



Northern Ireland  
Assembly

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**PUBLIC ACCOUNTS  
COMMITTEE**

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**OFFICIAL REPORT  
(Hansard)**

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**‘The Management of Substitution Cover  
for Teachers: Follow-up Report’**

16 September 2010

**NORTHERN IRELAND ASSEMBLY**

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**PUBLIC ACCOUNTS COMMITTEE**

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**‘The Management of Substitution Cover for Teachers: Follow-up Report’**

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

Mr Paul Maskey (Chairperson)  
Mr Roy Beggs (Deputy Chairperson)  
Mr Gregory Campbell  
Mr William Irwin  
Mr Trevor Lunn  
Mr Patsy McGlone  
Mr Mitchel McLaughlin  
Mr Adrian McQuillan  
Ms Dawn Purvis

**Witnesses:**

Mrs La’Verne Montgomery	)	
Mr John McGrath	)	Department of Education
Mr Paul Sweeney	)	

**Also in attendance:**

Mr Kieran Donnelly	)	Comptroller and Auditor General
Ms Fiona Hamill	)	Treasury Officer of Accounts

**The Chairperson (Mr P Maskey):**

We now move to the evidence session on the Audit Office report entitled ‘The Management of Substitution Cover for Teachers: Follow-up Report’. I ask members to express any interests that they may have in the matter. I have a brother who is the vice-principal of a school; I am not sure

whether that is an interest. However, I would like to put it on record.

**Mr Beggs:**

My dad is a former deputy headmaster and a former member of an education and library board.

**The Chairperson:**

Thank you for that, Roy. Mr Paul Sweeney, the accounting officer in the Department of Education, is here to respond to the report. You are very welcome. Will you introduce your team?

**Mr Paul Sweeney (Department of Education):**

Thank you, Chair. I am accompanied by Mr John McGrath, who is deputy secretary in the Department, and Mrs La'Verne Montgomery, who is assistant secretary.

**The Chairperson:**

You are all very welcome. I will start by asking some questions, after which members will follow with their own lines of questioning.

With regard to figures 12 and 13, which are at paragraphs 4.2 and 4.3 of the report, you recently advised the Committee that you supplied the Audit Office with incorrect data on the number of temporary days that prematurely retired teachers worked during 2008-09. Members, you should all have a copy of that correspondence, which has been tabled. It is worrying that such important information, which is in some reports, especially the Audit Office's, has been recorded incorrectly. I appreciate that you notified the Committee about that mistake as soon as you realised that the figures were wrong. How long did it take you and the Audit Office to clear the report?

**Mr Sweeney:**

The report was published in May. I do not know the specific answer to that question, but I imagine that there would have been an iterative process of at least several weeks prior to that.

**The Chairperson:**

Was that May 2010?

**Mr Sweeney:**

Yes. I imagine that the fieldwork would largely have been done —

**The Chairperson:**

The reason that I ask that is because paragraph 2.1 shows that the cost for substitution cover has increased from £38 million in 2001 to £66 million in 2008-09. If we go back to the figures that were wrong, and it is important that we get the figures correct, the report was with you and the Audit Office for a considerable time. The Comptroller and Auditor General just said to me that the report took 15 months to clear. Surely during those 15 months there was ample opportunity to get the facts and figures in the report correct. You came to us with a letter, which we appreciate, saying that the figures were wrong. However, I received that letter only today, but the report took 15 months to clear. Perhaps you will give us an explanation for that.

**Mr Sweeney:**

During summer 2010, colleagues in Waterside House reran and updated the figures for 2009-2010, which are not the subject of the report. At that time, they became aware that there had been an error in agreeing the figures for 2008-09 in that teachers who had been re-employed had not scored in the year 2008-09. I thought that that was important. Frankly, I became aware of that this week, and I rang the Comptroller and Auditor General immediately. I thought that it was important that I apprised him and the Committee Clerk immediately.

Therefore, the matter arose after the report had been finalised. Colleagues were updating figure work for this year, and they became aware that there had been a miscalculation. As soon as I became aware of that, I thought that it was important to apprise the Comptroller and Auditor General and the Committee immediately.

**The Chairperson:**

Has any mechanism been put in place to ensure that such mistakes do not happen again? Although it is not your issue, over the years, a number of incorrect facts and figures have been given in response to Members' questions. It is important that all Departments' facts and figures are correct.

**Mr Sweeney:**

I absolutely concur with that. Every step should be taken to ensure that figure work is correct and

that if errors are identified, they are drawn to your attention immediately.

**The Chairperson:**

Therefore, will there much more stringent checks to ensure that those mistakes do not happen in future?

**Mr Sweeney:**

Yes.

**The Chairperson:**

OK. Thank you.

Paragraph 2.1 shows that the cost for substitution cover increased from £38 million in 2000-01 to £66 million in 2008-09. Perhaps you can explain how that cost has risen to such a level. What are you doing to keep some control of it?

**Mr Sweeney:**

I want to draw members' attention to figure 3, because it is important. In 2008-09, the total cost for substitution was just over £66 million. If the figure of £34 million for 2000-01 is expressed in real terms, the figure in that table should read £46.9 million. Therefore, there has been a 41% increase in substitution costs in real terms from around £46.9 million in 2000-01 to just over £66 million. In real terms, that is an increase of about £20 million in substitution costs. There are two primary reasons for that, and, although I could go into some details, for now, I will just highlight them. I could develop the fact that maternity costs have increased significantly, but I want to draw attention to the fact that substitution costs are not necessarily an inefficient or ineffective way to manage the education workforce. Indeed, in many instances, substitution costs are highly desirable, because they enable schools to undertake school improvement programmes and staff to undertake staff development and curriculum programmes. In addition, they release teaching principals to spend less time in the classroom and more on strategic planning. Therefore, I would like to disaggregate, on the one hand, teacher substitution money that was an investment in developing schools and the workforce to the betterment of pupils and, on the other hand, essential cover for sickness absence and matters such as maternity leave.

Chair, I shall dwell a little on maternity leave and the Department's policy to raise standards

by investing in the workforce. I draw your attention to a number of high-level points. In the period that you mentioned, maternity leave increased by 53%. Whereas in 2000-01 there were, on average, 610 applications for maternity leave per annum, there are now 933 per annum. Not only that but maternity leave entitlement has increased. In 2001, a maximum of 18 weeks was allowed. In 2003, the figure went up to 26 weeks, and, by 2007, the maximum maternity leave was 39 weeks. In 2006-07, 2.5% of people took more than 26 weeks maternity leave, and by 2008-09, 73% of teachers who were off on maternity leave took more than 26 weeks. Therefore, there has been a significant increase in maternity leave, equivalent to about 35,000 days a year, and, as figure 3 shows, those statistics go some way to explaining the increase.

Turning to deliberate departmental policies, which are about investing in the professional development of the workforce with a view to raising standards, I shall cite a few examples. In 2006-07, the Department put £4.5 million into training teachers to deliver the revised curriculum. That was equivalent to nearly 20,000 days. For three years in a row, we have been putting in about £4.5 million, and, in 2008-09, the figure increased to about £5 million. That was done to enable teachers to come to terms with the requirements of the revised curriculum.

I mentioned that we have been investing in releasing more time for teaching principals, particularly those in small schools. Consequently, in the period that we are covering, and certainly from September 2008, approximately 700 principals have been able to avail themselves of an additional two days a week release time from teaching to focus on strategic planning.

Largely speaking, the £20 million increase is explained by those two elements. In addition, in 2009-2010, the in-year figure dropped from £66 million to about £64 million. We are also seeing, and this will be important to ensure that we monitor costs very carefully, better use being made of things such as online training and the Regional Training Unit (RTU), which has been running summer schools for teachers. We need to monitor costs constantly and look at more cost-effective ways to invest in the workforce that do not require as much teacher substitution.

**The Chairperson:**

The end of my question was to have been about the cost-effective initiatives that the Department has looked at, and you mentioned one, namely, keeping the figures under control. Going from £38 million to £66 million over seven or eight years seems like a big increase, and it is one area in which cost-effective measures need to be put in place. I am grateful that the in-year figure has

reduced. Did you say that it reduced by £2 million this year? Is that correct?

**Mr Sweeney:**

Yes, for 2009-2010.

**The Chairperson:**

Any reduction in cost is welcome. You mentioned training. Are there any other measures that could reduce the costs even further?

**Mr Sweeney:**

I want to get behind the idea of more online training and making better use of summer schools.

**Mr McGlone:**

If I picked you up correctly, you mentioned that part of the additional increase of £20 million could be accounted for by external training for school principals. Has there been a substantial increase for that between 2008-09 and this year? Figure 3 shows that the cost of relief for teaching principals in 2008-09 was £179,743. I presume that that is the relief that you are talking about.

**Mr Sweeney:**

Yes. On that point, there is an issue with figure 3, in the sense that, although some of the reasons for substitution have been categorised, there are elements that lack precision. That is dealt with in the report.

**Mr McGlone:**

On that point about precision, if I picked you up correctly, you explained that some of the additional £20 million, but not all of it, could be accounted for by increased release of school principals for training and so on. I presume that that fits into the category of "Relief for teaching principal", so a considerable amount must have gone into that. It does not seem to fit readily with the figure of £179,000 that is given, because it leaves over £19-odd million to be explained elsewhere. I am not too sure where that huge amount of money has come from and where the other explanations for the £19-odd million increase comes from.

**Mr Sweeney:**

In real terms, the increase is from around £34 million to around £66 million, and those bottom line figures are not in dispute at all. However, the report draws attention to the fact that a great deal of caution needs to be exercised about the reasons given for substitution, and I reinforce that point. I will cut to the chase, because the report draws attention to this: around 53% of the total expenditure has been allocated under the categories of “Vacant posts” and “Other”. As the report rightly says, the use of those categories is a default option.

Part of the difficulty has been the lack of precision, or, to use the term that the report uses, “ambiguity”, in the reasons given for substitution. Around nearly 500 different codes are used that could give a reason for substitution. As a result, there has been a lack of commonality in how people have been making returns. Although we can stand over the figures on areas such as the level of sickness and maternity leave with some authority, other areas are under-represented in the way that that table has been presented. They have been included as a default mechanism under headings such as “Vacant posts” and “Other”. The kernel of that is the lack of sufficient coding and the lack of precision in the reasons given for substitution.

You rightly drew attention to the fact that the table gives the impression that the category of “Relief for teaching principal” accounts for less than £200,000, when in reality, in the later part of 2008-09, from September 2008 onwards, the Department was putting in approximately £5 million to enable relief for teaching principals. Likewise, the category of “Teaching/curriculum” is listed as costing around £2.6 million. As I said earlier, on the revised curriculum alone, the Department was putting in around £4 million, and that figure jumped up to £5 million. I know that that is a long-winded explanation, but I wanted to say that the default mechanism for the categories of “Vacant posts” and “Other” accounts for 53.4% of that expenditure.

**Mr McGlone:**

I should say that I do not think that there are many interpretations of the term “Relief for teaching principals” as a descriptor. Forgive my ignorance on these matters, but where does that information that describes the various vacancies and substitute cover costs by category come from? Who provides that information? The Committee has heard that some of the information that has been provided today is correct, and I hope that it is, but it also heard that the other information was not.



**Mr Sweeney:**

Approximately 1,250 schools make monthly returns to Waterside House. Largely speaking, the system is manually based with some IT backup that, until fairly recently, was 20 years old. In making those manual returns, the system would have looked for a valid reason to be given for substitution, and if that reason was not properly identified, it would have been put into the default box and recorded in either the “Vacant post” or “Other” categories. I have drawn attention to the report’s identification of the lack of precision and the need to eradicate some of the ambiguity in that area. Some of the headings lack precision because the Department gets returns from 1,250 schools. There are 500 different codings, and if the coding is not absolutely clear-cut, the system that was in place would have placed the return into that default mechanism. That is unacceptable, but it was the reality up until now.

