

4. BILLS FOR SECOND READING

**4.1. Education Bill 2020 –
Second Reading approved**

Dr Allinson to move:

That the Education Bill 2020 be read a second time.

2095 **The Speaker:** We then go back to Item 4 on our Order Paper, and the Education Bill 2020, and I call on the Hon. Member for Ramsey, Dr Allinson to move.

Dr Allinson: Thank you, Mr Speaker.

2100 I am pleased to bring the Second Reading of the Education Bill 2020 before you today for the benefit of pupils, staff and the Isle of Man generally. This Bill seeks to put children, young people and families at the heart of our Education Service. There are some radical elements which recognise that society has changed significantly over the years, such as in relation to social media, but also aspects that are a continuation of what has been in place to create the excellent Education Service we have on our Island.

2105 By way of an introduction, this Bill is intended to replace the Education Act 2001, addressing a number of areas which have been highlighted over the past six years when work has been undertaken in seeking ideas from a range of people. Views have been put forward by individuals and organisations and the Department has consulted on principles and then on the draft Bill. There have also been a number of briefings to Members over this time as well as a meeting with the Social Affairs Policy Review Committee. Legal opinion and a rebuttal have also been sought and given over concerns relating to home education.

2110 Work started in 2014 when various groups such as the Education Council and Religious Education Advisory Council were consulted and the collation of information began. Schools were approached in 2017 and the direct input of some staff was evident in the submission of responses from them. It was necessary to consult on principles and this commenced in October 2017. Instructions were then prepared which led to a draft Bill.

2120 Consultation on this draft Bill commenced on 29th January 2019 and resulted in a significant number of complex responses. The vast majority of the 588 responses were from individuals who live on the Isle of Man. Many of the responses can be viewed on the consultation hub as some 480 people indicated that their responses could either be published in full or anonymously. As a result of this public input, changes were made as felt appropriate and are indicated in the report produced following the consultation.

2125 Between January and March 2019 Department officers attended meetings with teaching unions, head teachers and other key stakeholders to discuss the draft Bill. There were also four lengthy meetings between the Department and teaching unions, including officials from the UK, held on 5th April, 1st July, 23rd October and 13th November 2019. These meetings went through the Bill on a clause-by-clause basis.

2130 I understand that Members have been contacted in recent days by one of the four teacher unions with a further submission on clauses in the Bill. There remain a few disagreements on some of the technical aspects of this new legislation. However, it must be recognised that there are different legal structures that exist in the Isle of Man as compared with England and here it is the Department that is the legal entity rather than individual schools.

2135 I also am aware that individual teachers have contacted Members with concerns regarding this draft legislation. I welcome this renewed interest in the Bill and its importance to our Island. Now is the time to address these concerns through advancing the Bill and discussing each clause on the floor of this Hon. House later this year.

2140 There are some that would say that the current Education Act 2001 does not need changing and a comparison would suggest that there are elements which have not changed significantly. The Department would agree that in some areas this is the case and all that was needed was an updating in terms of the language used. However, the Education Act 2001 was written for a time before the development of social media, the introduction of GDPR, Freedom of Information and primarily the Equality Act. So, rather than changing sections the Department was minded to bring all aspects of the proposed legislation to this Hon. House for full scrutiny of every clause, ensuring that ultimately a single piece of primary legislation was in place rather than a piecemeal set of laws and regulations.

2145 From an early stage in the drafting process it was felt appropriate to consider a principled approach to education on the Island. The Bill articulates the principles that must guide the development of education policy. This has led us to the principles stated in clauses 6 and 82 of the Bill. These will form the basis for the provision of education on the Island and will underlie what is delivered in schools and at University College Isle of Man.

2150 They reflect the Department's view that education should be regarded as a public good and a human right for all children and all young people. In all its activities, the Department will be required by law to demonstrate that it is acting in a way consistent with these principles.

2155 School governors form part of local governance and should play an important role in local accountability for head teachers and schools. It is important therefore that these local decisions should not be made in isolation. For this reason it is particularly important that governors and head teachers understand the policy and priorities of the Department. They localise these and have the autonomy to decide what is appropriate in their local context.

2160 In this regard, in order to ensure that the direction, strategy and plans of the Department are conveyed to governing bodies and to head teachers it is proposed that there is a requirement for at least an annual meeting between the Minister and representatives of the governing bodies of all maintained schools, as well as between the Minister and all head teachers. This would also provide an opportunity for direct questioning about those matters which are of concern, rather than having the message go through another governing body such as the Education Council, which it is proposed to remove.

2165 As governors and head teachers are responsible for the schools they represent it will be their responsibility to take what has been discussed and convey this to the staff, pupils and parents that they engage with, implementing what has been agreed in its local context.

2170 The Department has included provisions to allow, where necessary, the input of key stakeholders into the development of policy. There are, however, some policies and procedures around which there is little room for discussion such as financial regulations and safeguarding. For those policies affecting the day-to-day roles of staff within schools, appropriate full consultation with those staff and governor groups should occur to secure a positive and constructive relationship with stakeholders, including head teachers and all those affected.

2175 It is not the Department's current policy intention to launch an academies and free schools programme in the Isle of Man. The Department has included provisions in the Bill that would allow such schools to be established in future to meet specific purposes which may not be met by our current provisions. Any proposal to create a new contracted school or to convert an existing maintained school to contracted status must be the subject of Tynwald approval. The Department is of the view that any significant future decision about establishing a contracted school is best brought to Tynwald to endorse or amend any proposals before they can proceed.

