



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
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**PROCEEDINGS
DAALTYN**

**SOCIAL AFFAIRS
POLICY REVIEW COMMITTEE**

Education, Sport and Culture

HANSARD

Douglas, Friday, 8th March 2019

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Members Present:

Chairman: Mr D C Cretney MLC
Mr M J Perkins MHK

Clerk:

Mr J D C King

Assistant Clerk:

Mr B Awkal

Contents

Procedural.....	3
EVIDENCE OF Hon. Graham Cregeen, Minister, and Prof. Ronald Barr, Chief Executive, Department of Education, Sport and Culture	3
<i>The Committee sat in private at 2.45 p.m.</i>	23

Standing Committee of Tynwald on Social Affairs Policy Review

Education, Sport and Culture

*The Committee sat in public at 1.37 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CRETNEY *in the Chair*]

Procedural

The Chairman (Mr Cretney): Welcome to this public meeting of the Social Affairs Policy Review Committee, which is a Standing Committee of Tynwald.

5 I am David Cretney MLC and I chair the Committee. With me is Mr Martyn Perkins MHK.

If we can all ensure our mobile phones are off or on silent so that we do not have any interruptions. For the purposes of *Hansard* we will try and ensure that we do not have two people speaking at once.

10 The remit of the Social Affairs Policy Review Committee is to scrutinise the established but not emergent policies as deemed necessary by the Committee of the Department of Health and Social Care, the Department of Education, Sport and Culture and the Department of Home Affairs.

Today we welcome back the Minister for Education, Sport and Culture, Mr Cregeen, and his Chief Executive, who were last here in March 2018.

EVIDENCE OF

**Hon. Graham Cregeen, Minister, and
Prof. Ronald Barr, Chief Executive,
Department of Education, Sport and Culture**

15 **Q1. The Chairman:** I spoke to you in the corridor on the way in: I don't believe you wish to make any opening statement today?

The Minister for Education, Sport and Culture (Mr Cregeen): We are happy if you want to just carry on with questions.

20

Q2. The Chairman: Okay, thank you.

So how is the Department performing in terms of each of its Programme for Government delivery plan KPIs?

25 **The Minister:** Well, the Department is moving on with its programme. We are working towards getting the Education Bill through. We are right now out to consultation on that. We have had some discussions with the unions regarding the Bill. We are moving ahead with the pre-school education, which has been working well. Other things that we are working on are

30 that we have been looking more towards vocational qualifications. We have made some adaptations to our GCSEs and we are also going out very shortly for tender of the higher education consolidation.

So from last time, we have taken over Keyll Darree training – that has come to us – Employment and Skills and so things are moving on.

35 **Q3. Mr Perkins:** So how is the programme looking then? Your programme for delivery – are you up to date with that?

40 **Prof. Barr:** Everything is either in the green, Mr Perkins, or is amber. But we have nothing red on the current list, so we are confident about the delivery on that. And the other element the Minister mentioned was the Lifelong Learning Strategy as well. So the various things – that is where they are at the moment.

Mr Perkins: Good, thank you.

45 **Q4. The Chairman:** I should have said at the start of proceedings that we have other evidence being presented at 2.45 so we are a little bit limited today. On that basis, one of the important matters that we wish to discuss with you, which you referred to briefly, was the emergent Bill, and you have got to till 20th March for further consultation. So we would like our office to liaise with your office so that as soon as possible after that we can have a more in-depth discussion with you on that.

The Minister: Happy to do that.

Q5. The Chairman: Thank you.

55 Can I just ask in relation to the other thing you just mentioned, which was in relation to pre-school education. There are areas where it may be described as some deprivation and not so attractive for private providers. Have you made any progress in relation to those?

60 **The Minister:** Yes, we have. What we have done is we have been out to tender, and we have now appointed a company to carry out a joint strategic needs assessment of that 0-4 years. We are also hoping that as part of that we can actually look at the benefits of breakfast clubs and afterschool clubs, putting that in to it.

65 **Q6. The Chairman:** Okay. Special needs funding and delegated financial management: what are the Department's long-term plans for delegated financial management?

70 **Prof. Barr:** We are and have been working with the schools for the last two years on a delegated financial management agreement with regards to special needs. We have had very constructive dialogue with the schools in that. We had a dry run to test a lot of this and how it might work, and we are in the process of implementing it with a view to starting that new initiative this coming September. We still believe that it will allow individual schools to better tailor individual packages for children with a range of either emotional, behavioural or physical needs.

75 **Q7. Mr Perkins:** Last year, if I remember right, you brought our attention to the fact that some of the schools were using that budget in other areas, to prop up other services. Has that been sorted out now?

80 **The Minister:** I think what was happening was that there may have been over-reporting, and additional funding was sought. A lot of that has been looked into and I think, as Prof. Barr said,

by working with the schools on the dry run, we have got a better idea how this will be implemented in September, but it will be getting monitored through that implementation stage in case there is maybe some additional funding needed to be put in.

85 **Prof. Barr:** I think as well the schools, obviously – the high schools in particular – have a lot of delegated financial management, which they have never had in this area. That has always been administered centrally. So from our point of view giving it to the management teams in those schools should allow them more creativity and flexibility in using that public money to support children who need that additional support.

90 Obviously, you can have a generic view of various conditions, but each child is different and requires different levels of support at different times. I think the people who are best placed to make that decision obviously are the management teams in the schools.

95 So I mean we are very happy with the responses we have had from schools. I would have liked to have seen this implemented a bit quicker, but in a sense taking the longer period of time has allowed dialogue with the schools and that dry run. I know that Mr Sean Morgan and others at the Department have been working very closely with schools. There has been a very good working party that have involved both primary and high schools in this space.

So we are confident as a Department that this will work in September, and of course if it does not we can always change it!

100

Mr Perkins: Okay. Thank you.

105

Q8. The Chairman: With these questions prepared, I should have said for the record and I am saying now that my daughter works in secondary education in this area – just so I am not being seen as overly influenced in any way.

The Minister: She does a very good job at Castle Rushen.

110

Q9. The Chairman: Well, I have another daughter who works at Ballakermeen, specifically in the special education area!

Anyway, exclusion: how many pupils were excluded in the previous calendar year? Do you know?

115

The Minister: What we have is suspension numbers, which we supplied for a Tynwald Answer.