**Mr McGlone:**

Am I right to presume that that category has now changed from “Relief for teaching principal” to something else?

**Mr Sweeney:**

In the body of the report, it is shown that the system is in the process of changing. However, at this stage, we still have a considerable way to go.

**Mr Campbell:**

It is nice to see Mr Sweeney and his team again. Mr Sweeney, you used the phrase “in real terms” to explain the distinction between the £38 million and the £46 million that you discussed. Is “in real terms” just another way of taking account of inflation, or is there any other reason for the factual statement of £38 million up to £66 million really being £46 million up to £66 million?

**Mr Sweeney:**

Thank you for your comments. That figure just takes account of inflation to give real-term prices by 2008-09. In that period alone, teachers’ salaries increased in real terms by some 26%.

**Mr Campbell:**

Therefore, is the £8 million differential between the £38 million and the £46 million that you referred to exclusively to do with inflation? Is there no other reason? Is there nothing other than inflation that falls under the term “real terms”?

**Mr Sweeney:**

No.

**The Chairperson:**

OK; we will continue. Paragraph 2 of the executive summary to the report points to research that indicates that substitution cover can have a negative impact on learning, as pupils can spend a significant proportion of their time in school being taught by a substitute. How would you satisfy yourself that the preparation in the deployment of substitute teachers has had a positive impact on pupil learning?

**Mr Sweeney:**

I rely heavily on the role of the Education and Training Inspectorate (ETI) in its assessment of school performance. As you know, the inspectorate can make scheduled visits, but it can also make unannounced visits that include dropping in randomly to classrooms that may be fronted up either by full-time regular teachers, if I can use that phrase, or by substitution teachers. The Department has not received an intelligence base from its conversations with the inspectorate that suggests that the way in which teacher substitution has been managed in Northern Ireland has had an empirically detrimental impact on the quality of teaching in schools. I want to point out that a great deal of emphasis is placed on properly managing substitution so that it is not simply a case of putting in a teacher to control a class. Rather, the emphasis has to be on bringing added value and teaching the class.

Therefore, based on the assurances that I got from the inspectorate, I have been advised that part of an inspection would look at how substitution teachers are managed in any given school, and, if there were cause for concern, the inspector would draw that to the attention of the board of governors. With in extremis cases, the inspector would enter the school to make a formal intervention if necessary.

The report rightly draws attention to two US-based studies that make the obvious point that teaching is critical to educational outcomes. I am not being complacent about that; however, I have not seen any empirical evidence or report — certainly not from the inspectorate — to suggest that the way that substitution is managed in Northern Ireland is having a detrimental impact.

**The Chairperson:**

Has the inspectorate given you any recommendations as to the length of time that a class should be under the supervision of a substitute teacher?

**Mr Sweeney:**

Yes, we spoke to the inspectorate about that in preparation for this meeting. The inspectorate explained to me that, if there were a particularly high level of substitution in a school in any given year, the board of governors would be spoken to. To use an example rather than a specific school, if the school had a high level of substitution, the inspector would draw the attention of the board of governors to the fact that those staff were the equivalent of four full-time teachers. He would draw the governors' attention to the importance of managing that.

I disaggregated between substitution that was about investment, the school improvement and staff development, but some matters, such as the management of absence in particular, can often be unpredictable. Sometimes there will be a casual absence of one or two days, but sometimes absence will be for a prolonged period. An absence could start off being for two weeks but could be prolonged, so there is an element of unpredictability. That is why the Department issued guidance about the proper management of the substitution of teachers and how important it is that substitution is not seen as some kind of add-on. Quality control must be brought to bear.

**The Chairperson:**

Paragraph 4.10 refers to falling school enrolments as a factor in the availability of employment opportunities for newly qualified teachers. However, figure 3 at paragraph 2.3 shows that substitution cover for vacant posts cost over £23 million in 2008-09. How can you have a workforce planning system that churns out newly qualified teachers every year with little prospect of their getting any permanent teaching jobs? That is a serious issue that must be addressed. How many teachers have qualified over the past three years, and do you have any record of how many of them have had employment opportunities in schools?

**Mr Sweeney:**

This is a very important area. I should say that the Department has made it consistently clear that preference should be given to recently qualified teachers and that prematurely retired teachers should be re-engaged only in exceptional circumstances. A Public Accounts Committee report

that was published away back in 1992 drew attention to that matter. However, the reality is that a significant amount of prematurely retired teachers are still being re-engaged.

To focus on your question about newly qualified teachers, I have some figures that may be of assistance to the Committee. We took advice from the General Teaching Council for Northern Ireland (GTCNI). It told us that, of the 792 teachers who graduated in 2009 from institutions in Northern Ireland and elsewhere, only 200, which is 25%, have obtained either a permanent or part-time teaching post. Indeed, 2,456 teachers graduated in the five-year period 2004-09, and, in the academic year 2009-2010, they have not been able to obtain a teaching post of a permanent or significant nature.

There is a real issue with newly qualified teachers finding it very difficult to get substantive posts. That is partly because of the demographics. Partly because of that, the Department, as the report states, has decreased by 27% the number of people who undertake initial teacher education. For example, in 2004-05, the various local institutions provided training to 880 people. That dropped to approximately 640 in 2009-2010, so there was a 27% reduction in the number of people who were put through initial teacher education.

**The Chairperson:**

There is still a very large number of people who leave university as qualified teachers but cannot get employment, whether full time or part time. They cannot even fill some of the substitution vacancies in our schools.

**Mr Sweeney:**

Yes.

**The Chairperson:**

In 2008-09, substitution costs totalled £23 million. Is there a difference in pay scales between those who have retired recently, and newly qualified teachers? Newly qualified teachers cannot get experience or avail themselves of employment opportunities. There are figures for recently qualified teachers, but are there figures of retired teachers who are doing substitute teaching?

**Mr Sweeney:**

Yes. I could give some examples. However, we have been bearing down very heavily on the that recently. In 2005-06, something like 581 teachers retired prematurely, some 325 of whom were re-employed to various degrees. That may have ranged from one day up to several weeks. In 2006-07, 552 retired prematurely and 246 were re-employed to various degrees; in 2007-08, 555 retired prematurely and 248 were re-employed; in 2008-09, 316 retired prematurely and 146 were re-employed; and in 2009-2010, 180 retired prematurely and 77 were re-employed. In 2010-11, no one retired prematurely. We can go into the various reasons for that. The Department has made a stark calculation that will be helpful. In 2008-09, for example, if the teachers who retired prematurely and subsequently re-engaged in the workforce had have been covered by newly qualified teachers, it could have cost £6 million less in that year.

**The Chairperson:**

Is that for newly qualified teachers?

**Mr Sweeney:**

Yes. That is the approximate differential.

**The Chairperson:**

Why is that not happening, then?

**Mr Sweeney:**

We operate under the Minister's direction and control. She has made it very clear where her preferences lie. The Department's preference is that prematurely retired teachers should be used only in exceptional circumstances. However, to make a counter-argument in the interest of balance, the context is one of autonomy. A common funding formula allocates a per capita allocation to schools, which is within a regime of local management of schools, and rightly so. An element of autonomy is given to the board of governors and principal in any given school as to how they wish to use their allocation. For example, the report draws attention to trying to restrict the re-employment of prematurely retired teachers. We think that it should be capped at pay point 4. However, the reality is that boards of governors and principals can, under that autonomy, take a conscious decision to re-employ a more experienced or prematurely retired teacher.

I do not have and I have not sought the permission of the person who sent this letter to the Department recently. It is a principal of a large post-primary school in Northern Ireland. I am not going to identify the school or the principal, but it would be useful to draw from the letter. The principal has argued in reaction to a monthly letter from the Department to those schools that we think are transgressing against the need to prioritise newly qualified teachers. This person says —

**Mr McLaughlin:**

Chairperson, do you have any view on whether we can accept this letter, unless it can be entered as evidence? There is a difficulty for us. If Mr Sweeney does not have permission, we may be on thin ice.

**The Chairperson:**

If it is going to be read out, I dare say that it would have to be submitted as evidence for inclusion in our report.

**Mr Sweeney:**

Could I make a general point, then? I am trying to make a counter-argument, because I have made a very strong case for the employment of newly qualified teachers. I will cast the letter aside because I want to make a general point. The point is that, bearing in mind that we have given autonomy to schools and boards of governors within a certain framework, there are principals who, rightly, will say that they need flexibility. Very often, specialist classes need experienced, specialist teachers at short notice, and, perhaps, newly qualified teachers are not readily available, or the nature of the specialism that needs to be addressed requires a very experienced person.

I am trying to speculate why, given that this has been a focus of PAC interest since at least 1992, insufficient progress has been made, even though the Department has made its objectives very clear. We have to respect the fact that, under the local management of schools regime, principals and boards of governors, in any given situation, seek to make decisions. The more inspired leaders will achieve a balance, bringing in newly qualified teachers where it is possible to do so under the tutelage of a head of a department. Undoubtedly, however, in some instances, a judgement will be made that, given the nature of the class, the specialism or the local context, they will rely on, perhaps, prematurely retired teachers. We have to make sure that people are

getting the balance right and that that balance is not out of kilter or being abused.

**The Chairperson:**

OK. I ask you to be brief. You mentioned a cap at pay point 4. When was that brought in?

**Mr Sweeney:**

It was introduced in 1999.

**The Chairperson:**

It has not made much of a difference, has it?

**Mr Sweeney:**

No. Approximately two thirds of the teachers who are registered with the Northern Ireland substitute teachers' register — and are, therefore, actively seeking work — are over 30. At the age of 30, those teachers would reach pay point 4. Pay points 1, 2 and 3 largely comprise people who are recently qualified and are working their way through their 20s. A number of levers are being contemplated. Should we cap it at pay point 3 or pay point 2? There is an element of autonomy under the common funding formula that gives principals and boards of governors discretion in prioritising their expenditure.

**Mr McLaughlin:**

So they can top up?

**Mr Sweeney:**

They can, and they do.

**Mr McLaughlin:**

Is that why the cap did not make a difference?

**Mr Sweeney:**

Yes. They can top up beyond pay point 4, at pay point 5 and 6. Presumably, and, one would hope, it is a deliberate decision, to do that because they will have some discretionary funding in their local management of schools funding formula.

**The Chairperson:**

OK. Members may wish to go into that issue in a bit more depth.

**Mr McLaughlin:**

We have already touched on some of the issues that I intended to raise. The description of the 500 codings — it is a theme that runs through earlier reports and the current report — suggests that there is a difficulty with basic data, and how it helps us to resolve outstanding issues.

The question of vacancies and substitutions is proving a difficult nut to crack. There are 500 codings. Has it occurred to anybody that that is too many? Reducing that down to generic descriptors might help everybody, including local schools and the boards. Can you explain why it has taken so long to sort that out? Is there anything comparable in how other professions manage vacancies, casual sickness, maternity leave, and so on?

**Mr Sweeney:**

In assisting the Committee this afternoon I do not want to make excuses, but, at one level, I want to be respectful to my colleagues whose primary function is to ensure that 20,000 teachers get paid every month. That is about £1 billion a year. Some 19,000 pensioners, who were teachers, get paid as well. I think that we do that well. However, what we are doing insufficiently well, if that is not an understatement, and where there is significant room for improvement, is in the managing of information and the quality of data that, up until now, has been provided by the schools on a manual basis. There is a wide range of coding. We do not take any satisfaction from that, but there are eight ways of describing a back complaint. That is one subset of a code.