2185 To recognise that the term 'stakeholders' should include young people, the Bill makes provision for pupil governors. The minimum age at which a pupil governor would be eligible for membership of a governing body is proposed to be 16; however, there is recognition that if this provision is passed into law, clear guidance must be issued on the types of activity that might be carried out by pupil governors. In particular, it would be important to recognise that involving pupils in governing bodies' decision-making processes could create serious conflicts of interest for the pupils concerned. It would not be reasonable, for example, to expect some pupils to be

impartial about issues concerning other pupils who may be subject to a governing body determination and with whom they may have a personal history of friendship or conflict. In
2190 respect of staffing issues, it would be highly inappropriate for pupils to become involved in any
matter that could have implications for the employment of teachers or for the maintenance of
an appropriate educational relationship between pupils and staff.

The Department is of the view that there is a continuing need for local accountability in the
form of governing bodies, although it is recognised that there is a need to strengthen the
2195 governance role for governors in holding head teachers to account and in representing pupils,
parents and staff.

The Department welcomes input into developing the role of governors and the current
independent review of the Department may raise some interesting points in this regard, which
will need to be worked through during the summer months following the completion of the
2200 investigation and publication of the Beamans' report into the Department. It would therefore
not be appropriate to pre-empt the outcome of this but I will give a commitment to this Hon.
House today that any changes will be fully consulted on prior to amendments being suggested.

In regard to the curriculum, the current Order describes broad headings and areas to be
taught at the Foundation Stage and Key Stages 1 to 3. In drawing up secondary legislation the
2205 Department will commit to reviewing the requirements of the current Order in consultation with
teachers, school leaders and their representative organisations.

The Education Bill introduces provisions to allow for the restraint of pupils, the confiscation
of alcohol, tobacco and other restricted or prescribed substances found in pupils' possession, as
well as powers to search pupils for offensive weapons. To support this, schools will be given
2210 guidance on ways in which these powers should be used in practice, given the sensitive nature
of the circumstances they address, and any extra training requirements will be assessed. The Bill
has also been used as an opportunity to make a provision that would assist in securing
improvements to the management of behaviour away from school sites.

The Articles and Instruments of Government, which could be amalgamated in a school
constitution, could be used to promote positive behaviour. The school governors and head
2215 teachers operationalise behaviour policies and establish custom and practice in this regard, to
develop their behaviour policies. The general direction is driven by the Department, requiring
such a policy but the details are best dealt with at an individual school level.

The Department is aware that there are significant concerns about the misuse of social media
and for this reason it was felt appropriate to include provisions to seek to address this. The Bill
introduces a requirement for schools to take action if a pupil at a school, their parents, or
2220 associates is using social media in ways that cause, or are intended to cause, distress or offence
to other pupils, teachers or other members of school staff. If enacted these provisions would
establish, the Department believes, an effective legislative framework for addressing social
2225 media-related concerns backed up by appropriate guidance developed with relevant
stakeholders.

Further work is already under way in the draft Justice Reform Bill which will revise and
strengthen the provisions to protect teachers and school staff from harassment and possible
stalking outside of school premises. As Minister I will be working closely with the Department for
2230 Home Affairs to ensure that our staff feel safe and are supported in carrying out their role for
the good of our young people.

The Department believes that the proposals in regard to home education are balanced and
proportionate and recognise that it is a core duty of the state to ensure that all children and
young people receive their entitlement to education and are kept safe. The Department intends
2235 to continue to allow parents to elect to educate their children at home, but it is right that it
should have the legal means to require home educators to register and to provide information,
where necessary, to confirm that their children are receiving a suitable education. The Bill also
contains important provisions to ensure that the educational development of home-educated
children is assessed periodically by the Department.

2240 Recent months have illustrated that the assessment of the education delivered at home is an area for development and further reflection on the effect the current health emergency has had on education will be incorporated into future guidance.

The Bill sets out arrangements for the regulation and registration of private tutors and educational establishments. The Department believes it is right that relevant authorities are able to ensure that those providing such services are subject to meaningful scrutiny and oversight.

2245 The ability to bring schools and leaders to account in a responsible way is important, and can help give reassurance to Tynwald and to the public about the quality of our schools. What is proposed gives the opportunity for more formal inspections as well as continuing the present approach.

2250 This will undoubtedly be an area for consideration by those undertaking the independent review into the Department and so the conclusion of this will provide an opportunity for reflection and amendment as necessary. The Department recognises the strong opposition that exists to the penalty for intentionally obstructing somebody carrying out an inspection or seeking to support a school, and will bring forward measures to address this.

2255 So, in closing, the Bill seeks to replace the Education Act 2001 with an up-to-date piece of legislation which takes on board the findings of the independent review into the Department as well as the views where appropriate of all key stakeholders.

I accept that some members of our community still disagree with some of the provisions this refined piece of legislation contains. We have consulted, discussed and negotiated for six years to get to Second Reading today. Now is the time for you, as democratically elected Members of this House to seize the challenge to take this debate to the next stage.

Mr Speaker, I beg to move the Second Reading of the Education Bill 2020.

The Speaker: Hon. Member for Douglas Central, Mrs Corlett.

