

**Education Bill 2020 –
Referral to Committee –
Motion carried; Committee of five elected**

The Speaker: In accordance with Standing Order 4.10(1), and as previously indicated, I call on Ms Edge to move her reference to a committee.

Ms Edge: Thank you, Mr Speaker.

2925 What I have actually considered during the debate is to add in to this to move that: the Education Bill be referred to a committee of five Members for consideration and to take into consideration the Beamans' report and to report back by October. So that gives a bit more clarity around what the committee's remit would be.

2930 I said earlier what my thoughts were on having a committee and to make sure that everybody is engaged and everybody has the opportunity. The Hon. Member for Ramsey, the Minister for Education, has just commented again about SSRE, etc. Until we have got Beamans and the outcome of Beamans and the structures – and Hon. Member for Ramsey, Mr Hooper, talked about the healthcare set up – surely an independent review of our Department is going to look at all of this and consider – well they should if they are not – and I think that there is so much importance on this, which we have all highlighted today. None of us wants to stop an Education Bill. We want to make sure it is the right Education Bill for the Island and I think with five political Members looking at this in conjunction with all of the people that have raised concerns would do no harm.

2940 It is not delaying anything; the Minister has said he would be coming back in October. So wouldn't that be great that we have got two valuable views coming back here in October before we debate clauses? I think it is really important, and I hope Hon. Members will consider that.

2945 This is the future; it is going to be enshrined in legislation. The Minister said that he is enshrining trust in legislation. That is great because I think that is the one thing that is lacking at the moment with our current Department and we do need to have that trust. The Isle of Man needs to have the trust in the education system. If we are going to attract people to the Isle of Man we need to have a good, robust education system and an Education Bill that is fit for purpose with professional input, with parents' input and with individuals' input.

2950 I know the Minister is probably sitting there thinking we have been debating this for seven years, well, clearly something has been wrong when we are still at this point now in 2020 that we have not got the right piece of legislation in front of us.

And with that, Mr Speaker, I will not take any more time, but I beg to move:

That the Education Bill be referred to a committee of five Members for consideration to include review of the Beamans' Report; and to report by October 2020.

Thank you, Mr Speaker.

The Speaker: Hon. Member for Garff, Mrs Caine.

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Mrs Caine: Thank you, Mr Speaker.

I rise to second the proposal that the Bill be referred to a committee of five Members.

2960 Ideally I think the Department should have gone away before bringing the Second Reading and made sure that the legislation was right and had the buy-in from all their stakeholders, all the community from students, teachers, head teachers and home educators. Unfortunately, for its own reasons, it did not do that. Perhaps it could go away and come back with a completely new Bill instead of a flawed one. But seeing that has not happened, I think it would be best that five Members of this Hon. House have input into that work to ensure that when the Bill comes

2965 back before this House it is fit for purpose because, as the Hon. Member for Onchan, Ms Edge, says, it is just too important to get it wrong. We have to get this right.

Thank you, Mr Speaker.

The Speaker: Dr Allinson, Hon. Member for Ramsey.

2970 **Dr Allinson:** Thank you very much, Mr Speaker.

2975 Speaking to the amendment (**The Speaker:** The motion) the motion to take this to a committee – which seems to have changed drastically since it was originally put down in front of me – again we are talking here about engagement. And I do get slightly confused with what some Hon. Members want: do they want to refine the Bill or, as Mrs Caine said, get rid of it completely? Because I think we need to be quite clear with this.

2980 People have said that there is something wrong with the Bill, it is not fit for purpose. Well, nobody so far has explained to me why. People have talked about specific clauses. Sometimes the difference between a word of ‘may’ to ‘must’ that is what we are arguing about, rather than the fundamental principles of new legislation to actually enshrine governance, responsibility and the key principles of how we apply legislation on this Island.

As I said in my opening speech, this bit of legislation puts into writing the key principles which should guide all of us, whether that be Government, Departments, schools, teachers, parents or pupils, and that is the important part of it and I think that is fit for purpose and I do not think that is wrong to put those principles down.

2985 In terms of sending this to a committee and engagement, I have already said that I will engage with all stakeholders over the summer regarding this.

2990 Everything seemed to go quiet after the First Reading and now some of the same arguments that were actually voiced then have come back now. I think they are valid arguments and I hear those views but, as I have said, as a Tynwald we need to decide what the wording of those clauses should be. In terms of that engagement, in terms of committees, I will give an assurance to this Hon. House that when we come to the clauses stage I will be quite happy to move this House into a Committee of the House so that in real time we can debate clause by clause with any relevant parties who want to take part in that debate.