**Mr McLaughlin:**

Your head must be fried. Who is responsible for the 500 codings? Who stands over that and says that that is the system that is to be used?

**Mr Sweeney:**

I am responsible for making it into a more regular arrangement. It built up over time.

**Mr McLaughlin:**

Is it the Department? Is it the autonomous school boards? Did the board or the Department come up with 500 codings? I want to know how that happened.



**Mr Sweeney:**

I do not know. I imagine that it grew topsy-turvy over a period of years.

**Mr McLaughlin:**

Could it grow even more?

**Mr Sweeney:**

Although it was also clear when the PAC reported on the issue in 2003, the report makes it clear that the current system is not acceptable; it is not serving its purpose. That is the good news. We must make dramatic improvements. I will point to some improvements.

**Mr McLaughlin:**

I want to stick to this subject, Paul, if you do not mind. Have you compared the system with other education authorities? Are they operating with something like 500 codings in the managing of absences?

**Mr Sweeney:**

I do not believe that we have done that.

**Mrs La'Verne Montgomery (Department of Education):**

If it is helpful, I can give some of the background on why we have 500 codings.

**Mr McLaughlin:**

I do not want to stop you helping us with this, but it seems that there is confusion within the Department in managing this. It is not that people are not trying to manage it, but there is enough confusion, and I do not want to end up confused. You might give me an explanation that, perhaps, will not help me. I am trying to find out whether there is better practice elsewhere. You have had this perennial difficulty. We do not know where it came from, and we do not know whether other people are managing it better. Is that representative of a Department that is trying to sort out the problem?

**Mrs Montgomery:**

Part of the difficulty is that there are a number of employers and employing authorities. They

have developed their own coding system. The fact that there are five education and library boards means that there can be five codes for a bad back, as Mr Sweeney mentioned. As funding streams have come on board, there is a separate code for the teaching principal relief time, for instance, that we have talked about. There is also a separate code for curriculum development under the entitlement framework in the revised curriculum. That is how it has grown over time.

We are looking at, as you described, the practices that other professions adopt for coding absences. For example, the NICS system includes nine or 10 distinct codings to deal with absences, particularly in respect of sickness. We include other types of absence, such as absence owing to professional development, so, although we do not believe that we can get the figure down to nine or 10, we certainly want to reduce it considerably, and it is our intention to do so. We intend to develop our codings and ensure that employing authorities and schools implement them.

**Mr McLaughlin:**

Bearing in mind the historical complexity of the various authorities that have been established here, can we take it that the Department accepts that 500 codings are absolutely too many for anybody to manage properly and that they do not give us the type of data that we can rely on as robust, systematic and scientific?

**Mrs Montgomery:**

Absolutely, and, for schools, employing authorities and, indeed, the Department, so that it can interrogate the information robustly, we are committed to reduce them to a manageable number.

**Mr McLaughlin:**

We do not know what the Department is doing in other areas or where this comes from, but is that, in fact, the Department's position? What is the state of play? Who is researching that for you, and are alternative models being considered?

**Mrs Montgomery:**

Yes.

**Mr McLaughlin:**

Can the Committee have confirmation of that? You may have to correspond with us about the

matter.

**Mrs Montgomery:**

Yes, certainly; we will ensure that it is in place for the beginning of the next financial year.

**Mr McLaughlin:**

That is the kind of positive answer that I was looking for, so, thank you.

**Mr Lunn:**

On the same theme, out of 500 codings, Paul said that eight refer to back problems. If you had asked me what the most common cause of absence is liable to be, I would have thought that back problems would have been quite high on the list, along, perhaps, with flu. If there are only eight such codings, then 492 others do not refer to people's backs. It is a fascinating. You have answered the question that was in my head 10 minutes ago. What is the most common cause of absence?

**Mr McLaughlin:**

Exhaustion as a result of trying to figure out which of the 500 headings to use.

**Mr Sweeney:**

The most concerning cause is stress in the classroom.

**Mr Lunn:**

Are there 150 types of stress problems?

**Mr Sweeney:**

I do not know.

**Mrs Montgomery:**

No, stress is coded as stress. The highest level of absence is probably due to maternity leave, although a person is either pregnant or not.

**Mr Lunn:**

Those are two headings straight away: maternity and stress. That will enable you to get rid of

about 300.

**Mr McLaughlin:**

I do not wish to return to the earlier discussion; however, in figure 3, the heading “Other” jumps out. It seems that 500 codings are not sufficient, so you have to lump some of them under “Other”. The logic of that is that the list of codings has to be streamlined, just to help everyone to understand what we are dealing with in respect of levels, costs and lost opportunities. I am talking about reducing the number of people who go through teacher training. I understand perfectly the need to respond to demographics, but doing that could be a way to address the fact that teachers cannot get employment because, at the other end of the scale, retired teachers are being re-employed. There is a huge cost opportunity there for the whole education system, so we need to shake ourselves and do something about it.

Paragraph 2.3 of the report is very important, because it goes to the heart of a lot of the issues. It refers to the fact that substitution costs have nothing to do with vacant posts. Is the issue of sickness absence understated owing to the lack of clarity in categorisation? It appears that it is difficult for the Department to be able to define precisely the extent of that issue.

**Mr Sweeney:**

I can give assurance to the Committee, because I precipitated the discussion by drawing attention to the need to exercise caution, but we can speak with authority on a number of areas. Sickness returns and MAT B1 forms, which are for maternity leave, are made manually to Waterside House. However, the original copies of all doctors’ certificates for sickness absence and all necessary original documentation for maternity leave are submitted and cross-referenced.

I said unashamedly that we need to be cautious about some of the categories and that the category of “Other” was used as the default option. However, the figures on sickness and maternity are more precise because of the cross-referencing. That is also material because, after 100 days of sickness, a person receives half of their pay and, after a further 100 days of sickness, a person receives no pay. The figures need to be precise, and that is achieved by cross-referencing the manual submission from the schools with the original documentation, the sickness certificates and the maternity forms.

**Mr McLaughlin:**

Paragraph 2.8 points out that it has taken six years to introduce the new payroll system to provide better data on teacher absence and substitution cover but that the system still does not work to its full potential. How can the time lag in the introduction of the new system be explained or justified?

**Mr Sweeney:**

I shall outline the chronology. That is not meant to be a robust defence; it will be a factual résumé of the insufficient momentum over that period.

**Mr McLaughlin:**

Can the detail be usefully submitted so that you can speak to the headlines? I am conscious that I may be abusing the Chairperson's patience.

**Mr Sweeney:**

I will speak only to the headlines.

**Mr McLaughlin:**

Yes, and, if possible, submit the detail to the Committee. Thank you.

**Mr Sweeney:**

After the PAC report in 2003, there was a great deal of activity, and a project manager was put in place. By the end of 2003, we had a business case. By 2005, the review of public administration and the whole idea of a significant reform of education, which was predicated on the establishment of the education and skills authority (ESA), was material. The whole rationale was that ESA would become the single regional employing authority for all of the sectors across Northern Ireland.

We were making headway until 2005, when we went into what I would describe as a bit of organisational planning blight, wondering how we needed to revisit the business plans to take account of that significant proposed review of public administration. A new business case was not approved until 2007. An implementation team was put in place, and the new system went live for full-time teachers in April 2009, and for part-time teachers in November 2009. It should

not have taken six years; it should have been done much faster.

**Mr McLaughlin:**

What is the cost of the new system?

**Mr Sweeney:**

The new system has a trade brand called ResourceLink, which is an off-the-shelf system, rather than a bespoke system. It was procured through Northgate. From June 2007 to March 2010, it cost £1.1 million to put in place.

**Mr McLaughlin:**

Paragraph 2.7 points out that Council for Catholic Maintained Schools (CCMS) establishments do not have access to the system. How can the Department manage substitution cover in those schools?

**Mr Sweeney:**

The CCMS schools make up around 33% of the cohort and they make manual returns. I do not want this to come across as some sort of lame excuse, but I think that it is material. The decision around the establishment of ESA provided one conundrum in that, had the legislation been brought forward, CCMS would have been dissolved. The conundrum was whether to invest in becoming fully compatible with ResourceLink when the planning was predicated on CCMS going out of existence. A dedicated work team in ESA was looking at how to bring forward a more strategic approach to discharging the role of regional employer for all those sectors.

To deal with the current situation, we have put in place a modest workaround costing £14,500, which will mean that CCMS can link in, albeit in a slightly restricted way, to ResourceLink from which they can get readouts. They will have to continue to manually input data, but they can get electronic readouts of the composite analysis. That was a bit of a workaround, given the organisational planning blight that we are in because of the impasse over proceeding with the proposed education reform Bill.

**Mr McLaughlin:**

Is there a consistent take-up of that, or is that another issue that comes under the heading of the autonomy of local boards? Do all the CCMS schools now have access to the analysis? I realise

that inputting data is a different kind of system.

**Mr Sweeney:**

They are all manually inputting.

**Mrs Montgomery:**

From October, CCMS — and what I mean by CCMS is the diocesan offices feeding through to the headquarters based in Hollywood — would be able to access reports directly through the ResourceLink system in exactly the same way as the education and library boards.

**Mr McLaughlin:**

Will that give us total cover right across the region?

**Mrs Montgomery:**

Yes.

**Mr McLaughlin:**

Are they all using the system? Is it a question of them opting in or out?

**Mrs Montgomery:**

No. They are all using the system.

**Mr McLaughlin:**

Although you are not going to be fully cranked up until October; is that right?

**Mrs Montgomery:**

That is correct.

**Mr McLaughlin:**

The report, as you have referenced two or three times this afternoon, highlights the significance of ESA and of getting a homogenous model. That is my strong view as well. Have you estimated the opportunity costs as a result of the delay in introducing ESA? Schools are operating with systems that are obviously in need of radical reform. In some instances, a look at the statistics shows that it is not fit for purpose; we are just not getting the management tools.

**Mr Sweeney:**

We have ballpark figures. The underlying business case was prepared by Deloitte in 2007. That stated that by the time ESA was fully in place, one could save around £20 million a year on the administration costs of middle management in delivering education. The Department has taken out £13 million that we believed we could have saved, had ESA been in place. Next year, our assumption is that around £20 million will be taken out of the education budget, predicated on ESA being in place and achieving that level of efficiency. We have the worst of all worlds at the moment.

Financially, the Department has planned to take the benefits as though ESA was in place. However, the reality is that it is not in place, so we have brought forward a convergence delivery plan, which is a best effort in the circumstances. However, it is a suboptimal arrangement; of that there is no doubt. So the answer to your question is: yes, approximately £20 million could be saved by having ESA in place.

**Mr McLaughlin:**

That does not seem to take account of the subject of today's inquiry, which is substitution, aspects of sickness absence, etc, and the opportunity costs of training young teachers, as well as qualified teachers who are having difficulty finding employment. It does not factor in any of those costs.

**Mr McGrath:**

One rationale for the ESA was that we would have had a single employing authority with a common approach to manage the entire teaching workforce and that within that, we would move away from the problems with codification and of having too many cooks. Therefore, we believe that the absence of the ESA has meant that we have not been able to grip a lot of workforce issues, including recruitment, retention and supply, in a strategic way.

Therefore, there is an opportunity cost, but we cannot quantify it at this stage. However, the longer the delay goes on and the fact that we have a system of multiple employers, some of whom are doing their own thing, will mean that we will be prevented from getting that strategic grip on the workforce. We are moving to try to do that with the creation of a workforce directorate in the Department that is headed by Mrs Montgomery.



**Mr Lunn:**

Would the ESA, as it is currently predicated, get over the problem of individual schools and boards of governors still deciding whether to use a substitute teacher who has retired rather than a newly qualified one? Is there something in there that would make a difference?