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Mrs Corlett: Thank you, Mr Speaker.

I beg to second and reserve my remarks.

The Speaker: I call on the Hon. Member for Onchan, Ms Edge.

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Ms Edge: Thank you, Mr Speaker.

Obviously this has been circulated around today, that I wish to move that the Education Bill be referred to a committee of five Members for consideration and to report. The reason for moving this today ... I think the Hon. Member for Ramsey, the Education Minister, really has just confirmed himself that we are not quite ready. I am also aware I feel that, due to the fact that we have a Council of Ministers, the Chief Minister's independent review into the Department, I am sure all Hon. Members have received considerable emails in the last few days from teachers, from head teachers, from home educators, from parents of children with special needs; and I do feel that it would do no harm for five Members of this hon. place to be involved with all the individuals to make sure that we get the right outcomes and we bring this Bill forward.

2280 We all want an Education Bill that is fit for purpose and fit for the Isle of Man, and I feel that is really important.

I would also like to ask the Minister: I believe at a meeting on 18th March at Bemahague School that he *promised* he would give more time for consultation after the health emergency was over, and that was at a meeting with head teachers. So the head teachers, I do not believe have had the opportunity to discuss their concerns with any of the changes in this Bill. I do feel that that perhaps is part and parcel of some of the concerns and the reasons for us receiving an awful lot of emails in the last week.

2290 Has the Education Minister gone back on that promise that he only made on 18th March this year?

I am sure other Members have got an awful lot that they would like to comment on as well. This is not a delaying tactic, this is making sure that five Hon. Members from this House are involved and that we get the right legislation in place for the children, the future of our Island.

So I beg to move, Mr Speaker:

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The Speaker: Before I proceed any further on this, I would just draw the House's attention to Standing Order 4.10(1). I will read it briefly:

After the motion for second reading has been carried, the clauses of the Bill may be referred to a committee to consider and report.

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So unless Second Reading is approved by the House, reference to a committee cannot take place. I appreciate the Hon. Member indicating her intention to move this but it is not on the floor at the moment until Second Reading has been approved. If Second Reading is approved, I will immediately at that point ask Ms Edge to move the motion that is on here. It does not need to be tabled for future sitting, it can be done at this sitting and she will then require a seconder and we can debate that motion at that point, but that would need to be *after* Second Reading if it is approved.

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With that in mind we continue with the debate for Second Reading, unless I have a point of order?

Mr Shimmins: Yes, I would like to move a motion of adjournment, Mr Speaker, of this debate.

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The Speaker: You would like to adjourn this debate?

Mr Shimmins: Yes, please.

The Speaker: Okay. Until when?

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Mr Shimmins: I would like to move a motion of adjournment due to the Beamans' report, which is commencing work very shortly, and that is due to be completed by the end of July. It feels inappropriate that we would proceed with the Second Reading of this Bill (**A Member:** Hear, hear.) in these circumstances.

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If we just look at the remit of the report, it is the effectiveness of current governance arrangements such as roles and responsibilities, and how the Department provides oversight of schools. It also talks about the effectiveness of the Department and managing the interface with schools including relationships with governing bodies and school leadership teams.

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Now, that actually reflects a lot of what the Education Minister has just talked to in moving Second Reading. (**A Member:** Hear, hear.) So I believe that we would have a much more informed debate if we awaited the publication of that report which is due next month, and also if the stakeholders had a chance to engage with that, including ourselves. It feels we are rushing our horses unnecessarily, Mr Speaker.

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So I would like to move that this House adjourns the debate on this until we receive the Second Reading and until stakeholders have a chance to engage. I believe that makes absolute sense given all the sensitivities on this important piece of legislation and the concerns that have been raised by various constituents of mine who are head teachers, teachers, educational support officers, home educators and parents. I think we should listen to those concerns and we should have a proper debate.

2335

Thank you.

That debate be adjourned till the next sitting of the House in its own Chamber.

A Member: Hear, hear.

2340 **The Speaker:** I am just trying to work out a way that I can ensure that Mr Shimmins' intention is procedurally valid. And my suggestion is that you are actually seeking to adjourn this until the next regular sitting of this House, which would be about 27th October, I think, there or thereabouts; notwithstanding that we will be sitting in St John's on Tynwald Day and we will be sitting immediately after July Tynwald, but of course we do not normally take legislative business at that point.

2345 So it will be the first sitting of the House of Keys in October. Does that reflect your intention, Mr Shimmins?

Mr Shimmins: Thank you, Mr Speaker, for seeking that clarity.

2350 I think it would be helpful. I guess it depends on the publication date of the report. I am assuming that the report will be published by the end of July and then that all stakeholders will have the opportunity to engage and make their views known, in which case July, August, September – that is two months, that does feel appropriate. So the October sitting would, I think, have some merit.

2355 Unless, of course, this House decides to come back in September, because we may have other legislation to consider.

The Speaker: I need to find a way of wording this so that everyone knows where they are and everyone knows what it means. And the next regular sitting will be – is it 27th October?

2360 **The Secretary:** The next sitting in this Chamber – (**The Speaker:** Yes.) would cover –

The Speaker: Yes, right, so it would be the next sitting.

Mr Shimmins: I understand your dilemma, so I am supportive of that suggestion.

2365 **The Speaker:** Okay, in which case we will say 'the next sitting in this Chamber' which hopefully will cover both eventualities.