Prof. Barr: Suspensions, yes. I do not think we have the numbers to hand here.

120

What I can say is that we have a review of suspensions that has been ongoing and we are looking at how we are going to move this forward. We have a range of initiatives. Some of it is around restorative meetings; some of it is around revised approaches to understanding behaviours of pupils with additional educational needs. Some of it is around pupil participation in disciplinary procedures. Some of it is about better parental consultation and decisions relating to pupil behaviour. I think we are working across the schools in this area to try and get some consistency.

125

Clearly the Department had identified that there was some variation in terms of the level of suspensions, when those suspensions were being handed out and also the length of the suspensions. So we have been working with schools in this area.

130

We have already seen a reduction in suspensions across high schools of 16% between 2017 and 2018, and the Department remains committed to having all children involved in mainstream education. The Department has no plans to create a special school, similar to some of the provision that you might see across in other jurisdictions, and so it is about how we work with schools when they have children that are particularly challenging in that area; and also making

135 sure that the schools themselves are being broadly consistent in terms of the level of
punishment or exclusions that they are actually awarding. We certainly had identified an issue in
this area but we are now working with the schools to correct that and we have seen that drop in
the numbers of suspensions over the last year.

The Minister: I think what it is, to clarify, it is the pupil referral units that we have no
intentions of looking at the same way as the adjacent isle. Because in some places they can be
140 seen as a gateway to prison. It is that process. So it is a bit concerning.

Q10. The Chairman: So just for the benefit of those who may not be as *au fait* as you: when a
pupil is suspended, what actually happens to the pupil? Do they stay at home or what happens
to them? Do they get any education?
145

Prof. Barr: Not with regard to the school. Obviously, they are suspended from the school.
There is nothing to stop them obviously doing work at home but they are obviously suspended
from the premises for the duration of however long that suspension is likely to take place.

Typically the suspensions are usually for one or two days, three days, something like that.
150 Obviously as a Department we get concerned about the number of suspensions and that is
something that is logged and recorded by the Department.

The Minister: And anything for longer, the schools do work with them to try and give them a
piece of work that they can continue.
155

The Chairman: Right.

Q11. Mr Perkins: What about, for example, I have had experience in industry of a young lad
who just really did not want to be in school, and I think he was about 15. Have you got anything
160 tied up with employers or anything like that, whereby they can get work experience?

Prof. Barr: UCM I think is the classic example. Obviously we run a post-14 programme there.
Young people are encouraged to spend at least a half day, potentially two half days up at UCM.
We recognise that a number of young people, as you rightly say, when they turn 14/15, a
165 traditional school environment is not for them. We are very keen to get them into those kinds of
placements at the college.

Obviously once they get into post-16 education there is a range of qualifications at the
college that they can access, so there is a kind of blended learning in that period between 14 and
16 that allows some of our young people in that area.

170 One of the things we have also been exploring is trying to get, from time to time, very rare
cases when you get particular individuals where we create bespoke learning packages for those
individuals. Those might well spend a lot more time at the college or perhaps our education
support centre in some other kind of learning environment. That is where we are at the moment
with this.

175 But the other thing that we are also doing is we are initiating an academic study with the
University of Southern California who have a research specialist that the Minister and I met last
year in Edinburgh, who is doing a lot of work with troubled children and the benefits of music,
art and drama. They will be coming to the Island in September to do a piece of research to help
inform us how we use the education support centre and support our mainstream schools and
180 facilities with those that are most troubled and most dysfunctional in terms of their behaviour.
There is clear evidence that music, art and drama actually help in that space. So we have to be
more innovative in our thinking and we are very excited about that initiative as well.

185 **Q12. Mr Perkins:** Good. One of the things that concerns me is, having been to the food banks, there are a lot of young men – late teenagers or in their early 20s – who have no concept of budgeting and absolutely no ability to cook for themselves. They turn up at the food banks and they do not appear to have got any sort of education in that area. Now, I know that they are probably the problem pupils that are at the bottom of the pile. Is there anything we can do to help that along, do you think?

190 **The Minister:** What we do is we work with Junior Achievement and they go into the schools and there are programmes that work with Junior Achievement. We also work with MyBnk who go into the schools and they work with the students regarding budgeting and other things like that. So there are already programmes in the schools.

195 **Prof. Barr:** Junior Achievement is in all of our schools now. They do programmes like ‘Money Matters’, how to manage your financial affairs. There are also courses run at UCM, which are Key Level 1 courses, which are really about life skills – the very things you are talking about. How do you manage your money; how do you cook for yourself; how do you run your life in terms of
200 being able to function independently in society. So we do have those programmes and they are very successful at UCM.

The Minister: And we have also got the London Institute of Banking and Finance. They were over here not many weeks ago. They are in a number of our schools and they are doing courses
205 there as well with the students.

Q13. Mr Perkins: The sort of lads I have met at the Foodbank would probably be switched off by that. I think you need to somehow pitch it down at a lower end. It is okay for the high-fliers and the very intelligent children, but the ones at the bottom are struggling and the Foodbank
210 will bear me out on that.

The Minister: They will probably fall under the ones which are dealt with by Junior Achievement.

215 **Prof. Barr:** And we have other projects, like the Youth Motor Project and other things that the Department is involved in that do actually help some of those young people to find a sort of focus and path going forward. At the moment something like the Youth Motor Project were in discussions about whether that actually should be transferred into UCM and aligned with our engineering and actually more mainstream motor vehicle facilities and see if we can get all of
220 that sort of aligned together. So we hope that might take place again by this September.

Mr Perkins: Okay. Thank you.

225 **Q14. The Chairman:** Whilst we have said we are not going to go in-depth today in relation to the Education Bill, one of the suggestions I think that has been consulted upon is that excluded pupils may be required to be taken by one of the other schools. Is that correct?

The Minister: So what we are looking at is when a child is suspended, we are looking to put them in another school, and yes, we will be looking about how we can actually integrate that
230 pupil into another school.

Q15. The Chairman: On a permanent basis or just whilst they are ...?

The Minister: Well, some of them could be on a permanent basis. (**The Chairman:** Right, okay.) If there have been issues at one school then –
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240 **Prof. Barr:** We already have managed moves. So of course we do move children on occasion, where clearly the relationship has broken down in a particular school and there is a capacity through the Department that involves dialogue between both schools involved in any kind of managed move and also the relevant professional people at the Department. That might be educational psychologists, it might involve head teachers and others, but there is a mechanism already for the Department to do that on occasion.