2995 Rather than put it off over the summer to five Members, why don’t we include all Members in that discussion? (**A Member:** Hear, hear.) That is what we use a Committee of the House to do, to tackle some of these key issues where sometimes there is not a right or a wrong answer and we need to decide. So I am quite happy to engage over the summer. I am quite happy to have a Committee of the House when this comes back in October.

3000 But what we are looking at here in terms of the submissions that have been given to me, and again I have gone through those again and again, we are dealing with differences of opinion in terms of clauses. Nobody has said so far that the principles that underlie this Bill are in any way wrong; that the principles that education is a human right and the child should be at the heart of that right is somehow wrong. But it is for us to decide, as legislators, exactly how we apply that, and that is why I think a committee of five people over the summer looking at the Beamans’
3005 report is fine, you can do that if you want to drag the Bill off and try to analyse it and perhaps, according to one Hon. Member, get rid of it completely.

3010 I would rather bring this Bill back to the House, as I promised, after full engagement and we go into Committee of the House for those clauses that people have problems with. But when you look at the list of those clauses it is actually quite short and I have already pledged to deal with some of the things that as a backbencher I could not really justify, including custodial sentences for teachers. As a new Minister I will look into that.

3015 So with that, Mr Speaker, I have to say I cannot agree with this motion. We have had the Second Reading, and I thank Hon. Members for progressing this Bill. I want now to take this to the next stage and have a full, democratic debate, not just five Members.

Thank you.

The Speaker: Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

3020 Just to clarify, my vote for the Second Reading today was just because we do need a good Education Act. We need a perfect Education Act if we can do anything about it in this House; that is the reason I voted for Second Reading today.

3025 The second point is that we are down in this House at the moment by two Members, we do not have representation for Douglas South and that might well have changed the dynamics of this debate and it might well have changed the vote in the debate up to date.

And I just wanted to clarify with Mr Speaker, perhaps the Clerk as well, even if the Committee is not set up today am I right in thinking that a Committee could be established again before the clauses reading in October, November time? There are two opportunities – there is after the Second Reading and there is before the clauses, so ...

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The Speaker: Carry on, continue.

3035 **Mr Thomas:** Therefore what we need now is a rich summer for that and we could be moving again today with 24 Members of the House in November for a committee, and why wouldn't we start that committee today? Because I fully respect the Minister's offer then to make sure that we have a Committee of the Whole House to go through the detail of custodial offences, which is a brand-new omission – it is one of the issues in my 14 pages that I was going to take up; but that is quite a substantial change because it is all to do with the sentencing policy and the legal framework around this, and that is quite a substantial change.

3040 It is great having a Committee of the House, it was helpful in the Equality Bill discussion, it was helpful in the Abortion Bill, but it is never a substitute for a committee of five Members looking at this inside a framework, with evidence, coming up with reasoned and informed decisions to bring back to this House. It is much better to actually have that committee working earlier, now, rather than in November, if it is set up at that point, and it is much better to have it informed by actually evidence and a few hundred pages of submissions and evidence rather than just having *ad hoc* legislation-making on the floor of this House, sir, later on.

3045 The other point I want to add in before we make up our mind about this committee, is that I want to build on a statement that the other Hon. Member for Ramsey has made, which I think the Minister will concur with, which is that the Department of Education needs to become more of a policy maker and equality assurer. We have an incredible bias when we draw up legislation in this Island because of the way we organise the legislation process and the specification policy drafting instructions for legislation, which is that we have Departments drawing up the legislation. And if you take the view that the Department is becoming more of the policy maker and the quality assurance regulator, there might well be an incentive for the Department to do too much quality assurance and regulation and there might well be an incentive for the Department to do too much, to develop too much policy and all of that separately. So it is much better to leave policy in the hands of the national interest, taking into account all stakeholders, rather than leaving there to be a potential for a bias for the fact that the Department, which gets something out of in some ways, being responsible for drafting the legislation.

3050 The last point I wanted to make is that I am quite worried about clause 2 and clause 130 in the Bill before us. Clause 2 is the commencement provisions and clause 130 is the subordinate legislation provisions. They seem slightly different from the ones that are in the Education Act at the moment, the 2001 Act, as amended in 2009 and again in 2013 and again by orders along the way. I am a bit worried that I might have to be trying to move one of those killer clauses, like I had to move with the National Health and Care Service Act back in 2016. We might need to take care about what happens next because the Department could end up with too many powers to

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make regulations and to make orders that we do not actually know what they are going to be like in the future, because we have not seen them quite as yet in detail. So that is another point.

3070 All in all, I would value the chance for the Clerks and Members to take evidence and to sit down and to prepare us for a well-informed report. And I do hope that the swing vote today in the vote, Mr Hooper, will come over to the side and that we have an 11-11 vote for this ability to set up a committee.

With that, I will sit down, having registered my full support.

3075 **The Speaker:** Hon. Member for Glenfaba and Peel, Mr Harmer.