Mr Shimmins: Yes, that would be great.

2370 **The Speaker:** Right, thank you very much.
I call on Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

2375 I do stand to second the motion placed before us by the Hon. Member for Middle, Mr Shimmins.

But I would just, Mr Speaker, draw Hon. Members' attention to a few important finer points here. The Education Bill is an *incredibly* important Bill. Equally, the independent review is *incredibly* important as well. And they must be brought together and considered together before we dare to move forward at all.

2380 I have certain concerns lurking in the back of my mind. It is inevitable that the independent review was delayed in the way it was, due to COVID, but now we have an incredibly important review that is going to be considered over a matter of a very few weeks by Zoom or Microsoft Teams where you cannot get that personal interaction between a teacher, members of the Department and the reviewers. I am uncomfortable about that, and we are concentrating it down into a month. That really worries me.

2385 A personal, subjective opinion is that I am not a great fan of Beamans, which also leaves me with a question mark. I am therefore really concerned, because this Bill considers a range of

incredibly important matters like governance – and so does the review. So I think this is the point where this House needs to pause. So I have great pleasure in supporting Mr Shimmins' position.

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Thank you, Mr Speaker.

The Speaker: I also need to remind Hon. Members that Standing Order 3.29 applies in terms of the five-minute rule. But I thank everyone for keeping me on my toes.

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Next up to speak is Dr Allinson.

Dr Allinson: Thank you, Mr Speaker.

Second Readings are always a bit of a challenge.

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Ms Edge wants to refer it to a committee. I have always thought this is not a long-grass administration and she seems to want to do that. She says it is not quite ready. I think I have said in my speech how long we have taken to get to this stage – the amount of consultation that has gone on, and on, and on. And Hon. Members have been contacted by people with interests in the Bill, whether they be home educators or teachers. Let's not forget that this Bill is all about children and young people and students. They are at the centre of education not 'people' – some of whom unfortunately have vested interests.

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The Hon. Member talked about a promise I made to teachers and she is absolutely right. I stand by that promise. There will be consultation on this Bill. I have already said to two of the unions, who still have outstanding differences in terms of the clauses, that I am more than happy to arrange for extra briefings of members over the summer to go through this.

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What the Second Reading does is set out the vision for this Bill. What we are talking about now is the individual clauses and what they contain. Delaying Second Reading will contribute nothing to that debate. All it will do is give more time over the summer for people, hopefully, to read the Bill that they should have read last year when it was first presented.

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We have been here before. We have been to committees before; we have been to consultation before. But what we need to do now is move forward.

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And again, there is this idea that it is being rushed through. I think, Mr Speaker, I do not know how long the Pyramids took to build, but it was probably quite similar to the amount of time it has got to get this Bill to fruition. Again, an adjournment of debate ... We are not actually debating the clauses here, we are agreeing on Second Reading. The actual debate of those clauses based on the Beamans' report, I have already said is going to happen in October. We can then digest it after full consultation and go through these clauses line by line, as we have already done several times with lots of stakeholders and four different meetings with all the trade unions, gone through those line by line; and actually, leading up to this debate, I have contacted the general secretaries of those unions and a lot of them are very appreciative of all the work that has gone into getting this Bill forward.

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Mr Shimmins talks about a 'proper debate'. Yes, that is what I am asking for: a proper debate on the clauses line by line to go through that. But we will not get to that stage of debate until we actually grasp the nettle and approve Second Reading.

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I cannot help but feel, Mr Speaker, that having an adjournment and a committee all at the same time, rushed – with even the Hon. Members not quite understanding the procedure to do so – strikes as a bit of desperation in trying to delay this Bill further.

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We have to remember that today is the last Keys sitting in this session. The next time we do this we will be facing a general election and the dissolution of this administration. The clock is ticking in terms of us delivering what we promised in the Programme for Government at the start of this administration, which was a revamp of our education system putting the responsibility in the Department to provide education for our young people and children. That is what this Bill is about. If you want to negate that responsibility, if you want to kick it into the long grass, if you want to delay and adjourn that is absolutely fine. What I am trying to do is bring this legislation forward to the stage where we can discuss it in the clauses stage with

2440 everyone's views. But we have to make the end decision. That is what we were put here for by our constituents. That is what I am asking you to do.

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 support an adjournment although I would be happy also to support a committee of five Members to go into the detail of this Bill and to sort out what needs sorting out.

2450 Rarely have I known such public engagement with the progress of legislation in this Hon. House. (**A Member:** Hear, hear.) But the Education Bill has consistently attracted criticism and concerns from many including teachers, head teachers, parents and home educators. This Bill, if progressed as drafted, would criminalise teachers for obstructing inspections and it would punish parents too for failing to ensure children attend school, with fines or prison.

2455 The Social Affairs Policy Review Committee was critical, particularly about the consultation process and I had hoped the Department would withdraw the Bill for substantial redrafting before bringing it before us. What is the political or social imperative for bringing it before us today? Draft legislation ... the Minister admits aspects need to be worked through in the summer months. I am still unsure what the purpose is of this Bill and why it sets in stone a system of school assessment that serves neither student nor teacher. What is its ambition for our education system – our world-class education system?

2460 I do not accept that the Bill establishes the best structure in governance of our schools. I think it lacks clear vision. And why rush ahead with the Second Reading of flawed legislation, while an independent review into the Department has just commenced? (**Several Members:** Hear, hear.)