245 **The Minister:** I think there has been some confusion as well, with people saying about pupils excluded. There are pupils who are suspended and then we do the managed move, rather than excluding them from education.

Q16. Mr Perkins: Okay. Just moving on to staff welfare. Last year, you were rolling out a wellbeing survey for your staff. What were the results of that?

250 **Prof. Barr:** We are, I am happy to say, along with DOI, the elite Government Departments on staff wellbeing and we have put some quite considerable resource into that.

255 We have two members of the NSC who are working with some of our schools. The results of that have been extremely promising in terms of supporting staff, in terms of both their physical and emotional wellbeing. We have some preliminary evidence that shows a significant drop in staff absenteeism and we are due in the next month or two to give a presentation to the Chief Officer Group. That will be a joint presentation done by OHR, DOI and ourselves, and at the February departmental meeting, was it, Minister? You agreed to significantly increase the resource.

260 **The Minister:** So we are rolling out even further.

Prof. Barr: Obviously we piloted in some schools, but the intention is for us to roll out that kind of support across all of our schools.

265 **The Minister:** We have to do it in a managed way because it is about managing our resource as well. So it is financially as well.

Mr Perkins: Okay. Thank you.

270 **Q17. The Chairman:** We will move on at this stage to the autism pathway: what input has the Department had in the autism pathway being developed by the Department of Health and Social Care?

275 **The Minister:** Following on from the CPD presentation that Tynwald Members received the other month, the day after we had our departmental meeting, out of courtesy to your Committee, we were due to have a press release going out this week but we have held that back so we can tell you first that all secondary schools will have autism training for their staff completed by the end of July.

280 **The Chairman:** That is very good.

Q18. Mr Perkins: Okay. Nursery provision and pre-school education: how is the Department progressing with implementation of the recommendations of this Committee's report on the adequacy of nursery place provision?

285 **The Minister:** Well, from talking to you last time we have had an increase in our budget. We have now doubled the amount of hours that have been put out there. There has been training

290 put out to the providers which has been very positively received. With the Joint Strategic Needs Assessment going forward, we will be looking to see if there is ways that we can expand that service past those hours, but it is being managed at the moment with the availability of the private sector.

295 **Prof. Barr:** There are a number of other things that have been going on. We continue to work well in partnership with DHSC Registration and Inspections in this area and there is also an interdepartmental working group which is looking at the recommendations made by this Committee in terms of review and hoping to keep a child care strategy for families.

300 **The Minister:** And we have also worked with, I am aware that the Department for Enterprise has given assistance to companies as well.

Q19. The Chairman: One of the highlights of the recent budget was in relation to student awards. When does the Department intend to bring a new student awards policy to Tynwald?

305 **The Minister:** We were hoping that we would get it to April Tynwald. Unfortunately, the way things are looking at the moment because Tynwald is earlier than usual, it could be a push to get it for April. If we cannot get it to April Tynwald, as long as we have got our regulations ready, we would hope to publish them in advance because we are very much aware that students are looking to see what there will be out there. What I can say is there will be a significant increase in the maintenance grants awarded to lower and middle income families.

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Q20. The Chairman: You are right, the timing of this is pretty important really because if they are waiting to get agreements in terms of their futures, so the sooner you can ...

315 **The Minister:** It has been difficult because we have been through Treasury, trying to ensure that we have got this in the right area. Our main concern was that we wanted to actually give those families on low income sufficient funds to be able to send their children off to university because if you have got a family on a mid-twenty-thousand-pound income, having to be able to afford £6,000 for maintenance is going to be very difficult for them. So we have been very much aware of that. So hopefully when the regulations come out, these people will be benefitting.

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325 **Prof. Barr:** I think the key thing there is I think it is with a combined parental income of about £31,500 to £32,000, we are currently offering a maintenance grant of £5,500. I do not think anybody thinks that that is adequate when one takes into account off- and on-Island travel, when having to pay for accommodation and food and living costs. So we have had for some time – the Minister and myself and political Members – some dialogue about how we can help those, and also those, as the Minister has said, in middle income brackets as well.

So hopefully if this is all approved and comes forward, there should be a significant benefit to those at the bottom and those on middle incomes.

330 **Q21. Mr Perkins:** Thank you.

Registration of teachers: are all teachers in the Isle of Man required to be registered on the General Teaching Council or any other professional body?

335 **Prof. Barr:** We do have a very small number of non-qualified teachers who work in our schools. I do not have the exact numbers to hand but if the Committee wants those, we can certainly provide them to you. But those are generally people who are working in our schools but are working towards a teaching qualification. So we do have a small number of people who are not registered because they are not actually qualified.

340 **Mr Perkins:** Thank you.

Q22. The Chairman: So do they have additional support or something?

345 **Prof. Barr:** Yes, they do. They have a different type of timetable, they have additional support in school, they would have mentors and there is a kind of mechanism by which we do this. This is to reflect of course the overall skill shortage there is in the teaching profession across the British Isles, particularly with regard to STEM subjects, modern languages. There is a range of areas where there are a shortage of teachers across the whole of the British Isles, and so very occasionally we have teachers that come in that may have a degree but may not have a teaching
350 qualification and we have a range of different initiatives taking place in different high schools, which the heads have set up which they work in collaboration with the Department. There is additional support – those people would not be doing, for example, a full teaching timetable. They will be supported in that and will be actually closely monitored and helped as they are moving through that process. As I say, that is only in a very small minority of cases. That is not
355 something that we do on a regular basis.

Q23. The Chairman: Given that it is International Women’s Day today, one of the initiatives – I mean you are right, this is an issue throughout the British Isles – there has been, I think I have seen, an initiative to try and get young females, as well as males, more involved in the sciences
360 in terms of them being able to be qualified either to work in that sector or to teach. So is that one of the areas that we are short as well?

Prof. Barr: I do not believe that there is a gender imbalance in our schools. I think of course at all levels the Department is, probably along with health and Social Care, we actually have a
365 very good gender balance across the Department, both in terms of heads, deputy heads, the senior managers, civil servants. I think we are in a reasonably good place in there.

The Minister: I would say possibly more in primary schools there are fewer male teachers. Sometimes I have spoken to staff in primary schools and they say having a couple of male
370 teachers actually made a difference to some families. So if we can encourage men to go into primary school education, (**The Chairman:** Absolutely.) most people would say that would be beneficial.