Mr Harmer: Thank you, Mr Speaker.

I will just be very brief but I think some of the points that have been made are really interesting. I actually do not think we should delegate to five people, we should all be involved.
3080 *(Interjection)* And actually for all of us being involved would mean ... I think the danger of a committee at this stage, unfortunately I do not think it would be helpful. I think all of us need to look at all of the comments that are being made, all of the issues, and really spend the whole summer getting bang into the detail. The danger of a committee is you get a report and then you start all the process again. Let's not delay it in our own heads, let's actually get on with the work.
3085 With the principles being defined, the problem is a lot of it is around the detail and that is where we need to all work together.

So with that I do not support a committee of five because actually I think that will delay and delegate where we actually need to grasp the nettle.

Thank you, Mr Speaker.

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The Speaker: Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr Speaker.

I find this quite interesting actually. A number of Members have said there should be lots of input from this Hon. House and we should take account of all the comments that have been
3095 made. I was expecting quite a robust debate today actually about the content of this Education Bill. It is important; it is fundamental; it is critical to getting this right. And yet I am the only person that spoke in the Second Reading debate. That I found quite concerning, that we are being asked now to vote on a committee, to ask a committee to go away and look at this in
3100 detail, but actually Members were not invested enough in the Bill to actually stand up and say this is what I think about it. We have not had that debate. I was shocked, actually, and quite disappointed that that opportunity has now been missed.

So really I would like the hon. mover just to confirm something when she sums up on this: what direction is the Committee expected to take? Because usually there is a nice robust debate
3105 around the principles and then someone says right we will have a vote on that and we have a committee and they have got a rough idea what it is they are supposed to be looking at. So if the Member could outline that it would be quite useful.

Also, when she made her opening remarks, she said that a committee of five Members to consider the Beamans' Report and report back by October. Forgive me if I am wrong there, but
3110 the issues I think that Members have mentioned, or rather the letters have mentioned in connection with the Bill, a lot of them actually step outside the remit and the terms of reference of what Beamans are looking at – so are we asking to appoint a committee to do half a job? I am a bit unclear on that, so again, is the intention to have a committee of five Members solely to consider the output from Beamans in the context of the Bill; or is it to have a much broader
3115 remit and wider context? If that is the case, where are they going to take the direction from given that actually we have not had a proper debate around the principles inside this Bill?

Thank you, Mr Speaker.

The Speaker: I call on Ms Edge to reply.

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Ms Edge: Thank you, Mr Speaker.

I would just like to say that I am actually moving for a committee on the Education Bill so I think that is quite important for the Hon. Member of Ramsey to see, but to await the outcome of the Beamans' report.

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But I am going to be brief because I want to consider the time. The Minister said that we want to have a full, democratic debate and none of us in here would disagree with that; that is what we all want. But obviously if there was a committee set up that could be getting the views and bringing that forward to everybody and that would be a report that is delivered like any Tynwald Committee. And how important and how many things have been successful by going to committee and making sure you have got everybody's views in a report?

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It is difficult when you are in here doing a debate to make decisions, but if you have got a full report in front of you from five Hon. Members that have looked, they have spent the time to consider all of the concerns that we have had from Members via email, and we can then present that to all Hon. Members for an informed debate. I think the Hon. Member for Middle, Mr Shimmins, used that word earlier, an 'informed debate'. At the present time obviously it is quite clear from the debate today, we are all feeling ... I think the feeling is out there that there is a bit of a railroading exercise going on by bringing the Second Reading today. Why couldn't the Second Reading wait until October? It has not, it has come forward, but I think the right democratic process now is for a committee of this Hon. House to be created and to look at this whilst we have got all this valuable time in front of us. We are all post-COVID now, there are lots of challenges on the Island, but this is an important challenge as well.

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There was comment with regard to inspection and I just want to say that actually within the Bill it is quite clear that the Department can create an inspection process. That is clearly not what the Hon. Member for Ramsey said, it does not involve SSRE. It might not have the words SSRE, but it says the Department can create an inspection process. I am sure all our Hon. Members, people that are working in Education, would not disagree with an inspection process, but it needs to be right the process.

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And obviously Hon. Member for Douglas Central, Mr Thomas, he said an informed debate and he said that a Committee of the House is not a substitute for a full report from Hon. Members and I do totally agree with that.

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He mentioned about quality assurance in the legislation but I think the most important thing that I picked up on was that it is a policy and a Bill that is of the national interest of the Island and I think this is where it is possible that that has not come through from the Department. There are clear issues in the Department with regard to communication and I think that has come out again today. I think it is quite obvious there are clear communication issues and we should not be moving forward with legislation when there are still so many concerns.