2465 The future of our education system is too important for a botch job. It is vitally important for all our young people *now*, and future generations, that we get this legislation right. Referring it to a committee and having an adjournment while we can work those aspects through in the summer would seem the best way forward.

2470 I for one cannot vote in support of legislation to support a Second Reading when I know the legislation is not fit for purpose in its current form. We are trusted to make good law. A flawed Bill needing amendments is simply not good enough for the future of our education system and the future generations it will serve. The Department would get a *bad* end-of-term report on this: it should try harder.

2475 I think it should go away and complete the drafting of the Bill to a state where most people involved in education are content with it. An adjournment hopefully will provide time for the Education Department to do that. This Bill is not ready. It is not batting it into the long grass; it is in the interests of getting it right.

2480 Preferable for me would be for the Department to take stock, to reconsider the Bill's provisions following the outcome of the independent review and following further consultation as promised. We need a revamp of the Education System. We do want it to be modern. We do want it to be fit for purpose. But it has to be with the support of all involved in education and this Bill would not seem to be at that point yet.

Thank you, Mr Speaker.

2485 **Several Members:** Hear, hear.

The Speaker: Next up, the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Speaker.

2490 I also rise to support the adjournment. The timing of the Second Reading of the Bill does concern me. I have spoken to the Minister and recognise why he is eager to move forward. What

concerns me is the voice in the community. Some of these individuals will want to give the Minister a bloody nose; however, I am hearing the voice of many moderate, reasonable and thoughtful individuals who really do believe that the process needs to be halted.

2495 The word 'communication' remains key. I worry that by carrying on in this way the message being heard is a juggernaut that cannot be stopped. I know it is late in the day but whilst an independent review is taking place I feel the process needs to be paused.

At this point I worry that moderate people are not being heard and the Minister's words are simply being ignored. The message that is coming across is, 'We can and we will'; and that is not the best interpretation of this really important Bill. We need time for calmness and reflection to show that we are really serious about listening and working together.

2500 Thank you.

The Speaker: Hon. Member for Arbory, Castletown and Malew, Mr Cregeen.

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Mr Cregeen: Thank you, Mr Speaker.

At my last meeting with the unions regarding the clauses of the Education Bill they were generally supportive apart from, I think, there were about three clauses: one was about social media – and one of the unions did not want anything to do with social media in it, and the other did. There were questions about the governance – there were those issues. But they were generally supportive of the Bill and, as Hon. Members will be aware, one of those unions actually came to a Tynwald briefing supportive of the Bill being moved forward.

2510 Hon. Members will have been given possibly the same emails that I received, saying that it was the SSRE, it is about the Social Affairs Policy Review Committee's Report. The Bill has changed significantly since the Social Affairs Policy Report first came out. So there is a significant difference between that and what the Hon. Members have got before them today.

I would challenge those Members who are saying it should be adjourned and it is not fit for purpose. Have they actually read the latest version of it? Because it does not refer to SSRE and some of the comments that have been made are out of date.

2520 This Bill has been consulted on significantly with all the unions, even the unions' officials from across came to meetings which were all recorded and minutes were taken on every clause that we went through – every clause was gone through line by line on numerous occasions.

Mr Speaker, we are going for Second Reading. The summer has plenty of time for those Hon. Members who have concerns to actually go through the Bill again and ask the Minister his position on it. That is what you can do in the summer. I doubt many people will be going away anywhere, so let's use the time (*Laughter*) in the Isle of Man. Have your holiday in the Isle of Man and go through the Bill, and when it comes forward to us please bring those points up.

2525 I gave an undertaking to the unions that when the Bill came through this House they would have the opportunity if we went into a Committee of the House to put their points, which is the appropriate time.

2530 Mr Speaker, I would say that we should go ahead with the Second Reading.

The Speaker: Thank you.

Hon. Member for Ramsey, Mr Hooper.

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Mr Hooper: Thank you very much, Mr Speaker.

I rise mainly because I am quite concerned about some of the things that I am hearing and the content of some of the emails that I received, and I think there is quite a bit of misunderstanding out there about a number of things. So, first things first.

2540 The Social Affairs Policy Review Committee Report that is being referenced was never actually debated in Tynwald. The Committee never brought it for a debate. If a Committee does not have enough confidence in its own report to bring it for a debate to Tynwald I do have to question how much value there is in the findings.

2545 But the point really is that this whole Bill is amendable and so anything that is not right can be fixed in clauses stage. So adjourning the Second Reading debate to October actually does not achieve anything, because until you have finished your Second Reading debate you cannot get on to clauses, and clauses is where you can table amendments and fix things that might be broken.

2550 So I thought it was important to look at what the Bill actually does. A number of the comments that have been made so far are about things like the SSRE process being enshrined in law. The Bill does not actually do that, it is very clear that it does not, and if any Member thinks that it does, I suggest they go back and read again the Bill about enshrining in statute a particular process. That is completely inaccurate. So there is a reference in there to any inspection process requiring some form of self-assessment but actually the Bill is silent on the scope and extent and breadth and width of that. The Bill is pretty broad in terms of inspection regime.