Prof. Barr: I would say as well, Chairman, that across the piece, you see it. One of the things
375 which I found interesting the last time I was up at UCM is the number of young women who are in the construction area. We have young women in construction, in crafts that 10 years ago you would never have seen, but they are in those training areas – training in brick work, block work, carpentry and joinery, and all these other areas, plumbing, etc.

380 **The Minister:** In engineering as well, isn’t it?

Prof. Barr: Yes.

Q24. The Chairman: Again, that is a good thing, isn’t it?

385 Okay, thank you. I have got a question about the legal responsibility of head teachers for those on school grounds. As I understand it, head teachers owe a duty of care to all persons on the school grounds. Are there any negative implications of this, given that persons employed by other Government Departments routinely undertake work on school grounds?

390 **Prof. Barr:** This is the issue around obviously heads have a primary duty of care to children and young people. Obviously when caretakers, cleaners and other groups of staff were managed

through the school, that line was much clearer. Clearly some of these staff now sit with DOI and obviously you have other groups of staff that come in and out who are subcontracted by DOI and how things are managed.

395 My opposite number, Nick Black and I have had correspondence on this, and we have also had an internal audit report that was done by Stephen Hind on this matter, identifying it as a potential issue for us. We are in a position where DOI has given us assurance that those staff are appropriately DBS checked and the Department as a whole is moving to a rolling programme of three-year DBS checks for all the staff that we employ within DESC.

400 So we are tightening all of these areas up in response to an internal audit report that was produced by Stephen Hind.

Q25. Mr Perkins: So there is good departmental co-operation between the two Departments?

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Prof. Barr: Yes, I would say so.

Q26. Mr Perkins: Good, okay.

410 There have been a few questions the Minister in the House about Ofsted and goodness knows what else. What exact external validation are you subjected to?

The Minister: All the schools are subject to an external validation. So the reports we have ... I am trying to think of the company – Green, is it?

415 **Prof. Barr:** There is a company that does an external report on the validations and that individual, as I say, is an external verifier in terms of verifying that the Education Improvement Service reports – the school review reports – are all independently verified by that individual.

The Minister: I think it is Graham Reeves Ltd.

420

Prof. Barr: That is correct, yes.

Mr Perkins: Thank you.

425 **Q27. The Chairman:** Okay. The sports section of the Department: I see there is work going on at the NSC at the moment. How is the refurbishment of the pool area getting on and is it on time?

430 **The Minister:** We are slightly behind time at the moment. The contractors have had a couple of issues regarding the flumes and the steel work, but from what I understand, the tiling and the rest of it has been moving along. There have been a few alterations that they did not realise when they were starting out the work, but I think we are looking possibly towards a June opening.

435 **Prof. Barr:** Possibly, yes.

Q28. Mr Perkins: And all the flooding problems have been sorted out, hopefully?

440 **The Minister:** You will have to ask members of DEFA if they can do something about the flooding, and the Met Office. But we have barriers up around the building now to try and protect it. So those works have been carried out and there has been some re-roofing of the pool area as well.

445 **Prof. Barr:** We are also getting new access to the NSC. Obviously back in the 1980s it was fully compliant with the then disability legislation and obviously mindful of the Equality Act and our requirements, in other words, to try and make these buildings as accessible as possible.

450 We have taken the opportunity to upgrade this and make it compliant with 21st century thinking. The pool itself will also have the capacity and ability so that all kinds of individuals with disabilities will be able to make full use of these facilities, which the Department very much welcomes.

Mr Perkins: Thank you.

455 **Q29. The Chairman:** The other element of your Department is culture. So what initiatives have you been progressing in this area since we last met?

460 **The Minister:** Well, as you will be aware, there was an issue with the Sayle Gallery, which has caused a few problems down there. We now have a new member – well, nearly a year, now, isn't it? Marlene ... – who is fully engaged with that. We have got new members of the Arts Council. We were engaged with the Year of Our Culture and so there are still works going on with the schools. I think we have also had moves with the Music Service into there as well, wasn't it?

465 **Prof. Barr:** Yes, I think since we last saw you last year in March, we appointed Emma Callin as a new manager down there. She has been making very good progress. We have a very good booking agent that we are liaising with and so we are very satisfied with the amount of bookings that we are getting and the sort of level of interest that we have had.

470 Again, if you want the definitive analysis on that, I am more than happy to provide that outside the Committee, but we have made significant progress and certainly in my view it was the right thing for the Villa-Gaiety to come to the Department. Obviously Andy Stewart and what was then Economic Development had done a great job stabilising all of that and we have moved further, I think, in terms of meeting some of the cost expectations; and obviously, we had a very successful TT beer tent that was in the grounds as well, which worked extremely well.

475 **The Minister:** I think we are all fully aware that venues like the Villa and the Gaiety are going to be very difficult to become self-funding, but as part of our culture and quality of life of the Isle of Man, they are areas that we do need to fund because without them, we would be a lot poorer.

480 **Q30. Mr Perkins:** Just thinking ahead, with regard to the Promenade refurbishment, have you had any discussions about the cultural quarter that they intend to put in opposite the Gaiety?

The Minister: Not at the moment, no.

485 **Prof. Barr:** The Arts Council – obviously we sponsor them, so I am aware that they have had discussions around that but not directly with the Department.

Mr Perkins: Okay, thank you.

490 **Q31. The Chairman:** Just to endorse what you said in relation to Emma and the booking agent you have, it has had a detrimental effect on my bank balance (*Laughter*) for the acts that they are doing a good job with.

495 **Mr Perkins:** There are some good acts, yes.

Q32. The Chairman: We have time now to have a little look at the high-level stuff in relation to the Education Bill – conscious that you are still involved in the consultation and so more detail would be helpful after that has been concluded. But what parties have been consulted during the development of the proposed Bill?

500

The Minister: Well, we went out to policy principles, first of all, and that was last year. So there was a lot of consultation came in through that.

There have been a number of meetings I have had with some of the home educators and they have some concerns. Some people do not want the Department to know what is going on – they want to have that freedom. So it is that dialogue of trying to see how we can actually move the Bill forward with them.