**Mr McGrath:**

Not specifically, because the review of public administration (RPA) changes would still leave the local management of schools (LMS) in place. One of the fundamentals of the RPA was to have greater autonomy for schools, which meant autonomy in the sense that they take responsibility for their decisions but they are also accountable for their outcomes. The ESA would be in a position to take a more common approach on bearing down on schools and boards of governors by addressing issues on school improvement, quality of outcomes and teacher-absence management. That is where such an approach would come from. There would be a common approach across the North rather than the differential approach that has been adopted by five boards, the CCMS and voluntary grammars.

**Mr Lunn:**

Paul mentioned that bearing down on schools had some effect, particularly over the past couple of years, in the use of newly qualified rather than older, retired teachers. However, that does not have a legal basis and so cannot be enforced. It sounds as though that could not be enforced even if we manage to get ESA established.

**Mr McGrath:**

As Mr Sweeney indicated, a balance has to be struck between the need to ensure that newly qualified teachers get opportunities and, in many cases, the desire of schools to ensure that the standard of teaching does not drop. I am sure that we all support that. We may have referred to the argument that one particular principal made, which was largely about the need to strike a balance. If a school is replacing a teacher who is on maternity leave or who teaches a specialist subject, there may be an argument about the quality of outcomes that supports using some prematurely retired teachers. That balance has to be struck. I do not think that it would be possible or desirable to completely eliminate the use of prematurely retired teachers, but I think that you want evidence that each school has looked at the situation carefully and has struck the appropriate balance in the appropriate circumstances.

**Mr Lunn:**

I will come back to that.

**Mr McQuillan:**

You spoke about the ESA, but I come from the opposite side of the line that says that the ESA is the answer to all our problems. You are saying that the ESA would make things so much easier and better. How confident are you about that? I am not very confident that you can do that, because you have been trying to solve the problem, particularly of using retired teachers, since 1997. We are now sitting here in 2010 and the problem is still not solved. If the ESA were in place tomorrow, how confident would you be that you could solve at least that problem?

**Mr McGrath:**

We do not envisage that the ESA is the magic bullet for dealing with the issue of prematurely retired teachers.

**Mr McQuillan:**

That is what it sounds like.

**Mr McGrath:**

I would be careful. I say again: I do not think that we will get to the point where we never use prematurely retired teachers, because, as we discussed earlier, there is an issue on the standard of teaching and the outcomes of schools, which is the most fundamental issue. If some schools judge in a carefully considered way that using retired teachers in certain circumstances is more important to the quality of outcome than using newly qualified teachers, it is very difficult to simply operate around that by diktat. As I said, I think that the issue would be to test each school to ensure that they are making carefully considered judgements that are based on quality rather than on simple familiarity.

**Mr McQuillan:**

How do you educate the principals about that? It is the principal's judgement. It is not really the board of governors' call; ultimately, it is the principal's call. How do you convince them that a newly qualified teacher is as good as, if not better than, a prematurely retired teacher?

**Mr McGrath:**

First, it is the board of governors' responsibility to address such issues.

**Mr McQuillan:**

It is the responsibility of the board of governors, but who takes that decision in the morning when a teacher phones in sick? It is the principal who takes the call.

**Mr McGrath:**

I think that we would expect a school to have a policy for that that the board of governors has endorsed. At the bottom of all this, every highly experienced and quality teacher, retired or not, started off as a newly qualified teacher. Therefore, we would want boards of governors to recognise that we need to grow the teachers of tomorrow and that not allowing newly qualified teachers through the door is very short-sighted. That is the sort of considered approach that we want to see from boards of governors. Each board needs to look at the issue and determine what its policy will be so that, when the phone rings in the morning, as you said, the principal will operate within a policy that the school has set, rather than in an ad hoc way.

**Mr Beggs:**

I was going to ask this question later, but it is appropriate to do so now. There is huge variation between different education authorities in the average pay that substitution teachers get. Do you agree that it would send a clear message to schools that if they wish to use experienced teachers, they would have to use a significant amount of money from their discretionary budget to pay for them? We are told that, in one board area, for example, the average pay each day is £132 and that £18 an hour is the lowest hourly cost. Those figures seem reasonable. You indicated that 2,500 qualified teachers are floating around. Do you think that they would be interested in getting £132 a day? What does cap 4 actually mean?

**Mr Sweeney:**

Earlier, as a layperson, I said that a teacher, as a result of experience and having reached the age of 30 —

**Mr Beggs:**

Clear financial direction could be given on this matter. If considerable amounts of money had to come from discretionary payments, perhaps cap 4 is too high. What does it mean in hourly and

daily rates? If it were lower and you were taking money from other school resources for this, you would not do it. Do you accept that if a lower rate for substitute teachers were to be available, schools would increasingly choose younger teachers?

**Mr Sweeney:**

I thought that I had covered that ground when I said that there is a level of autonomy —

**Mr Beggs:**

Yes, but do you accept that that autonomy should involve schools deciding whether to take more money from their discretionary resources? What does cap 4 mean for pay?

**Mr Sweeney:**

It is in the report; I think that it is about £137.

**Mrs Montgomery:**

It is £132.75.

**Mr Beggs:**

Could you attract some of those 2,500 teachers by offering a lesser sum? By reducing the figure — guess what? — even more of a school's discretionary money would have to go if it wants an experienced teacher. Consequently, to avoid using that money up, schools might actually go for younger teachers.

**Mr Sweeney:**

This may help. On a monthly basis, those schools that are not operating within the Department's broad guidelines are held to account for the extent to which they have called upon substitution and the extent to which they are using money for it. However, autonomy means that it lies with each principal to make those decisions. An opportunity cost exists: in his or her judgement, a principal could bring in an experienced teacher who, for the sake of argument, costs not £132 but £150. Perhaps the principal has taken a punt on someone whom he or she does not know, and, by bringing him or her in on the cheapest option, the opportunity cost may be chaos in the classroom. That is a judgement call that, as a boring bureaucrat in Rathgael House, I am not going to make. Autonomy lies with principals and boards of governors. Nevertheless, it is incumbent on the Department to bear down on costs, and we are doing that by challenging

schools and their respective governing bodies to strike a balance on the cost of substitution. That is the framework within which we operate. I do not want to be terribly bullish because, for the most part, you go for the cheapest option, but that may not be the best option on every occasion.

**Mr McGrath:**

It is a fair point to link it. A school has the discretion to make decisions about how to use its entire budget. If a school were spending sums that are significantly above previous levels and were running a deficit, it would have serious questions to answer about why it was running that deficit and incurring expenditure that could be reduced by taking account of the issues that Mr Sweeney discussed. As things get tighter in the future, the linkage between quality, cost and familiarity issues with prematurely retired teachers will get starker.

**Mr McGlone:**

I am not sure which side is the Government here. With due respect, Mr McGrath, you said that you expect schools to have a policy on young teachers and the re-employment or employment of people who have, on the face of it, already retired from teaching. That is a big issue. Any number of bright young people are coming out qualified and are being afforded little or no chance on foot of this. However, I am hearing that we need to give the teachers of tomorrow a chance. I think that you said that you expect schools and boards of governors to have a policy on this matter.

What is the Department doing to ensure that policies and practices are in place and to provide a very incisive and clear definition of the exceptional circumstances under which schools can re-employ or employ a teacher who has previously been employed and has ostensibly retired? I have not heard anything to suggest that there are clear-cut criteria that outline the circumstances under which schools can employ a person who has retired and that describe how the evaluation is made about someone who may not have any experience.

I listened very carefully to the figures that you gave, and 50% of those who retire early from the teaching profession, by and large, go back to act as substitute teachers. That is based on a quick calculation of the figures that we heard. Therefore, I see young people being given little or no chance, yet retired people are coming back into teaching. What strict guidance has been given to schools, and what criteria have been developed? Is there a clear definition of what an exception is or of what exceptional circumstances are?

**Mrs Montgomery:**

It is important to recognise that, this year, 14% of all the substitution cover that was given was provided by prematurely retired teachers. The remainder was covered by other teachers, either newly qualified teachers or experienced teachers who are not seeking full-time employment. When a principal uses the Northern Ireland Substitute Teacher Register (NISTR) to book a substitute teacher, it is flagged up for them immediately whether that teacher has retired prematurely. Therefore, when it is making its decision, the school knows whether the person whom it may appoint has prematurely retired. At that point, the principal makes the choice.

We monitor the re-employment of prematurely retired teachers, and, on a monthly basis, we challenge schools and ask them for an explanation as to why they have chosen to employ a prematurely retired teacher as a substitute.

**Mr McGlone:**

I have written down that, of 180 substitute teachers, 79 had previously been employed in the teaching profession and had retired. Therefore, I am not too sure about those figures. I know that you challenge schools. However, you work for a Government Department. What are you doing to tell schools how things should be done? What clear direction is there to outline the exceptional circumstances under which schools have the right to employ a person who has previously been a teacher and has now retired?

**Mrs Montgomery:**

It is important to make it clear that there is nothing to stop a school employing a prematurely retired teacher. Those people are still eligible to teach. Quite often, they have made a decision to come out of permanent employment, and they have the right to seek temporary or substitute employment. From a legislative perspective, we can do nothing to stop that. Indeed, it would be age discrimination if we were to say that schools could not employ prematurely retired teachers. We are mandating the use of NISTR, the substitute teacher register. When a school goes to book a substitute, it is flagged up immediately whether that person has prematurely retired. It is then the principal's choice whether they wish to employ that person.

**Mr McGlone:**

Are you saying that you are firefighting after the event?

**Mrs Montgomery:**

We are certainly challenging schools to ensure that there are exceptional circumstances under which prematurely retired teachers are being re-employed. Equally, we cannot stop the employment of prematurely retired teachers because, as I said, that would be age discrimination.

**Mr McGlone:**

I do not want to labour the point, but you could perhaps give us a flavour of what exceptional circumstances are. I would be interested to hear what they are.

**Mrs Montgomery:**

Certainly. Quite often, it is to do with —

**Mr McGlone:**

You do not necessarily have to do it now. I would like to hear what those exceptional circumstances are because you have obviously done some research into it somewhere. Could that information be provided to the Committee?

**The Chairperson:**

You could correspond with us with those details.

I ask that members be brief with their supplementary questions as there are still a lot to get through.

**Mr Irwin:**

Many of us were aghast at the level of re-employment of teachers who had retired early. I understand fully the Department's dilemma, because if a school is within budget, it is difficult for you to tell them what to do with that money. However, I feel that every effort should be made to take a new look at the matter. The issue is not only about the £6 million in savings that could be made; money is one thing, but look at the young people who have come out of university after qualifying and cannot get a job. It is very unfair to those young people that others are filling these posts. The Department must make every effort to look at that.

**Mr Sweeney:**

If I can come at that from a slightly different angle, we have talked —

**The Chairperson:**

Paul, I ask you to be brief in your reply, because we have covered a lot and we need to move on.

**Mr Sweeney:**

To be brief, we have tried to use a number of levers in bearing down on the problem. Until 2008, the costs of premature retirement were borne by the teachers' pension scheme. The report rightly says that that was often a soft option. We have been bearing down on that so that from 2008, the employing authorities have to cover the costs of any added years that are awarded. From April 2010, the employers have to meet the costs arising from pensions being paid early, which virtually doubles the cost. A number of years ago, approximately over 500 people each year were prematurely retired. The reason that I cited those figures is because by bearing down in the way that we have and by saying that someone cannot retire at 50, because 55 is now the minimum age, in the year that is in it, there have been no premature retirements this year. We believe that the figure will remain low, if it will exist at all, in the future.