2560 I think it really is important that we know what we are talking about here. In terms of governance arrangements, as well, the Bill very specifically leaves most of that up to Articles of Government and Instruments of Government for schools. So the Bill says that articles must include certain things and the instrument must include certain things, but actually it does not say that every school must have its own unique individual governing body, for example – that is not a requirement in the Bill. And if it was determined that you wanted to make some changes to that section actually it is only one clause that refers to governors and appointment of governors – so amending one clause to change, fundamentally, the governance structure of schools and education on the Isle of Man would seem to be relatively straightforward.

2570 I mean, the amendment I brought this morning to the Licensing Bill, the amendment was larger than the Bill! I always entered this House with the view that anything is amendable and the conversation is not finished until this House has decided the conversation is finished. So why do we not get to the next stage and have that conversation about what is good and what is bad, and what clauses work and what clauses do not, and we can all table whatever amendments are necessary and actually hash it out properly in this place, which is exactly the role we have been elected to do. So an adjournment does not make a great deal of sense to me.

2575 I would also like to touch very briefly on the terms of the independent review. I went back and looked at the terms of reference for that review and it talks about ‘roles and responsibilities’; it talks about ‘policies, procedures, protocols’ and ‘management of relationships’. I might be wrong but I do not think the Bill deals with most of that. The elements of the review that will impact on the Bill are again in terms of governance and inspection. Those are two very specific sections of the Bill that, again, I think are entirely amendable. I think there is some fluidity here. The Department may not get its own way when it tables these clauses and maybe it is right that it does not.

2580 But we have not had that debate yet. We have not really gone through it in detail line by line. And, to be fair, when I was in the Department of Education I did make that offer that I would sit down with any Member and go through with the Bill clause by clause, line by line and no-one took me up on that offer. *(Interjection and laughter)*

2585 So, sorry I apologise, Mr Speaker. Mr Speaker *did* take me up on that offer!

The Speaker: Thank you very much! Over two afternoons!

2590 **Mr Hooper:** Yes, that is true. But aside from my colleague, the Speaker, Members were silent on this. So if there were serious problems with the Bill, why have we not all tried to fix it sooner? Why are we now saying ‘Let’s delay it by another six months’? Actually, that will serve very little purpose.

The clauses stage, I was going to mention this in my speech around the Second Reading, absolutely has to happen *after* the review reports. That is an absolute requirement in my view.

2595 You cannot take clauses before the review is completed. But it is clauses we need to be concerned about, not the Second Reading.

So again, just some context around the adjournment here and what the Bill does. I have not actually heard many comments about what the Bill does that actually reflects what is written in black and white. And equally I think the comments around adjourning this particular part of the debate do not make a lot of sense.

2600 So in that context, Hon. Members, I really think: get Second Reading through; make sure the Minister does what he says he is going to do and consults and engages over the summer; make sure that he brings back clauses *after* the independent review is finished; and then make sure that as we go through the clauses stage we are all fully and properly engaged in that debate and in that conversation. That seems to me the right way of dealing with this.

2605 That is it. I would argue that adjournment does not really make sense.

Thank you, Mr Speaker.

The Speaker: Hon. Member for Douglas Central, Mr Thomas.

2610

Mr Thomas: Thank you, Mr Speaker.

I fully support the call for adjournment. I think it is not anything to do with the Social Affairs Policy Review Committee, it has to do with the independent review.

2615 It is also to do with the juxtaposition of two quotes from the Hon. Member for Castletown, Mr Moorhouse, and the Minister, Dr Allinson, from Ramsey. But basically what Mr Moorhouse said was we need to demonstrate that we are listening and we are working together. (**A Member:** Hear, hear.) Now, I have got 14 pages here of moderate constituent input into the clauses stage that I would like considered, and I have got a few other constituents – not teachers, not home educators just genuine people who care about education – who we need to carefully consider. So Mr Moorhouse said we need to basically make sure we listen and work together; whereas the Minister said we would take into account other views where appropriate. And there is a difference there.

2620 Then the second juxtaposition is that Mr Moorhouse said that we needed to demonstrate that we were listening and working together; whereas the Minister said the Department was responsible for Education. (**A Member:** Exactly!) I beg your pardon: teachers have a role, parents have a role and most importantly the individual has a role. This is a much bigger issue than just the Department *can* and so therefore it *will*.

2630 Look, let's face it, let's face the facts: the 2001 Education Act in Isle of Man legislative terms is quite recent. The 2001 legislative Act was substantially amended in 2009 with the Education (Miscellaneous Provisions) Act. Lots of what is in this Bill was in that Bill back in 2009. A few months is not going to make any difference in terms of actually genuinely listening and showing that we are listening, and then learning from other people's views rather than just dismissing them because we can and therefore we will.

2635 So with that, Mr Speaker, I will be participating later in the debate in terms of the committee, which I think I can. We can obviously call for a committee at a later stage as well, because it will be in another parliamentary year. But most important now is to take the time to get this right, because education matters. So I support the adjournment.

The Speaker: Next I have Mrs Barber, Hon. Member for Douglas East.

2640

Mrs Barber: Thank you, Mr Speaker.

2645 It strikes me that we are in a really positive position, actually, with the Education Bill before us because we are about to go into an enforced pause, and I just feel we can use that more productively if we breathe and we stop and we allow ourselves to have the benefit of the Beamans' report in front of us. By debating now we pre-empt the content of the Beamans' report and I think that is an unhelpful position to be in.