505

Prof. Barr: Also, I made it very clear to the Primary Executive, which is a meeting of all the primary heads – we also have monthly meetings with the secondary heads – they have been aware through the autumn and into what is now the early spring that this Bill was underway. We have always made it clear as a Department that we want them to be fully engaged in this. I have encouraged all our head teachers to talk to their staff about it, talk to young people about it, get them involved. I mean this is a Bill for the Island: it is really, really important that we get a sense of what people want within that and that teachers, school leaders and young people themselves feel they have some ownership of this legislation.

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So the Department has obviously extended the consultation slightly, and we are engaged in dialogue with key stakeholders. We have met and had one initial meeting with NAS, one of the teaching unions who has been very positive about a lot of the legislation. We have had an initial very brief meeting with ASCL, which represents the secondary heads, and there are meetings coming up with NAHT that represents the primary heads. I am sure the new National Education Union ... we are waiting to hear from them. But we have made it very clear that we welcome their comments and their dialogue and we want to take the best thinking we can from across the British Isles and make sure that it is embedded in this legislation.

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The Minister: One of the issues, when I have met with home educators, is that some of them do not mind the registration; it is about whether somebody makes an appearance. So there are technical issues about where they think the Department should be able to make some inquiries to see if a child is getting a suitable education. And then there is the terminology: there have been some positive points, but we are having to try and work through some of their concerns. To say that they are fully on board with the legislation, I would be incorrect to say that they are completely or partially happy with it at the moment!

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Prof. Barr: We have already had more than 200 responses and some of them have been very detailed, very informed and all of them have been welcome. So the consultation process has still some time to run. So we could quite easily have something like 400 responses by the end of this.

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Q33. Mr Perkins: My post bag is absolutely full from home educators not happy about the process of what is proposed. So I think you may have a bit of an uphill struggle with that.

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The Minister: It would be interesting to know how many you get compared to the register of how many we have got.

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Q34. Mr Perkins: Well, yes, and it may come from certain sources that are duplicated, but I know they have got concerns and I think one of the questions in the consultation that has particularly niggled them is Question 21: if you answer yes, you think the proposal is sufficient; and if you answer no, you think they are not sufficient. So there is no way they can get things across to you. I know at the end of the consultation there is a place for views and all the rest of

it, but they felt that that question rather skewed things, and the Department is going to come out and say, 'Well, 50% are yes and 50% are no', when that is not actually the case.

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The Minister: We have had that discussion and –

Mr Perkins: You have had it, have you? Right, okay.

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The Minister: There is that comment box underneath that question – and this is the discussion that I have had with them is that they can put their comments, so they could put either yes or no and then they could quantify that in their comment directly underneath it. That will be taken into account.

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Also they can write to the Department specifically regarding that and put it down as part of the consultation. So we have tried, with the discussions I have had with some of the home educators, to say please feed into that so we can take it into account.

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Q35. Mr Perkins: One of my concerns actually is – we are obviously going to speak to you later on, at a later date when the consultation is finished – that possibly the Department is using a sledgehammer to crack a nut. We are going to put a lot of resources behind this and it skews ... Should you focus your resources elsewhere rather than really hammer the home educators?

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The Minister: Well, I think the issue is that, we have seen it in other jurisdictions, where people who have said that the children have been home educated have been invisible. That is the issue that you could have is that they have been invisible, and it is only when things go wrong ...

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Ultimately the child has a right to an education, and by making sure that people are registered ... What we said to them is, 'We need you to tell us what sort of syllabus you are going to be doing.' These home educators that I have spoken to say, 'Well, we know what we're going to cover in the year.' And we say, 'Well, that will be easy enough for you to do.'

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But what we have also put in the Bill is the ability for home educators to access educational establishments. So if there is a topic that they cannot cover, as long as they work in with the secondary schools' syllabus, then hopefully we can accommodate them in areas that they are not able to do themselves.

Plus also we will have the secondary legislation sitting behind that, which will give it in more detail which, as I was explaining to somebody the other day, will maybe give them a bit more comfort about what the primary legislation is actually giving us the power to do.

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Q36. Mr Perkins: Well, a couple of the ones that I have spoken to are following probably Montessori or some of the various international things that are put forward. Would you recognise that?

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The Minister: Yes, it is just an education. If somebody is giving them an education, what we do not want is that child later on feeling that they have been disadvantaged, and I have had a discussion with an individual who felt that when they had been home educated and then now in later years that they had been disadvantaged.

Q37. Mr Perkins: Well, surely that is the parents –

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The Minister: No, it is not the parents, no. It is the parents' responsibility to ensure that they have got an education, but the child has rights as well.

Q38. Mr Perkins: So by saying that, then the Department is liable.

600 **The Minister:** By saying what?

Mr Perkins: By going down the route you are going down, you are making the Department liable because they have to check in with everything they are doing.

605 **The Minister:** No, what we have asked them to do is to demonstrate they are going to be doing something. We are not overly heavy-handed with them. They have a responsibility, so if they have advised us that they are going to do something ... You cannot say that we are being overly heavy-handed and if we ease back, saying 'Oh, you're totally responsible' ... There has got to be a balance in there somewhere of trying to get that trust, that if you go and tell us that you
610 are going to be doing something and give us a programme of work, there is that trust that has got to be in there as well. You cannot then come back to the Department to say, 'Well you should have made sure that I've done it properly.'

Q39. Mr Perkins: Yes, but what you are doing is you are making sure that that is the case so
615 that later on, they could come back and say, 'Well, actually my parents did communicate with the Department.'

The Minister: Not to the extent that you are saying, no.

620 **Mr Perkins:** Okay, fair enough. Let's move on. This is for a later time I think, anyway, so let's move on.

Q40. The Chairman: Minister, you said about it being invisible and you only pick things up
625 when there is a problem. You have indicated that you had a conversation with one person who clearly things did go wrong for. Any other evidence?

The Minister: No, no. That is in the short time that we have been discussing it.

Prof Barr: I think the one thing I would add is that there are some people who home educate
630 and do it for philosophical and ethical reasons; but there is also a group of people who home educate simply because they want to avoid our education liaison officers. Now, they are only doing that because that is poor parenting, in my view. They are not taking responsibility so rather than take the flak from us about why is your child not attending school? – 'I am home educating.'