**Mr Irwin:**

Would that help in the long term?

**Mr Sweeney:**

Structurally, we are using whatever levers are available to us, because there are legislative anti-discriminatory issues to consider. We are using the levers that are available to us and are exploring others, such as the pay scale issue and the possibility of being more interventionist in that. We are exploring what other steps might be taken within the law. There is a very clear trend here: no teachers have retired prematurely this year, and that trend is likely to continue at a very low level, if it continues at all.

**Mr Beggs:**

Will you accept that it is really the principal who decides which teacher is employed? You do not phone up the board of governors and have a meeting to decide who is going to be employed. Do you agree that it is the headmaster or headmistress who takes that decision? Do you also agree that governors have, in effect, very little say in the matter? That is, of course, unless you can tell



me that many schools have policies on this issue. I am not aware of any policy on the issue. Who is the key person?

**Mr Sweeney:**

It really depends on the nature of the absence. Earlier Mr McQuillan said that if a teacher rings up in the morning and theirs is a casual absence, you deal with that. Maternity cover can be very much planned. Sadly, someone could be off perhaps with a terminal illness or a debilitation that was going to last for several months, and there could be a much more planned approach to that. The principal, in conjunction with the board of governors, would look at a range of options. Therefore, there must be proper due processes to fill such long-term, albeit temporary, standing arrangements as opposed to casual one- or two-day absences.

**Mr Beggs:**

Am I right to say if there were interviews for appointing someone for a long-term period, you cannot take the cost that that person would be on board at present? However, if there were a cap, some of those more experienced teachers would, perhaps, not be prepared to work for a lesser sum and at least money could be saved. Is that not factually correct? The system that is in place gives an unlimited sum, depending on experience and irrespective of who is employed.

**Mr McGrath:**

The practice is that retired teachers are paid a salary that is equivalent to that on which they retired.

**Mr Beggs:**

Why?

**Mr McGrath:**

That is the practice.

**Mr Beggs:**

They may get a pension on top of that and, therefore, be paid twice.

**Mr McGrath:**

There are bars in place. We are considering introducing a flat rate for substitution in the future.

Therefore, if someone who is retired is not prepared to work for the flat rate, there is another disincentive in the system. We are beginning to look at those sorts of issues.

**Mr Beggs:**

We learned earlier that it took the Department 15 months to clear the report. I am astonished that any report takes that amount of time to clear. That means that 15 months passed before your Department and other Departments could learn lessons from the report. That is entirely unacceptable, and we, as the PAC, will comment on that later.

The £66 million cost of substitution cover is an additional burden on the Department of Education and represents teachers who have been put in post frequently on a temporary short-term basis. Do you accept that, if you can reduce that figure, there will be more consistency of teaching in schools?

**Mr Sweeney:**

I come back to the point that substitution is not a bad thing per se; elements of it are very enlightened.

**Mr Beggs:**

I appreciate that. However, if a school frequently has to get a substitute teacher in for a particular task, such as for class work or for whatever reason, the pupils will not be getting continuity in their education. Surely that is a bad thing. If several different teachers look after a particular class, it would be difficult for those children to reach their full potential.

**Mr Sweeney:**

As a layperson who has never been in front of a class, my instinctive answer to that is yes. However, I will qualify that, because it is a matter of judgment for the principal. The Department's role through the inspectorate is to ensure that, through random reviews of school performance and so on, the use of substitution causes no detriment to the pupil.

**Mr Beggs:**

What proportion of the £66 million could be reduced to bring about efficiency without compromising the quality of teaching for the pupils concerned? What is your target?

**Mr Sweeney:**

There are a number of areas to consider, including sickness absence, which I imagine the Committee will want to explore in more detail. We have set a target that we believe could bring sickness absence down. That cost £11 million in 2008-09, but it has dropped to just below £8 million. Therefore, we are making headway on sickness absence.

We have made some investment in the workforce through the revised curriculum and so on. I said earlier that we must explore ways to achieve the same outcome more cost-effectively, such as through the use of online training. There are some very good modules in that area. In the summer past, the Regional Training Unit ran a number of summer schools, and about 2,000 teachers went through those. Again, that is very cost-effective.

Therefore, we are looking at every opportunity to bear down on costs. We see a strong case for making the investment in school improvement, curriculum development and staff development. I shall quickly give you some figures. Typically, teachers appear in front of a class for a maximum of 195 days a year, five of which are Baker days. Over and above that, a teacher can take up to five days for school improvement and professional development. Teachers must work a minimum of at least 180 days per annum.

Built into the management of the educational workforce is a premise that it is really important that we make that ongoing investment in the profession. Earlier, members drew attention to benchmarking with other professions, and I think that such investment is wholly consistent with other professions.

**Mr Beggs:**

Zooming in on some of the detail, the costs of vacant posts has gone up from £11 million to £23 million. Why has there been such a dramatic increase?

**Mr Sweeney:**

We covered that earlier. That is the default mechanism. As a result of a wholly inadequate coding system, we use —

**Mr Beggs:**

We heard about the 500 different codes. Will you give us a written breakdown of the 500 codes

and their costs, so that we can look at the figures for ourselves? I am serious; I would like to see the codes and have a breakdown of how the £23 million and the £13 million in the category “Other”, for that matter, have been spent.

**Mr Sweeney:**

Yes, of course. However, I think that it is more important to focus on the improvements that we are putting in place. I want to counterbalance the topsy-turvy world that developed by looking at the regime that we are putting in place and at the world that we are trying to move towards.

**Mr Beggs:**

I appreciate that; I am just picking up a few points. If we go back to the subject of Waterside House, there is a manual system to record the 500 codes. I am astonished; no business would operate like that with its employees. You indicated that the education authorities that were drawing the money off were dictating to you what the system should be. Why did someone not work out years ago that there was a better way to manage the place? Were civil servants just comfortable ticking boxes and spending public money? I am glad that things are starting to be addressed, but, frankly, that was a ridiculous way to spend money.

**Mr Sweeney:**

A balance needs to be struck. Earlier, I said that the wages still go through, which is really important. The core function of Waterside House is to pay 20,000 teachers and 19,000 pensioners monthly, which come to £1 billion. That core business is delivered. Without sounding complacent, I must say that there has been a high level in the quality of performance at Waterside House and a low level of complaints.

Over 20 years, there has been a largely manually based scheme with an element of IT backup, which, 20 years on, is nearly obsolete. We have put ResourceLink in place, which is an off-the-shelf computer-based system. That has taken a lamentably long time to put in place, and it is not exactly where it needs to be to ensure that we get the best use of it.

**Mr Beggs:**

When did you see the need for that system? Was it when the report was produced? What is the function of accounting officers and managers in the Department? Surely the Department should be dealing with these issues before the Audit Office discovers them. Do your managers not think

that it is up to them to be efficient and to invigorate and come up with new systems?

**Mr Sweeney:**

Again, we covered that ground. The 2003 report drew attention to the problem. At that time, the Department made a commitment to put the new system in place by 2005. We failed to do that, and it did not go live until April 2009. We have covered that ground substantially.

**Mr Beggs:**

I do not accept that as an excuse for its taking so long. However, I shall move on.

I understand that teachers usually do a significant amount of cover for colleagues, so there may even be other classes that are not being taught properly due to absences. However, such classes will not appear in the figures, because substitute teachers have not been brought in. For instance, classes could be doubled up or there could be a study class with a teacher standing at the front. Do you have any figures on the degree to which that might be happening in our schools?

**Mr Sweeney:**

I mentioned earlier the verb “to learn”, as opposed to just watching a class. The Department has issued guidance about the management of substitute teachers. Although substitution is desirable and sometimes essential, it should not be second best. I get assurance through the inspectorate’s scheduled and unannounced visits. That involves dropping into classrooms, some of which are fronted by regular teachers and some of which are fronted by, on a random basis, substitute teachers. There should be no diminution in the quality of learning in a class just because it has a substitute teacher. The whole emphasis of the autonomy of local management in schools is that, if the principal makes that judgement call and pays over the daily rate, it is done, presumably, on the predication that the class requires that level of expertise. We have put that framework in place, but the judgement call lies with the principal and the board of governors.

**Mr Beggs:**

I accept that it will not always be possible to achieve the perfect match. However, is there any mechanism to record in any school whether, for example, a maths class too frequently does not have a maths teacher or a French class does not have a French teacher? Does the new system record that and trigger it to the Department?

**Mr Sweeney:**

Such information is elevated through the inspectorate route. I gave an example, without being school specific, about an inspector who had to make a board of governors aware that the school's level of substitution was equivalent to four full-time teachers. If the inspectorate finds out that, as a result of proliferation of or a high level of substitution, the quality of teaching is detrimental to the pupils, the inspectorate has a very clear onus to draw that to the attention of the board of governors and the Department.

**Mr McQuillan:**

How often does the inspectorate call into schools unannounced? In my experience, that is always planned well in advance.

**Mr Sweeney:**

I said earlier that there are approximately 1,250 schools. In any given year, the inspectorate will carry out about 1,000 unannounced visits, more than 200 planned visits and just over 80 follow-up visits.

**Mr McGlone:**

I have a general observation. The report mentions Cognos and ResourceLink, and paragraph 2.8 mentions software problems six years on from the previous PAC report. I do not know how many times the PAC will hear about computer problems and software problems. That needs to be addressed on a wider cross-departmental basis. I do not know how we get competent people in place who know a bit about software and computer issues. It is astounding how many times that has come up; it has a huge cost to the public purse. I do not know how you will feed that back into the system, but you should make a note of it. It is incredible.

When we compare absence levels with those in Scotland and Wales, we see that the sickness absence that is detailed for some English schools in figure 10 seems to indicate that, for whatever reason, something positive is happening in schools in England to enable them to keep absence rates low. If that was not the case, we would probably not be having such a big conversation. Clearly, somebody needs to look into the parallels and the read-across. Is there any reason why that is the case? If so, I presume that the Department has looked into it, given that the report has been around long enough. Are there any good-practice lessons, good procedures or good exercises that the Department can learn from? If so, what are they and what is the Department

doing about it?

**Mr Sweeney:**

It is useful to benchmark, and the report does that very well. It is, nevertheless, an area where there needs to be a great deal of qualification. I take the view that, given the size of the teaching force in Northern Ireland and the ratio of rural to urban schools, we are probably more akin to Wales. This is not meant to be a self-serving statement, but, if we were to benchmark against Wales, we would come out reasonably well.

Undoubtedly, the trailblazer is England, which has got down to an average of five days a year. The context is that there has been a very significant remodelling of the workforce in England, particularly in the deployment of teacher assistants and higher level teacher assistants. There is a great deal more scope for teachers to get assistance in releasing themselves for professional development. The other big difference is that, in England, there has been approximately a 9% increase in the teaching profession from 1997 to 2006. Conversely, in Northern Ireland, the profession has contracted by around 5% in that time. It is useful to benchmark, but we must be careful to qualify that, rather than using an overly simplistic comparator.

**Mr McGlone:**

With all respect Paul, I would have thought that, the minute that that was flagged up, someone at the Department would have said that it should be looked into. You said that there are hugely more numbers of teachers in England. One would think that that would mean that the proportion of incidences would be possibly or potentially around the same or higher, but sickness absence rates in England are 3.2 percentage points lower than they are here. I am a bit saddened to hear that the Department has not said that England is possibly doing something right and looked to find out what is being done there. If there is not a direct read-across, someone should at least say that they will go over and see what is happening in England and show the reasons why there is not a direct read-across.