2650 So while we are awaiting that, I think there is clearly a conversation that still needs to be had, because there is a mismatch. Whether that is relating to the content of the Bill, which in some cases I think there is a difference in understanding over the content of the Bill; or whether that is relating to people's concerns about something specific that would affect them within the Bill ... Ultimately we are creating the laws to make the situation *better* for the people of our Island. And we seem to have ended up with this Bill with a situation where, for a large number of people, they do not feel that it is achieving that.

2655 But actually we have an opportunity. We have got three months where we are not sitting in this House and there is an opportunity to have that engagement. I would argue that any committee – and obviously we will discuss that shortly – should report in a very timely manner because I think that is the important element of this. I do not think we should seek to delay the Bill hugely. I think it is just using the time we have, rather than getting the Beamans' report in July, everyone having a quick flick through and then nothing happening with it until October, 2660 let's use the time between the report and October to actually talk to the people that this is affecting – the parents, the teachers, those people working within our schools.

Let's talk to those people, talk to them about the Beamans' report and how those things all interact together with the Bill. And let's see how we can make sure that any clauses that are needing amendment can be done so with a broad consensus. Because, ultimately, everyone I am speaking to and everyone here, I am actually in no doubt wants the best for the children of our Island. Everyone has that same purpose, there just seems to be a difference of opinion in quite how we get there. 2665

I just think we have this enforced pause, and we also have something that we are always desperate for: we have got people engaged in legislation! (*Laughter*) We try and get this all the time and we fail, but we have got it! So, rather than knocking people down with a great big stick, let's talk to them, let's listen to them and let's understand what it is that is causing so much upset with this Bill. Because, actually, I think we can all come together and we must all come together because ultimately, to my mind, if we put a piece of law in place that the people who are going to have to work within it, around it and encapsulated by it do not support it – I think we put ourselves in an *incredibly* difficult position. 2670 2675

So I would say, we have an opportunity and I think that we would be foolish not to take it. So I will be supporting the adjournment and, should we not get an adjournment – I hope we will, I hope that there will be some common sense around this – but then I will support a committee. I think it is very important that we take the time to breathe, that we take the time to engage with people who we *always* want to engage with us and who now *are* doing – and suddenly, because it is making everything a little bit harder we are like 'Actually, we've changed our minds; we didn't want actually that engagement we're always after'! 2680

So I hope people will support that. Thank you.

2685 **The Speaker:** Hon. Member for Middle, Mr Quayle, the Chief Minister.

Mr Quayle: Thank you, Mr Speaker.

I rise to my feet just to discuss briefly the Beamans' report which I asked to be set up and for the investigation to be carried out. Just to confirm, I have spoken with the team, a number of professors, very learned people, who have excellent qualifications to carry out this report. They have assured me, barring unforeseen circumstances they will have it ready in July for us all to see. I have said it will be shared. It is totally independent. We will all get to see it. And we then have *circa* three months to discuss it. 2690

I would commit, and I am sure the Minister for Education, Sport and Culture will happily agree, to meet with our teaching representatives during that period, once the report has come out, to see if it raises anything. We do not know what it is going to find, or say; but should it make a comment in the report that x needs to be fixed and that is relevant to the legislation. Then I am sure the Minister for Education, Sport and Culture will be more than happy to commit 2695

2700 to discussing that with the teaching representatives, so that come October, three months later – because we are looking at all of August, September and October and, contrary to some public opinion, we do actually work non-stop during that period, we just do not have Tynwald, but we maybe have our Tuesdays for our officers to fill up those days with.

2705 So that is something I will personally commit to, as Chief Minister – and we do not know what they are going to say – that if it needs changing, or clauses need changing, then I am sure the Minister will happily go out and meet with the representatives, and he will have all of August, all of September and the vast majority of October.

Thank you.

The Speaker: Hon. Member for Onchan, Ms Edge.

2710

Ms Edge: Thank you, Mr Speaker.

2715 Obviously I stand now that I support an adjournment. I do feel that there has been so much concern out there. But I want to also point out, Mr Speaker, that perhaps some Members have not read the Social Affairs Policy Review Report, which actually in the report stated that the Committee made a conscious decision not to move a motion for the report to be debated. This was for a combination of reasons.

And then just the other area that I want to point out to the Hon. Member from Ramsey, Mr Hooper, who is sat next to me, Number 11 within the report said:

It would not be appropriate for us to make specific legislative recommendations, given that we are a Committee of Tynwald Court; that the Bill is expected to come before the Branches soon; and that Tynwald Standing Order 3.11(3) ...

2720 The Hon. Member from Ramsey is always very keen to point out to us about Standing Orders so I am pointing out that that was all in the report.

But, more importantly, an adjournment debate: how often in here do we all stand up and say that we need to bring people with us? All I have actually felt I heard from the Hon. Member for Ramsey, the Education Minister today is: 'We are going to ...', 'We are doing this ...', 'We are moving on no matter what'. 'Why do you want to put it into the long grass?'

2725 It is not putting anything into the long grass, it is giving people an opportunity to be involved as the Hon. Member for the Douglas East, Mrs Barber said, we are trying to bring people with us. I think there is enough unrest within our Education setting at present without creating any more. And I think an adjournment is nothing for the Education Minister to be afraid of. I think he should *want* to hear from all these professional people and want to hear from our constituents and anybody that is interested. I am quite astounded really that he would not want that.