635 There is an issue there and I would say that we talk about home educators if they are one homogeneous group, but they are not. There are people who do it for philosophical and have very clear views about where the powers of the state should lie or where the powers of parents should lie and that can be respected. But there is another group of people – and we have seen it across the British Isles and there is an uptake of home education partly because there are
640 people who are simply trying to avoid their responsibilities as parents. That is not the same as people who are home educating and doing a good job educating their children at home.

So there is a problem within that and it is about who Tynwald wants to view that and how we manage those kinds of issues. But it is not going to be easy because it is an extremely complex issue.

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Mr Perkins: Sure, I understand that. Thank you.

Q41. The Chairman: Do you have any evidence of that being the case here at the moment?

650 **Prof Barr:** Yes.

Q42. The Chairman: You do have evidence?

Prof Barr: Yes.

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Q43. The Chairman: How many children and adolescents are home educated on the Island at present?

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The Minister: I think we had Tynwald or Keys ... It was round about one hundred and forty-something that were registered. Part of the issue that we have is that currently they can register and they can drop in and out, and some people are not notifying us when they have dropped. So they can go backwards and forwards. So part of what we have got in the new Bill is to try and make that clearer.

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Q44. The Chairman: I think you have answered this, Prof. Barr, but the Department does have evidence that young people who are home educated are not being afforded adequate opportunities for social interaction and integration. Is that what you are saying?

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Prof. Barr: No, what I am saying is that there is a group of people who say they are home educating, but have no particular affinity to home education in terms of they are taking a stand in terms of my rights as a parent or what they think their view of the state should be. There are people who are simply saying, 'I am home educating', but actually they are simply doing it to avoid their responsibilities. It is those individuals I think that certainly from the feedback I have had from officers in the Department there is a concern about. Certainly in terms of the UK, you can identify this as well, where these are not people who are doing it because of a particular philosophical or moral position; it is simply a tactic to avoid doing anything in that space. I am not confident that those particular children are getting the kind of education that they should have. That is different.

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The Minister: We are fully aware that for some parents, they feel that the education system is not right for them. When you look through, there is a number of jurisdictions where it is illegal to home educate. We are not saying that; we are putting something in there that is allowing people to home educate.

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Q45. The Chairman: I think my final point on this for now – because obviously we are aware of the discussions going on in relation to this – the final one from me at the moment, then, and we look forward to having further discussion in due course: the Education Bill at the moment proposes to change the duty of parents from 'to cause their children to receive suitable education, either by regular attendance at the school or otherwise' to 'ensure that their children receive suitable education, whether or not by regular attendance at a school'. So what is the intended effect of that change in how the parental duty is constructed?

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The Minister: I think that was the advice through the ... (**Prof. Barr:** Drafter.) the drafter.

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Q46. Mr Perkins: You are lucky to have got drafters with the Brexit stuff going on!

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The Minister: It was interesting that the Education Bill had been promised for a number of years, and we had been trying to push this forward, and it got to the extent where we were advised that it may have been better for us to go externally to a drafter. So that is why we have had to go externally –

Q47. The Chairman: Oh, you have gone external?

The Minister: – otherwise we would not be in the programme where we are now.

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Prof. Barr: We took advice from the Attorney General and obviously there is a lot of legislation in Government and there is a logjam in terms of getting drafters. So we are very pleased that we got a UK drafter who has actually been involved previously on the Equality Bill legislation in the UK and is an educational specialist in terms of drafting.

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So in terms of the quality of the individual we have got, we have been very lucky to get somebody with that kind of experience.

The Minister: And of course if your Committee feels that you would like to give us some recommendations as to what you would like us to do towards home educators, we would welcome that.

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Mr Perkins: Right, okay. Thank you.

The Chairman: Thank you.

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Q48. Mr Perkins: Changing the subject completely: energy efficiency – I understand the new school building in the south of the Island is going to be the most energy-efficient building that Government has got. I am fully aware that energy efficiency costs money up front. Is this giving you grief on your budget or are you being catered for it?

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The Minister: Thank you for that question!

Yes we would like to make it as energy efficient as we can. We are being challenged, quite rightly, by Treasury for the value for money. As an ex-Chairman of the Public Accounts Committee, I am keen that we get value for money for this. But as you said, trying to make these things energy efficient and unsustainable will cost money. As far as I am concerned, I want to make sure that this is covered as a whole life cost, that we are not just looking at a short-term, 'Oh, it's going to cost this amount of money so it is going to be there'; but also into the future about how much energy it is going to use and what impact into the environment it is going to make.

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Prof. Barr: I think the broader issue as well, Mr Perkins, is that we want something that will be a learning environment for our young people, so that the school itself becomes something that the school can use as a learning environment. I do not think any of us should underestimate the issues around global warming. I think that that is only going to become more and more of a policy challenge over the next few years. We know the Island is committed to the Biosphere, which I think is a wonderful thing, and the whole issue around having energy-passive, energy-neutral buildings is going to become more and more relevant and more and more quickly than I think people expect it to. In those circumstances to have a school where you can use the school as a learning environment for science and for other subjects in that space, I think is part of this as well. It is not simply about saving the taxpayer money in terms of running costs and utility costs; it is about using it in that space.

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A number of us visited a college outside Glasgow about 18 months ago, where some of the build there was designed to do precisely that, and you could see how it had energised and excited the students, who could then see how that kind of technology could then be utilised and move forward.

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So it is a duality in terms of what the vision of the Department is in that space.

The Minister: We have seen examples of good and bad designs. From schools that had only been completed within a year and were having difficulties – lots of glass at the front and the staff at the reception, as soon as the doors opened, were having to chaperone students through

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the dining area, because it was prefabricated and it just did not work very well; to schools that had these lovely learning environments with glass walls but no ventilation. So it would be alright if you wanted to grow your roses or your tomatoes, but at the end of the day, they were having to open all the doors to let all that heat out.

760 So what we would like is something that is going to be encouraging for our students to work in that environment, because if it is that good maybe we can actually start to demonstrate and engage with young people to say this is how we are going to look after our environment.

Mr Perkins: Okay, thank you.

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The Chairman: Martin has jumped ahead – I am still on the Bill!

Mr Perkins: Oh sorry, are you still on that, are you? Right, okay.

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Q49. The Chairman: No, that is fine – only a couple more of the high-level stuff. Why is there a section included in the Bill on corporal punishment?

Prof. Barr: Only in the sense of excluding it, you mean?