You are asking us to treat the figures with caution, and we can only do that if there is some substance behind that to show us that people from the Department have been to England, spoken to some of the English authorities where the sickness rates are at their lowest and found out x, y and z. Potentially, you could have found out that x, y and z could have been translated into something positive here. A blank statement from the Department asking us to treat the figures

with caution tells me nothing. I will treat them with caution, but that can be caution in either direction. It can be caution in favour of improvement or caution in the other direction to say that we do not treat them as a direct read-across.

However, I expect the Department to show some degree of leadership in those matters by saying that there is scope for improvement and giving the reasons for that. I have not heard that yet. Is it the Department's intention to find out why the figures from England are so relatively low and to come back and see if there is any read-across, experiences or lessons that could be learned from Britain?

**Mr Sweeney:**

Rather than being cautious, let me be slightly bold. We looked at the targets in England. At one time, a target was set in England for achieving an average of six days. As I said earlier, an average of five days is now being achieved. Over the period that the report covers, we have been able to reduce absence from an average of 10.1 days to an average of 7.55 days. Therefore, we have achieved a 25% reduction in the period that is covered by the report.

As far as aligning ourselves with the stretching target that has been set in England is concerned, the good news that I can give the Committee is that two of the five education and library boards are achieving the target of an average of six days per annum and one of the boards is tantalisingly close to that. We are bearing down heavily on the management of absence through sickness.

We will take advice on best practice from any good quarter. We have been focusing largely on looking at good exemplars in Northern Ireland and on organising workshops, and so on, so that we can share that good practice across the boards and across the other employing authorities such as CCMS. Every opportunity is being taken to bear down on the management of absence. I could go further, Chairman, but you asked me to be brief. If you wish me to go further on that specific area, I can.

**The Chairperson:**

I asked you to be brief, but do not hold back anything. You need to put across any information that you have.



**Mr Sweeney:**

The Department has set the target of an average of six days to be achieved by 2010-11. A number of the employing authorities are on course to do that, but a number are not. Each year, the management of absence has to be a type of key performance indicator in resource allocation plans, which is a business planning process. I hold those bodies to account on a quarterly basis. I have just held my first suite of meetings with the education and library boards, the CCMS, and so on. That used to be done twice a year, but it is now being done four times a year. The management of absence through sickness is one of the key areas on which we are really bearing down. I get tremendous co-operation from the employing authorities in that regard.

**Mr McGlone:**

To conclude, do you have it in your mind to look at some of the English authorities?

**Mr McGrath:**

We would be very happy to look at them, benchmark and seek good practice. However, we are trying to bear down on targets. There are a lot of examples of what is good policy for managing sickness absence, and Mrs Montgomery can add to that. The report rightly points to the efforts that are being made in the Civil Service. A lot of the basic building blocks and the framework are clear; it is about making sure that those are applied from the top down, which is from the Department to the employing authorities. However, it is also about making sure that each board of governors in each school addresses those issues and bears down on that, because that is where the results will come from.

**Mrs Montgomery:**

Mr Sweeney talked about the remodelling of the workforce that took place in England. That had a major impact because it released teachers from the bureaucratic burden of administrative tasks and it doubled the support staff workforce in England over that period. We believe that that had a major impact on teacher attendance. We have looked at that, and we intend to carry out a major school workforce review to ensure that the lessons from the national agreement in England and Wales will be applied in Northern Ireland.

We had a similar approach with the Curran report, but there were difficulties in relation to financial implications. The NIAO report states that any implications for finance should, effectively, be self-financing, so we need to save money in relation to teacher sickness absence

and re-designate that back into the system. However, it is really important to note that, since the printing of the PAC report in 2003, we have made major reforms in respect of managing attendance in Northern Ireland. We reviewed the managing attendance policy and closed a number of loopholes that existed in the previous policy. For example, we now have self-certification from the first day of absence, which was missing from the previous policy. We have trigger points that identify casual as well as long-term absence. We have return-to-work interviews, which are being implemented right across the system. We have the monitoring that is presented by the Department on a quarterly basis, whereby we identify schools that consistently have high levels of absence. The traffic light system designates red, amber and green, with those categorised as red having eight days or more. We are taking steps to address that, and it is evident in the fact that teacher attendance has improved and absence has been reduced by 25% since the previous PAC report.

It is not that we are not making best efforts; it takes time for the impact of those changes to be seen in the figures. Certainly, there is a cultural issue in relation to supporting principals to manage attendance. That was seen previously as something for the Department or the employing authorities to do. We now work much closer with boards of governors, and the management of attendance is a standing item. At all governor meetings — three times a year — we have asked that one governor be, in effect, the attendance tsar, responsible for supporting the principal in managing attendance.

Another issue on which we are working with schools to develop is their need to have information at their fingertips. Therefore, the C2K system — the schools information management system that all schools use — contains a managing attendance module. The report refers to the pilot scheme for managing attendance that the Western Education and Library Board carried out using that information system. We intend to roll that system out to all schools, so that, rather than us feeding information into the system before it is fed back to them, they will have it at their fingertips. Therefore, there have been considerable improvements in managing attendance.

**Mr McGlone:**

You mentioned C2K. Is that the system that CCMS has a problem in accessing?

**Mrs Montgomery:**

No. All schools have access to C2K, which is the schools information management system. About 80% of schools use about 70% of its functionality, and we want to increase that usage. It is being used predominantly for pupil information, but we want schools to use it to manage their workforces more effectively.

**Mr McGlone:**

Which system did CCMS have difficulty with?

**Mrs Montgomery:**

The CCMS did not have access to ResourceLink, which is the teachers' payroll system, but, from October, it will have exactly the same access to reports as the education and library boards.

**Mr McGlone:**

I do not know how you will feed this in, but we have left the issues with computer systems and software development hanging. Is there any means or mechanism, at permanent secretary level or wherever, to ensure that we do not end up looking at the same computer software issues again? That is all that I will say about that, because it is an incredible waste of money.

Paul Sweeney touched on figure 9, which shows the range of teachers' sickness absence by employing authority. You said that the boards were working pretty well. Has there been any, or is there room for, improvement by CCMS, which, according to those figures, seems to have high average absence rates?

**Mr Sweeney:**

The target is to get down to an average of six days per annum. The CCMS is running at 8.82 days per annum, so it is not on target. In order to achieve the target, it needs a 32% in-year improvement, which would be a heroic achievement. Faced with that, I sought an assurance from CCMS — which it gave — that it is absolutely determined to work towards achieving the target, even though there has been slippage.

The CCMS has taken the following steps. First, it acknowledges that there is a serious issue, which is important because it is not a case of it being in denial. I have received the chief executive of CCMS's personal commitment that he is seized with the importance of working with

the Department in that respect. He is working closely with the five unions that make up the teacher negotiating committee. He is also working very closely with the boards of governors in schools. Recently, he piloted with the Regional training Unit a training programme geared towards 30 principals, so that they could focus on the systems and procedures for managing absence. CCMS has established a management strategy group, which has set specific targets for schools. It has a dedicated senior officer who has the lead responsibility and reports directly to the chief executive. More recently, CCMS requires boards of governors of schools with a sickness absence in excess of six days per annum to set a performance objective for the principal, so that that principal works towards the reduction of absence and the average of six days per annum or better. CCMS are now arranging a meeting with the chairs of boards of governors and principals in each of the schools that are in excess of six days, to ensure that all existing policies and procedures are being fully implemented.

Therefore, although I have taken the view that CCMS is out of kilter — because I said earlier that a number of boards are now achieving the target, but CCMS has slipped — I have seen some of the documentation that it has issued to schools with a high level of absence, and my view is that all reasonable steps are being taken by that organisation. That said, it will take some time for it to achieve the target of six days per annum. Therefore, although there have been high levels of absence, I assure the Committee that there is no complacency and the issue is, rightly, being afforded the attention that it requires.

**Ms Purvis:**

Following on from what Patsy said, I want to focus on sickness absence and maternity leave. The figures in the report are quite encouraging and show that there has been a 50% reduction in female teachers taking sick leave immediately after maternity leave; however, those figures are for the year 2007-08. Do you have figures for 2008-09 and 2009-2010? Did those years show the same level of improvement?

**Mr Sweeney:**

Perhaps my colleague La'Verne can help me, because I do not have those figures. However, it is important that we get those figures and that they be provided to the Committee.

**Mrs Montgomery:**

We know that those rates are still decreasing. Perhaps you could point me to the section of the

report that you referred to.

**Ms Purvis:**

It was paragraph 3.22.

**Mrs Montgomery:**

The figures that I have show that 31% of those teachers who took maternity leave in 2004-05 took sick leave before returning to work, and that figure fell to 19% in 2008-09. Updated figures for 2009-2010 are not yet available.

**Ms Purvis:**

That paragraph goes on to relate the Department's concern at the possible evidence of some teachers being content to end their maternity leave early to avail of more generous sick leave. What evidence have you gathered to show that, and how is it being managed?

**Mrs Montgomery:**

That relates to a recent tribunal case that was taken against the Department and the employing authority. That case concerned an individual teacher who came off maternity leave, had a doctor's certificate that she was fit to resume work, and subsequently produced a doctor's certificate for an illness that was non-maternity related. At that time, the individual was being paid statutory maternity pay, because she was still in her statutory maternity period. However, the tribunal found that it was a case of gender discrimination, and that when a female teacher is fit to return to work but subsequently becomes ill due to a non-maternity related illness, they are entitled to receive sick pay.

The Department's concern is that the system could be misused if it became widely known that staff would receive full sick benefits if they return to work after a pregnancy and then go off sick with a non-maternity related illness. Full sickness benefits entitle an individual to full pay for the first 100 days and half pay for the following 100 days, and the difficulty is that that provision is now in case law, and the Department has no choice but to implement it.

**Ms Purvis:**

Do you have evidence that that is occurring and perhaps increasing? How will you manage that, or does the Department have no choice?

**Mrs Montgomery:**

There is no choice in the sense that, when an individual has a doctor's certificate stating that the illness is a non-maternity related illness, the only challenge open to the employer at that stage is a referral to the Occupational Health Service. However, it is very rare that an occupational health physician would take a different position from that of a general practitioner.

**Ms Purvis:**

Paragraph 3.25 of the report outlines the situation in respect of the Southern Board, which has the largest spend on health promotion for teachers, but the highest level of teachers who are off sick. Again, those figures are for 2007-08. Have those figures improved for the Southern Board? Was there a particular reason why the Southern Board had such levels of sickness-related absence?

**Mr Sweeney:**

There has been an improvement of about 10%. The level of average sickness absence dropped in 2009-2010 to about 7.11 days.

**Mrs Montgomery:**

Mr Sweeney referred earlier to a workshop that we held recently with all the employing authorities. We asked that very question of the Southern Board. Sometimes, raising awareness can have the effect of increasing absence in the first instance prior to its having an impact on the system. That was the explanation that was provided by the Southern Board at that time.

**Mr McGrath:**

It is not unknown — it has happened in the Department — for health roadshows to be run that encourage staff to get health MOTs and general checks only for them to discover underlying issues. It happened in our Department last year. It is the law of unintended consequences.

**The Chairperson:**

There is nothing like being kept in the dark.

**Ms Purvis:**

We are talking about mushrooms again.

Do you have any evidence to suggest that health promotion is working when it comes to reducing sickness levels? I accept that when you first do something like that, people go and get MOTs, find something wrong, and try to address it. Is there any evidence to show that, after that initial blip, health promotion has a beneficial effect in reducing sickness levels?

**Mr McGrath:**

I believe that promoting well-being in the workforce produces positive outcomes. It is important to focus on having a healthy workforce, because that links to standards of teaching and standards of outcomes. There is plenty of evidence that emphasis on improving health and reducing stress in the workforce, supporting staff who are in stressful situations and giving good leadership can help the general well-being of the workforce and avoid some conditions. We want to do more work on the overall well-being of teachers rather than always talking about the sickness issue.