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Hon. Member for Peel, Mr Harmer, said the danger of a committee is to delay, that we are only approving the principles here today. I do not believe that it is just principles here today. If you read the Bill there is a lot more than principles in there and I think there is significant change for our education setting and I think the professionals should be involved and they clearly do not feel they have been involved enough.

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Mr Hooper said none of us input into the Second Reading, and obviously there are a number of Members in here today who wanted to see a committee set up so therefore they have chosen to save their debate for the committee.

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With that, Mr Speaker, I beg to move. Thank you.

The Speaker: The motion is that the Education Bill be referred to a committee of five Members for consideration to include review of the Beamans' Report; and to report by October 2020. Those in favour, please say aye; against, no. The noes have it.

A division was called for and electronic voting resulted as follows:

FOR

Mr Moorhouse
Mrs Barber
Mrs Caine
Mr Callister
Ms Edge
Mr Peake
Mr Perkins
Mr Robertshaw
Mr Shimmins
Mr Speaker
Mr Thomas

AGAINST

Mr Ashford
Dr Allinson
Mr Baker
Mr Boot
Mr Cannan
Mrs Corlett
Mr Cregeen
Mr Harmer
Mr Hooper
Mr Quayle
Mr Skelly

3170 **The Speaker:** We have 11 votes for, 11 against. Whilst a casting vote should not be used to make a decision it can be used to extend debate, and I will therefore use my casting vote in favour of a committee to report by October 2020.

We therefore need to elect a committee of five people and I call for nominations.

3175 **Mrs Caine:** I nominate Ms Edge.

The Speaker: Ms Edge.

Dr Allinson: I nominate Mr Hooper.

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The Speaker: Mr Hooper.
Mr Skelly.

Mr Skelly: I second Mr Hooper.

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The Speaker: Second Mr Hooper. I am still a seconder for Ms Edge and three names short.
Mr Thomas.

Mr Thomas: Ms Edge.

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The Speaker: Ms Edge, seconded.

Mr Shimmins: I nominate Mr Thomas.

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The Speaker: Mr Thomas.

Mr Baker: I nominate Mrs Corlett.

The Speaker: Mrs Corlett.

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Mr Cregeen: I second Mrs Corlett.

The Speaker: Thank you.
Ms Edge.

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Ms Edge: I nominate Mr Shimmins.

The Speaker: Mr Shimmins.

Mrs Barber, sorry.

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Mrs Barber: I nominate Mr Moorhouse.

The Speaker: Mr Moorhouse.

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Mr Cregeen: I second Mr Moorhouse.

A Member: I second Mr Thomas.

The Speaker: Mr Thomas.

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At the moment I have proposed Ms Edge, Mr Hooper, Mr Thomas, Mrs Corlett and Mr Moorhouse. I have Mr Shimmins proposed but not seconded.

Two Members: I second Mr Shimmins.

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The Speaker: So I have six names for five positions. I will call on the Clerk to prepare the vote, but we need a committee of five ...

Just whilst the Clerk is preparing the vote I will just say that given our other engagements and commitments, what I will do after the committee has been elected is to adjourn the House until three o'clock, which is half an hour later than we would normally return, and at that point we will commence the debate on Manx Care.

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A ballot took place and electronic voting resulted as follows:

Vote results	
Moorhouse, Jason	21
Shimmins, Bill	20
Thomas, Chris	19
Corlett, Ann	17
Hooper, Lawrie	17
Edge, Julie	16

Full voting results

Voting for Ms Edge

Mrs Barber
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Ms Edge
Mr Harmer
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas

Voting for Mr Hooper

Dr Allinson
Mr Ashford
Mr Baker
Mrs Barber
Mr Boot

Mrs Caine
Mrs Corlett
Mr Cregeen
Mr Harmer
Mr Hooper
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas

Voting for Moorhouse

Dr Allinson
Mr Ashford
Mr Baker
Mrs Barber
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Hooper
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas

Voting for Mr Shimmins

Dr Allinson
Mr Ashford
Mr Baker
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mr Cregeen
Ms Edge
Mr Harmer
Mr Hooper
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas

Voting for Mr Thomas

Dr Allinson
Mr Ashford
Mr Baker
Mrs Barber
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Hooper
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Speaker
Mr Thomas

Voting for Mrs Corlett

Dr Allinson
Mr Ashford
Mr Baker
Mrs Barber
Mr Boot
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Hooper
Mr Moorhouse
Mr Peake
Mr Quayle
Mr Robertshaw
Mr Skelly

The Speaker: Your Committee are: Mr Moorhouse, Mr Shimmins, Mr Thomas, Mrs Corlett and Mr Hooper.

Thank you very much.

And as advised, the House will now stand adjourned until three o'clock, thank you.

*The House adjourned at 1.02 p.m.
and resumed its sitting at 3 p.m.*