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The Chairman: My understanding was that our present position is that that has been excluded, but that that was changing with this Bill. I may be wrong.

The Minister: Do you know what section that is?

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The Chairman: I do not.

Prof. Barr: I do not recall anything in the Bill which talks about reintroducing corporal punishment. (**The Chairman:** Okay.) And if there is some ambiguity in your reading of the Bill, then clearly we will need to change that because that is not the intention of the legislation.

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The Chairman: That is what I was hoping.

The Assistant Clerk: It certainly excludes it, if there is one.

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The Clerk: Six and 32. Clause 32, page 23:

(1) No school may use corporal punishment.

The Chairman: That is fine. Okay.

The Clerk:

(2) Exercising functions as a head teacher [...] is not in itself a defence to a charge of assault.

It is not reintroducing corporal punishment.

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The Chairman: Okay.

The Minister: It is ensuring you do not.

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The Chairman: That is fine. It may well be the person who contacted me in relation to that is somebody who wishes it to be reintroduced. (*Laughter*)

The Minister: At least it's not capital!

805 **The Clerk:** Give them a slap!

Q50. The Chairman: Dear, dear!

Okay, another one for me: the Education Council. I have been around long enough to remember the Board of Education and all the variance that we have had. Why are we having
810 another go at changing that, to it being Department-appointed people?

The Minister: Well, not in such a way, because with some of the governors, what we are doing is it is going to be through the schools. I understand that some of the Education Council are concerned at the moment because we will be changing the remit of that. I think we have got
815 to make it fit for purpose as it is. One of the things that we are also doing is reducing the amount of time that people can serve as a governor in any sort of role, because some people were staying on for 15, 20-plus years.

The Chairman: Yes, I certainly agree with that.
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The Minister: I know it may be difficult at times to get people into those roles, but it is an issue that sometimes you just need to refresh the people going through.

The Chairman: I think that is probably all I have got. As I say, we are aware that you are in the middle of a further consultation. It is going to be finished on the 20th. We will meet as soon as we can after that – because the last thing we would want to do is to hold up your process of trying to get things to the House of Keys in a suitable form.
825 Anything else?

830 **Q51. Mr Perkins:** Just a couple of things that have come up.
The catchment area in Douglas: what was your thinking behind that?

The Minister: Well, what we have is that Ballakermeen High School at the moment is at capacity and they are bursting at the seams there. We do have capacity at St Ninian's and Bemahague. So the issue is that we are actually using the facilities we have, rather than building
835 on ...

Prof. Barr: The announcement about Scoill yn Jubilee which has just come out, that school was a dual-catchment school area anyway – in other words, the children had the choice of going to either school. Obviously, the sibling rule will still apply so you have an older child that has
840 gone to Ballakermeen, then obviously the younger son or daughter can still go to Ballakermeen.

All we are seeing is that the default position now for that school is for them to go to St Ninian's, and as the Minister has rightly said, it is about trying to equalise the numbers. We are now somewhere north of 1,700, I think, in Ballakermeen; and about 1,300 at St Ninian's.
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It is about regularising those numbers in terms of their capacity. It does not make sense to have one school overcapacity in all while we have still got capacity in another school in the east of the Island.

Q52. The Chairman: Like Martin obviously, I have been contacted in relation to that matter and it just seemed to me ... Will there be some flexibility for you to discuss with parents of children who live very adjacent or is it just going to apply to all young people, who will be required –
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855 **Prof. Barr:** People obviously routinely challenge the Department's decision when it comes to
catchment areas and where we can we will accommodate the request. Certainly where there is
an older sibling already in Ballakermeen, then we would not insist that the parents do something
else there. So that is clear.

I think with regard to other individual cases, they would be treated as just that: as individual
cases.

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Q53. Mr Perkins: Final question from me, if I may. There has been a lot of publicity on the
height and weight measurement of certain children. Why can't you guys work with the
Department of Health and get the information? The public is out there looking at it and they see
both Departments hiding behind GDPR and Data Protection and all the rest of it – because I
865 think people do believe it is quite an important measurement that we should take.

Prof. Barr: I do not think we are hiding behind GDPR. I think the issue for us is that with small
primary schools, doing this in Year 6, you could identify the individual children. So there is an
issue in terms of the numbers. So that is not actually trying to be deliberately obstructive; that is
870 just the reality of trying to protect individuals.

Some of those Year 6 classes in some of our smaller schools, you are only talking about a very
small handful of children.

The Minister: I would be interested on your evidence of parents actually calling for this
875 because the evidence I have had from the schools is they have grave concerns regarding it. So if
you could provide that evidence of the outcry of people out there wanting children to be
measured at 10 years of age.

What I said I was afraid of was a league table of weight and height and this thing about there
being a disagreement between our Department and Department of Health: I have a meeting
880 with the Minister for Health – I did answer in the Question that I was meeting with the Minister
for Health – so I would not say there is a disagreement.

I think the disagreement is the methodology that the Director of Public Health was wanting
to do and the advice that I have had from schools and from our advisers about the concerns.
One of the issues that we may say to them is so that we can give some anonymity for these
885 children is maybe if we do these figures in the first year of secondary school, where you have a
greater number so that you are not identifying individuals.

If it was Dhoon, in a few years' time, you could be down to two children, which would be
identifiable. (**Mr Perkins:** Sure.) So by having it as in the first year of secondary school with the
numbers going in there, I think it would give us that sort of protection.

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Mr Perkins: You can anonymise it more easily, presumably.

The Minister: So I have not had this outcry of parents wanting their children to be weighed
and measured to see how they sort of get on. I would be interested in the evidence.

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Q54. Mr Perkins: I think it is more the public health issues, rather than anything like that.

The Minister: The Director of Public Health has complained about it, and one of the things is
yes, I have had a disagreement with the Director of Public Health over this, because it never
900 came to the Department; they directly went to one of our senior leadership meetings and tried
to deal with it as a *fait accompli* – 'This is what we're going to do.' Officers came to me and said
they had concerns; I went and spoke to a few people about it and I expressed my concern and
said until I am satisfied that we can give those children the protection they deserve, that they
are not going to be stigmatised ... That is why we need the Minister for Health and myself and

905 officers to get together and see how we can get that protection for the children that they rightly deserve.

Mr Perkins: Okay, thank you very much.

910 **Q55. The Chairman:** I had not picked up the bit that it came from the Director of Public Health. So it was her initiative to do this?