**Mrs Montgomery:**

In April 2009, we introduced a 24-hour telephone counselling service. Our figures for 2009-2010 suggest that that has had an impact on teacher attendance. The converse has, effectively, happened in the maintained sector, because it did not have access to that service until April 2009. It had been available to the education and library boards up until that date. The picture is similar: when something new is introduced, there is a high uptake, and it has an impact, but it takes time to have an impact on attendance figures. We will, perhaps, see that this year and in the following year.

**Ms Purvis:**

I want to ask you about the teacher attendance procedure. You told us earlier about what is being implemented across the boards. Paragraph 3.31 of the report points to a failure among some schools to adopt and promote the attendance procedure:

“For example, an internal audit investigation by the Southern Board revealed...only 69 per cent of controlled schools were found to have adopted the absence policy and only 44 per cent carried out return to work interviews.”

You said that that was being implemented across the board; perhaps you have more up-to-date figures that we could have. However, why is compliance a problem in the first place?

**Mrs Montgomery:**

I think that part of the difficulty in the past was that the managing attendance policy, which was established in 1999, was not an agreed policy. By that I mean that it was not agreed through the

teachers' negotiating committee. It was seen as a management policy. The difference in the new 2008 managing attendance policy is that it was fully negotiated and agreed through the negotiating machinery. Therefore, we have secured buy-in from the workforce, as represented by the teacher unions, which have engaged with us on the implementation of the policy.

However, a cultural shift is involved. Traditionally, schools did not want to deal directly with those matters; they wanted the employing authority to support them in that. We are working with the system to support that cultural shift through developments with boards of governors and, as I mentioned earlier, the governor tsar on training for principals. In fact, the RTU ran its induction programme for newly appointed principals today, and the issue was discussed at that session. It will take time for schools to accept that ownership and appreciate that it is their responsibility. Obviously, the Department is ultimately accountable, but the responsibility must lie with individual schools and boards of governors.

**Ms Purvis:**

How will you measure compliance? For example, the report recommends a review of the implementation of the policy and the internal audit programme for school visits. Have you looked at that recommendation? Will you incorporate that?

**Mr Sweeney:**

You are right to point that out. The report came out in May 2010, and, subsequently, one board has done an internal audit review of its policies and procedures on managing absence. Again, training was drawn out as an issue. Therefore, we have now written to the education and library boards to advise them that they must now ensure that, in future internal audits, they provide the details of their findings on the management of absence directly to the Department. We want much more adherence and, as you say, compliance with the policies and procedures that are in place. We think that the suite of policies and procedures is reasonably good, but the issue is compliance. Training is coming through as an issue. If we ask people to do a difficult job, they should be skilled up to do it. The boards have now factored that into their internal audit plans, and they have been advised that we wish to see the findings, specifically from those internal audit reports, that relate to the management of absence.

**Mr Lunn:**

All my questions relate to pages 36 and 37 of the report, if you want to look at them. As we



know, the information in figures 12 and 13 has been updated. I know that you have dealt with some of this already, but forgive me, we are two hours into the meeting. Those figures show that there has been an increase in the proportion of substitution days worked by prematurely retired teachers. In fact, on those new figures, I think that the rate has gone back up to 14.4%, which is the highest level since 2002.

Paragraph 4.1 says that prematurely retired teachers should be re-employed in “only the most exceptional circumstances”. We have heard that phrase a couple of times today. I see that that point was, apparently, first emphasised in 1984, which is 26 years ago. It was reiterated in 1988, 1992, 1996, 2002 and, more recently, in 2006. However, there has been no progress. In fact, the situation has gone backwards in the past 10 years. I know that you already outlined some of this, but tell me again why there has been such little progress and what you can do to ensure that that ideal is achieved.

**Mr Sweeney:**

I will bring you up to date. In figure 13, the listed “62,310” in the 2008-09 column should read “67,927”. As you know, that was a result of the error that I drew to the Committee’s attention. That was the figure in 2008-09, and the figure for 2009-2010 is 57,116. Without being in any way complacent, we are seeing results from what I call the levers that we can pull, such as increasing the prematurely retired age from 50 to 55 and putting the burden of cost on the employing authorities as part of the hard-charge regime. We have seen the figures drop, and so far there have been no prematurely retired teachers so far this year. In the figure for 2009-2010, you can see that our tactic of being much more interventionist is starting to bear fruit.

Your more substantive point is that, over a long period of time, the mechanism of early retirement was seen as a soft option, as the report rightly states. Although the Department has made its best endeavours to instruct boards of governors and schools that the mechanism should be used only in exceptional circumstances, we saw the trend continue. However, I think that we have now arrested that trend considerably with the steps that we have taken. There is evidence to suggest that, and we are exploring other levers that we might be able to use, all while operating within equality and employment legislation.

**Mr Lunn:**

The changes in the teacher pension arrangements have been the major factor. In other words, you

have taken away the incentive for them to retire and then come back. If that had not happened, the teachers' pension scheme would probably be heading towards needing state assistance, because it is that bad. That is why you have produced none this year. You could say that by using that one tactic, you will eventually squeeze the re-employment of prematurely retired teachers out of the system. We will wait and see.

You would not believe the number of times we hear how a situation has improved since the completion of a report; it is one of the most common themes in evidence to the Committee. I am glad to see that the 67,000 has come down to 57,000; let us hope that the trend continues.

**Mr Sweeney:**

If current patterns continue, it will still take 15 years to exhaust it.

**Mr Lunn:**

It has been a 26-year problem, so 15 years is not that bad.

**Mr Sweeney:**

That is a fair point.

**Mr Lunn:**

Perhaps I am being naive, but over the 26-year period, would it have been illegal to place a stipulation on a prematurely retired teacher's conditions? If someone were retiring prematurely and were due to receive an enhanced pension, could you not have changed the conditions so that they could not have applied for re-employment?

**Mr Sweeney:**

That could have been done by agreement.

**Mrs Montgomery:**

It could have been done, but it would have meant changing the regulations.

**Mr Lunn:**

Why was it not done when it was such a problem for such a long time? It seems to be very basic, notwithstanding the problem of excluding newly qualified teachers, which we will come back to.

The fact that someone could walk out the door with an enhanced pension and get re-employed 29 days later does not seem right. I am really surprised that, over all those years, nothing was done about it, except to continue to give departmental advice to schools, which were apparently perfectly happy to ignore that and continue with what I can see was an old boys' network. The schools preferred to bring in people whom they were familiar with, instead of taking a chance on newly qualified people.

**Mrs Montgomery:**

The premature retirement regulations were primarily used as an incentive to avoid compulsory redundancy. Therefore, in that sense, they encouraged older teachers to volunteer for redundancy.

**Mr McLaughlin:**

Were they primarily used in that way, or was it intended that they would be used in that way?

**Mrs Montgomery:**

The regulations were used for that so that, whenever a school faced a redundancy situation, it was able to get volunteers, including older teachers aged over 50 at that point, instead of having to go down a compulsory route. That saved younger teachers from compulsory redundancy. Therefore, the system had a positive effect in that sense. The Department has always monitored the re-employment of prematurely retired teachers to the point that, if the salary that a pensioner was in receipt of in substitution exceeded what their salary was before they retired, their pension would have been abated. It was not that they could not go on earning; there was a level to which their earnings would be capped.

**Mr Lunn:**

The Department's website has a re-employment calculator, which is a marvellous device to allow people who have just retired to calculate whether it is worth their while to start working again. I gather that it has probably been slightly overtaken by events now, given the changes to the pension scheme. In the past few days, I have looked at various websites to try to find something that is almost comparable, where people might retire and become re-employed, but I have yet to see another re-employment calculator. That was a lovely wee benefit for teachers. With the ready reckoner, it would not have taken two minutes to work out how much a teacher could earn before they started to lose money. That device is still on the website.

**Mrs Montgomery:**

Again, those individuals were not necessarily choosing not to work. Teachers were volunteering for redundancy, but that did not mean that they could not work again. They decided to come away from permanent employment, but they have the right to seek alternative employment.

**Mr Lunn:**

When the boards of governors, or, as Adrian said, the headmasters, were deciding to re-employ someone, you had to check whether they were still on the register. That did not necessarily happen after 29 days; it could have been after a couple of years. Were checks done to ensure that those teachers were up to date with the curriculum and with personal development?

**Mrs Montgomery:**

It would be for the individual principal to check that. If the principal were employing a teacher from the register, they would have to ensure that they were up to date with developments in the curriculum.

**Mr Lunn:**

You are getting off lightly, Paul, because La'Verne is answering all the questions.

**Mr McQuillan:**

I am sorry for butting in, but surely it is not up to the principal to ensure that those have been checked. If the Department is keeping the teacher on a register, it is up to the Department, not the principal, to ensure that the teacher is at the top of his or her game.

**Mr Beggs:**

Does the register not show whether the teacher is up to date with the curriculum?

**Mrs Montgomery:**

The individual effectively chooses to register themselves.

**Mr Beggs:**

You manage it, and, presumably, you could choose that it would show whether the teacher was up to date with the current curriculum.

**Mrs Montgomery:**

That information is not included on the register.

**Mr Beggs:**

I am asking why not.

**Mrs Montgomery:**

The register is relatively new, and, therefore, the people who are on it are, effectively, relatively newly qualified.

**Mr Beggs:**

We have been told that 50% of the people on it are over 50.

**Mrs Montgomery:**

They may be, but does not mean that they are retired in that sense.

**Mr Beggs:**

A significant number of retired teachers have been working as substitute teachers. How does a headmaster know whether teachers on that register are up to date with a curriculum?

**Mrs Montgomery:**

The register contains information about their experience, so once they employ that person, it will be for the principal to ensure that that information is accurate.

**Mr Lunn:**

I thank my two colleagues for taking over my next point. Since they have already done that, I will not labour it. The point seems to go back to the reasons why more experienced teachers are used. Paul, you referred to the nature of the specialisation and experience that are required, but it also indicates that schools lack trust in newly qualified teachers. They think that, although they are qualified, they are not fit to teach. That is a comment; you can respond or otherwise to it.

**Mr Sweeney:**

I would just say that I think that the findings of this report will be material to the ongoing

discussion on these matters. To counterbalance that, I have made it clear that I am unequivocal about what the Minister's priority is, and, as an extension of that and operating to her direction and control, I should say that teachers who have been prematurely retired should be re-employed only in exceptional circumstances. From the evidence that we have heard this afternoon and as a result of this report, we know that that is not the case. I tried to put across the counter argument on the role of principals. On that point, I will say that a whole range of teachers are doing an outstanding and terrific job. We must get the balance right between teachers who are in full-time employment and teachers who have been prematurely retired and who then took a conscious career decision to be re-employed.

The conundrum with which we started is that judgement call that has to be made. The principal and the board of governors have the autonomy to make that professional judgement call. The Department is not satisfied, so we have put in place a number of steps. It is very obvious that those steps now bear down heavily on the matter and are cutting it off at source. That has dramatically reduced the number of people who avail themselves of premature retirement; in fact, the figure is now down to nil. On a monthly basis, we ask schools to explain why they used prematurely retired teachers and why they decided to incur that additional expense.

**Mr Lunn:**

That is fine, and I am glad to hear that. You already said that today, and you have repeated it now. Certainly, the message from the Committee is pretty clear: we strongly favour the use of newly qualified teachers. I find incredible the very thought that a 56-year-old who has taught for 30-odd years is, in most circumstances, a better bet than a newly qualified graduate who is rearing to go. I take your point that there are some situations in which they are better. For example, as you said, it may depend on the age of the class or on the subject. However, if it were me, most of the time, I would go for the younger, fresher approach because it is bang up to date.

