding another post. The permanent secretary does not have the capacity to do that on a day-to-day basis. We have an additional accounting officer. Gavin has been fulfilling that role since last April, and will have a more explicit presence from now on. We regard that as due diligence for a £2 billion budget.

**The Chairperson:**

Chris, article 83(8) of The Education and Libraries (Northern Ireland) Order 1986 allows the Department to consent to any two boards coming together.

**Mr Stewart:**

Do you mean in the appointing of officials?

**The Chairperson:**

No; I mean in the working of the board. I do not have time to check article 83(6) of the 1986 Order.

**Mr Stewart:**

Bear with me for one moment, and I will refresh my memory.

**The Chairperson:**

It is article 83(8); I cannot read my own writing.

**Mr McGrath:**

That is about the importance of the same person being on more than one board.

**Mr Stewart:**

It is not about the boards coming together; it is the fact that one person can be the officer of more than one board.

**The Chairperson:**

Will that be used in any of the arrangements being considered?

**Mr Stewart:**

It could be if it would contribute to a desirable objective in the convergence plan. As John said earlier, there is a need to concentrate on bringing back-office functions together to transform and rationalise them. As part of that, it may be possible in the existing organisational framework to slim down the management of those services by having someone appointed as an officer of more than one board.

**The Chairperson:**

When will the Committee see the arrangements that will be put in place? I am aware that you have had a meeting today with the chief executives, which is more appropriate, because they are the people who have to —

**Mr McGrath:**

In a sense, that is fine detail. It may be part of the convergence process, and if posts are slimmed down, it would be appropriate that someone should cover them. It is important to remember that there is a great deal of joint working between the Western Board and the Southern Board, and some officers fill roles across the two boards.

There are some areas where the skill sets are not broadly based, and therefore it may be appropriate to fill a role simply because the skills are not available. These are tools. In a sense, the duration of those arrangements is a factor in how some of the issues will come into play.

**The Chairperson:**

We would appreciate being kept up to date. Eugene, you got off very lightly today; you should come back next week so that we can keep you occupied. John, Chris and Eugene, thank you very much.