The Minister: Yes.

915 **Q56. The Chairman:** Right, okay, so you are prepared to have a discussion but you are concerned about the potential anonymity issues.

The Minister: Yes, and the advice I have had from officers was when they had that discussion with her, she said that she would try and stop the information being identifiable (**The Chairman:** Good.) but could not give a guarantee. That is what the concern was and that is why the proposal we will be putting to the Department of Health is that maybe we should look at when people go into secondary school, so that the numbers are big enough to give them some protection.

925 **Q57. The Chairman:** I am sure you do recognise that again not just the Isle of Man, but everywhere in the British Isles, this is a real issue in terms of younger people being ... and the future in terms of heart and diabetes and all these things.

The Minister: And through the sport part of our Department as well. We are looking at that and it may be part of the discussions we need to have with Public Health, because they are getting a significant chunk of money from the sugar tax, is whether some of that could actually be utilised in putting programmes together to get people more active and try and deal with this issue. We have had cases in the past where people have got engaged with sport and it has had benefits both mentally and physically for them.

935 **Q58. The Chairman:** I am guilty for this because I was previously responsible for the National Sports Centre, but are you going to look at the menu of the National Sports Centre?

The Minister: Yes, we are. It was quite interesting that we have taken the NSC and all the catering over from the Department of Health. (**The Chairman:** Right.) The Director of Public Health was there ... What we are trying to do is we are trying to look at that and deal with issues, through primaries and secondaries. It does take time and you will be aware, likely, that we need a new offering at the NSC, but children's parties are children's parties.

945 **Q59. The Chairman:** I think in my time we looked about making an alternative offering and it was not well received but maybe people are realising now that they need to –

The Minister: There is a salad bar there. So there is a salad bar and if people do not want to take their children for a party there under the current menu, it is not a compulsory thing. But yes, we are looking at the menu. There may be some changes, but looking at that facility, to change that menu would need some significant investment, as you will be aware of, in the catering. What we need to do is a review of what we are going to do, and anything that we do has to be done with the staff at the NSC catering and their unions as well.

955 **Q60. The Chairman:** Anything from the officers? No.
Anything you would like to conclude with in terms of how things are going?

Prof. Barr: I would just add on in terms of the catering, we are obviously on a journey there in terms of the school catering. Nobody is pretending that it is perfect and we know that there are still issues in terms of getting nutritional balance in that space. So it is not just the NSC café; we are obviously working on a broader range of initiatives. We would like to return to how that service used to be, where we used to have balanced nutritional standards across both the primary and high schools; and we could apply the same to the NSC as well.

We are not going to sit and tell the Committee today that this is perfect, because it is not, but we are trying to address those issues. It just takes some time though, obviously, in terms of unpicking existing supply chains, existing commercial arrangements and how you actually move all these things in a different direction.

The Minister: I think one of the issues that we have is that when we look at the schools, when they went off to the different type of heating, it was reheat kitchens, Regen kitchens put in there and some of the menus that were put in – you can understand, it will take some time.

Plus we have also got to be aware of the cost of those meals, so when the costs go up, how are we going to deal with that? Is that something that the Department has to try and absorb with those additional costs and then transferring it on?

We are also aware of the nutritional values that have to be put in, and it is going back to the time where I think it made some headlines about one of the schools had a shepherd's pie that was made out of tinned mince and hash browns. That was prior to the Department taking it back, but that investment into kitchens is going to be a significant if we are to try to raise the levels of catering in the schools to what they were.

The Chairman: I think we all have happy memories of ... Mine was cheese pie and beans and chips, and semolina pudding –

Mr Perkins: Semolina pudding, yes.

The Chairman: – with jam! (*Interjections and laughter*) So I am sure we are moving in the right direction.

The Minister: As Ron said, we would all like to get that improved, and one of the other things that we are doing is that we will hopefully be able to roll out parent pay in the primary schools very shortly, which will be allowing parents to pay online. So it is going to reduce cash transactions.

Yes, catering is one of those issues that people have difficulty getting the staff in there and also the menu choice and then trying to think that you are not having the food waste, because you do not really want all that food waste as well. (**The Chairman:** Absolutely.) So I think we have got a few challenges ahead.

Prof. Barr: Chairman, the only other very brief thing I would mention is obviously around teachers' pay. You are probably aware that we are in dispute in terms of middle and senior leaders' pay. There is a meeting of Department officers and the Manx Industrial Relations Service with some of those representatives next Wednesday. Obviously if we are coming before you again to talk about Education Bill, we are more than happy to give you a further update on that. Obviously, the unions and associations that represent middle and senior leaders took a different view from the Department's interpretation of how those pay awards should be awarded. We will see how this is all handled through the Manx Industrial Relations Service next Wednesday.

The Minister: But if I could clarify, we did introduce the same pay increases as that was awarded in England. So we carried that through. What it is, is that some of the unions are not

1010 happy that the recommendation was made but overturned by the Secretary of State towards teachers' pay – he overturned it.

1015 **Prof. Barr:** The nub of the issue is that the independent pay review body recommended a pay rise of 3.5 % for *all* teaching staff. The Secretary of State in England said you can have 1.% for senior leaders, 2% for middle leaders, 3.5% for new starters and for main scale teachers. The Department implemented what the Secretary of State implemented in England. The unions and associations are saying we should have implemented what the independent pay review body recommended. However, that would then put us at variance with the pay scales in England which would be moving in our view towards local pay bargaining. That is why we are having these kinds of complex discussions around this issue.

1020 **The Minister:** And also, the terms and conditions do state that it is the STRB 'as published', and the rate that we have increased it is what was published. So the interpretation that we have been given is that what we have done is correct.

1025 I have had some discussion, we have had the discussions with them that if they get the 3% as was recommended in the United Kingdom, and next year the pay review body takes a view that because they did not get the full amount they get an additional amount the following year, you know there is that distortion in there so.

1030 **The Chairman:** Right, okay. The last thing you would want to have would be an impact in terms of recruitment and retention of qualified staff. (**The Minister:** Yes.) That is an important thing, isn't it?

Okay, I think we are done for today. Thank you very much for coming along.

1035 **The Minister and Prof. Barr:** Thank you.

The Chairman: We look forward to meet you again shortly. Thank you.
That concludes the first session.

The Committee sat in private at 2.45 p.m.