I know that what you did with the teacher pension arrangements is obviously working. I also know that there was quite a bit of resistance to them, but they have been in place in England since 1997. We can be a bit behind the times here, but this is 12 or 13 years on, and, suddenly, we seem to have seen the light. Was there not evidence from across the water that those arrangements had the desired effect?

**Mr Sweeney:**

Appendix 7 shows clearly that the level of prematurely retired teachers in England dropped very dramatically after 1997. I concur with the report's findings on that. In Northern Ireland, we have used premature retirement as a soft option in managing the demographic decline in the number of pupils, which led to rationalisation, which, in turn, led to a declining workforce. Perhaps the premature retirement option became the soft option, if you like. As a result of the steps that we have taken, and one may argue whether they were timely enough, I have assured myself that we are absolutely bearing down on the issue.

**Mr Lunn:**

The report uses the lovely phrase "efficient discharge".

**Mr McLaughlin:**

That sounds like a water company.

**Mr Lunn:**

These people love to steal my lines. I was thinking that that would fit well into a Northern Ireland Water report. Perhaps it would even fit into a report from the Health Department, but we will not go there. I presume that the phrase means inefficient discharge; it means that the teacher has been told to leave because they have not carried out their duties efficiently enough to satisfy the requirements. In other words, putting it not quite so politely, they were bordering on incompetent. I suppose that that comment will go on the record. How can you justify re-employing somebody who was asked to leave because they were not up to the job? I know that it is only a small number, but how can that be justified? It is as well that it is a small number, because, in a way, that is the worst figure in the report.

**Mr Sweeney:**

Obviously, I want to show great respect, but we did not concur that incompetency was the reason why people would leave on premature retirement. We do not concur with that at all.

Dealing with the term "efficiency discharge", I said earlier that there were demographic impulses in the decline in numbers of pupils. Rationalisation was required, and we had a 5% reduction in the workforce. Mrs Montgomery mentioned that, rather than make people compulsorily redundant, which could have penalised the new entrants, an opportunity would have

been presented to the cohort in any given school, and people would have volunteered for premature retirement. Although there may be instances of incompetence, it would be wrong to make a blanket statement that people retired prematurely as a result of incompetence, and, as a corollary, got re-employed. That would be wholly unacceptable.

**Mr Lunn:**

All right; I will withdraw the word “incompetent”. That is, perhaps, going too far, and that is fair enough. It still means, however, that the teachers were not regarded as being effective enough to do the job properly. Does it mean that?

**Mrs Montgomery:**

The efficient discharge scheme would, predominantly, have been used for principals and vice-principals and would have related to their leadership and management. Effectively, they would then still have the opportunity to be re-employed in a teaching function as opposed to a leadership function. Therefore, the efficient discharge relates to the roles of principals and vice-principals. That in no way stops them being able to be very competent classroom teachers. The re-employment of people who have been through the efficient discharge process or have retired prematurely is being monitored on a monthly basis. We are challenging schools that choose to employ those individuals to find out whether the circumstances are exceptional.

**Mr Lunn:**

If I said something that went beyond reasonable comment, I am happy to withdraw it. However, I cannot think of any good reason why people who have been discharged in that way should be re-employed, whether they are a headmaster being re-employed as a teacher or otherwise. If someone who is at the head of an organisation is regarded as not being sufficiently effective, it seems strange to slot them in further down the ladder. Is that coming to an end now? You say that you are monitoring it.

**Mrs Montgomery:**

In the past two years, since the hard-charging of the enhancement was placed at the employing authority’s door, there has been one efficient discharge. Effectively, both premature retirement and efficient discharge have gone to zero. That is our intention going forward.



**Mr Lunn:**

Again, you are moving in the right direction. The previous figure, from April to September 2009, was 33, and now it is one. That is fair enough.

**Mr Beggs:**

It was mentioned earlier that some 640 teacher training places are available in Northern Ireland at present. We have been told that 2,500 qualified teachers are seeking employment. First, how do you determine the right number of training places, given that such a large number of qualified teachers are seeking employment? Secondly, how do you ensure that those places that are available are in areas where there are vacancies, whether those are in particular subject areas or something else? I am curious about which specialities you are encouraging people to train in, given the number of training places that are available.

**Mr Sweeney:**

To answer the first part of your question, there is a formula known as the teacher demand statistical model, which takes account of projected pupil numbers, teacher-pupil ratios, teacher wastage rates and inward and outward migration. That is really important. I said earlier that we are down to an intake of about 640 students per annum, spread across five institutions: St Mary's; Stranmillis; Queen's University; the University of Ulster; and the Open University. There is real evidence that we have pared back so much that, perhaps, the viability of running teacher training in some of those institutions is coming to a level where the critical mass is so diminished. You touched on a critical point, and it is a conundrum. Do we stop initial teacher education? In doing so, the impact would be to erode the centre of excellence that we have built up in our local institutions. We have got the numbers down to about 640, which is teetering very close to questioning the viability of —

**Mr Beggs:**

Are we training too many teachers and bringing students in who build up loans, with little prospect of a post being available at the end of the course?

**Mr Sweeney:**

In response to that stark choice, we have reduced the intake by 27%. As a result, we will reach a critical mass threshold, below which we might erode the viability of local institutions. That would be a bold decision to take, and the structural consequences would take many years to work

themselves out.

**Mr Beggs:**

Is it the institutions and the cost of providing them that you want to protect, or are you thinking about what we can afford and the number of teachers that we actually need? Surely that is key.

**Mr McGrath:**

It is important to ensure that we retain the capacity to train teachers. If that disappeared and the demographics changed, that capacity would not exist. However, it is a difficult judgement to make. On the other hand, anyone who applies for a teacher training place recognises the impact of supply and demand. It is not as though anyone going into training is not aware of the issues and of the small number of available posts. Consequently, people have to make mature decisions. As Mr Sweeney said, we are approaching critical mass, so difficult decisions, if only those based on cost, will have to be made for future years.

**Mr Sweeney:**

Be assured that it is not a case of the tail wagging the dog. Pupils are at the heart of this; it is not about protecting institutions. As I said, there has been a demographic decline. That will reach its nadir in about 2015, when demand will begin to pick up again, although not dramatically. Over and above that, real evidence is emerging that more young people are deciding to stay on at sixth form. Therefore, those are the kind of balances that have to be struck.

**Mr Beggs:**

How do you ensure that training takes place in areas of particular need?

**Mrs Montgomery:**

That is factored in to the teacher demand model. For example, we have just created 20 new positions for initial teacher education in special education needs, and we have clear guidance on STEM-related disciplines, modern languages and early years. All that information and those policy decisions are factored in to the teacher demand model.

**The Chairperson:**

I shall take two questions together; the first from Mitchell and the second from Dawn.

**Mr McLaughlin:**

I have a brief supplementary question to ask arising from the line of questioning that I was developing earlier. Given the Department's inconsistent behaviour and, from time to time, the fact that it has not imposed its will — you spoke about the autonomy of boards and schools — relationships with it clearly invite dysfunctionality and a lack of coherence and transparency. Is that codified in law or, like the 500 codings for absences, has it evolved over time? I know that the proposed ESA would have dealt with some of that, but even it would not have addressed the core relationship issues. It seems to me that there is a question to be examined. Have you looked at that either in the context of reform through the ESA or by dealing with the problems that have emerged from the structural relations that have existed for some time between yourselves, the boards and schools?

**The Chairperson:**

Let me take Dawn's question, and then you can answer all the questions.

**Ms Purvis:**

To follow on from Roy's point about the need to look at how many teachers will be required in the future, what consideration has been given to, for example, the number of newly qualified teachers whose first year's placement in a school should be at a subsidised rate? Should they go in as teaching assistants? Qualified teachers' skills need to be retained in the education system, so that when we start to come out of the dip in 2015 that you talked about, they will be experienced in areas such as special educational needs and behavioural assistance and other similar matters. What consideration have you given to such matters?

**Mr Sweeney:**

I will deal with the first question, and La'Verne will perhaps deal with the second. I concur with the thrust of the comments about relationships. We have a structure in place. Earlier, I mentioned the ESA. I do not want to keep referring to it as though it were some lame excuse. However, it is absolutely material to say that, since 2005, the education sector has been in flux. The boards and bodies such as the CCMS were working towards their own demise. As a result of decisions that were taken by the Executive —

**Mr McGrath:**

Or not taken.

**Mr Sweeney:**

As a result of decisions that were taken or not taken, they were scheduled to be stood down at midnight on 31 December 2009. That has had an impact in the sense that, since 2005, organisations have been in flux. We have imposed a vacancy control mechanism, whereby organisations are not recruiting and have acting-up arrangements. Although I am highly respectful of the work that the boards and other bodies do in difficult circumstances, they will be the first to admit that their entire senior management team structure is now seriously depleted.

Therefore, we are in a high-risk environment. It is incumbent on me, as the principal accounting officer, to ensure that all statutory and fiduciary responsibilities are nevertheless discharged. I have to say that I am finding that difficult. However, I am working very hard. I am getting tremendous co-operation from all those organisations. I am very reluctant to say that the relationships are dysfunctional. I know that you did not use that term, but the relationships are strained. We have now put in place quarterly accountability meetings. Earlier, we talked about writing to schools monthly, bearing down on boards of governors and supporting them with training and so forth. I believe that, proportionately, good steps are being taken to manage a very difficult environment that has been brought about as a result of the impasse.

Frankly, members, I say to you, and this is self-serving, the sooner we could end the indecision and bring certitude to the architecture that is required to deliver what is a critical public service to our community, the better. In the meantime, I assure you that my colleagues and I, and our officials, under the Minister's direction, will absolutely bring our best endeavours to bear in managing those relationships in a high-risk environment.

**Mr McGrath:**

I want to add a comment that I believe is relevant to your question. It will always be difficult in a system in which there are 1,250 schools to get them marching in the right direction. In the past, the Department's approach tended to be to exhort people to do things. However, we have a number of statutory powers that we can deploy if necessary towards schools that do not follow policies. Although they have been used very rarely in the past, they may be looked at in the future. We are cranking up the rigour of the system. For example, the schools improvement policy is built around inspection and when schools are found to be underperforming, they go into formal intervention. A number of schools are in that situation. Therefore, we are trying to get

more rigour into the system and to get a number of local institutions to understand that we expect them to follow ministerial policy, particularly when they are funded by the taxpayer.

**Mrs Montgomery:**

The compulsory induction year that you referred to, Ms Purvis, has been in operation in Scotland for the past number of years. We have watched that keenly to see the impact that it has had. The initial evaluation of that programme is that, unfortunately, it simply shifts the situation whereby graduates get a year's placement, but become unemployed in the second year. Therefore, instead of resolving the situation, it shifts the problem to the following year.

We are looking at that. As I said, we have watched keenly what is happening in Scotland. As the Minister has said, we intend, as part of a major school workforce review, to look at what our schools will do in the future and the workforce that they will need to deliver that. It may be that we are looking at the need for more support staff, similar to what has been happening in England and Wales. In that sense, we may actually be looking at a reduced teaching workforce while increasing the other support functions that you referred to, such as behavioural management and so forth. We are looking at that as part of the school workforce review. We have been reviewing the terms of reference that were issued around 18 months ago. Obviously, we have had feedback from the consultation on those terms of reference. We intend to go out with reviewed terms of reference before the end of 2010.

**The Chairperson:**

Thank you. You will be glad to hear that there are no other questions. I take the opportunity to thank you for coming here today and answering our questions. We may pose some further questions to you to obtain additional information.

This is not an easy subject to deal with, because if someone takes off, the school in question will need cover for that, so the problem will have to be worked out.