2730 He also mentioned the Programme for Government. I am sure we have all been told in the other place that there is going to be an update to the Programme for Government. So what is changing? Is there anything changing in that? Or is he just going to railroad this through?

2735 I thank the Chief Minister for his comments about Beamans because one of the questions I was going to ask is would it be circulated in July to all Hon. Members, because it did say it would report to CoMin in July. So as long as that is not *just* reporting to CoMin and we will receive it as soon as it is published.

2740 The other question I would like to ask: at this point – and I will ask the Education Minister – but when we originally were advised about the Beamans' report it clearly said in that that all stakeholders would be involved. Now, I am not aware of any political Member or backbencher outside of the Education Department that has been contacted, and I wonder if that is a possibility to be considered. So I am just putting that out there as part of this adjournment debate.

Thank you, Mr Speaker.

2745

The Speaker: I call on Mr Shimmins to reply to the adjournment debate.

Mr Shimmins: Thank you very much, Mr Speaker; and thank you to all the Hon. Members who have spoken today.

2750 I would suggest we just need to take a step back. The adjournment is about looking at the independent review when it is published. That makes sense. It is just very important legislation, we have got an independent review into our Education structures, and we are proposing just to crack on with the Second Reading before that.

2755 I was very interested to what the Minister said in response to the general debate, and he said 'We need to act *responsibly*', 'We need to make decisions'. I could not agree more. Of course we should act responsibly. The responsible thing is to wait for the independent report and then we make *informed* decisions, Hon. Members.

2760 I also agreed very much with what the Chief Minister said and I was heartened by his comments because he stressed again that the Beamans' report is totally independent. He also said we do not know what it is going to say. Exactly. Those are quite important words, Hon. Members because the previous Education Minister and the current Education Minister seem to think they know what the report is going to say.

2765 Now, I was heartened when the Chief Minister said, 'We don't know'. So, in that context, *why* would we proceed with the Second Reading when we have got a report, and we do not know what the report is going to say? Surely it must make sense to await the publication of that report.

2770 Again, I was delighted to hear the assurances given by the Chief Minister that it will be published and people will be listened to and there will be ongoing engagement. Indeed the Education Minister also commented along similar lines, and there is a suggestion that we will change the Bill.

Okay, that sounds entirely sensible. But is it sensible to change the Bill before Second Reading? I mean, that feels quite an extraordinary thing to do, to say actually that we will –

Dr Allinson: Point of order?

2775

The Speaker: Point of order.

Dr Allinson: Could the Speaker please comment on changing the Bill before Second Reading?

2780 **The Speaker:** It is a matter for debate, but obviously a Bill cannot be changed whilst it – apart from through clauses.

Mr Shimmins, please continue.

2785 **Mr Shimmins:** Well, the technical aspects of the Bill we can fix in terms of First, Second Reading and clauses. It is the *content* which people are really interested in.

I was certainly intrigued when Mr Hooper said an adjournment to October will delay the Bill by six months. That is hyperbole; absolute hyperbole. We know that the report is going to be done by the end of July and he suggested the right way to do things was to crack on. I would strongly suggest to you that is not the right way to do things.

2790 And when Mr Thomas said, really, this an example of dismissing other people's views because we can and Mrs Barber said, 'We need to breathe' 'We are knocking people down with a big stick'. Those words are quite concerning to me. It is not something I would suggest that the Education Minister would want to do.

2795 So I really think that the Education Minister might wish to consider that this would cause minimal delay. It is the right thing to do. We have commissioned an independent report. Let's have a look at that report. Let's discuss it before we take the Second Reading.

And on that basis, I will sit down. Thank you.

The Speaker: The motion before the House is that the Second Reading debate be adjourned until the next sitting in this Chamber. Those in favour, please say aye; against, no.

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

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

The Speaker: With 10 for, 12 against, the noes therefore have it.
We continue debate on the Second Reading; and Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I think from my perspective this Bill itself does not actually resolve many of the issues that are facing our education system. Many of the issues are not legislative – the issues are cultural, relationship based, policy based, they are personality based – it is much broader than just the legislative framework. But I think what this Bill does is it provides the opportunity to address a wide range of issues because most of the detail is not in the Bill. Most of the detail sits inside regulation and articles and other subordinate documentation. Getting these documents right is absolutely critical to making sure that we have an education system that is fit for purpose and that delivers what it should deliver for the young people on the Isle of Man.

I think one of the biggest challenges that our education system faces is dealing with the question of autonomy. The current principle seems to be that schools essentially themselves determine in large how education is delivered and have a great deal of flexibility around that, within a framework obviously that exists set by a combination of Department policy, exam boards and the wider world at large, and that flexibility I think is a good thing. Where I think we fall down in legislative terms is we are not clear on where various responsibilities and accountability lies within our system: school, governance, Department, GTS. We have seen this in the recent crisis and we have seen this in the evidence that was given to the Public Accounts Committee. You had schools saying we cannot do something and other schools going ahead and doing it. You had the Department saying we are unable to do something and yet some schools were doing it anyway. You had people saying, ‘It is not up to me, it is up to someone else to do that’ and I am not sure that is particularly healthy.

I think, for me, I want to put a marker down here that says the Department really should be the policy maker and the person responsible for that quality assurance process either through its own regulator or an independent body. It should not be any more involved in schools than it has to be.

I think the proposed new structure of the health system, the Manx Care Bill that we will be talking about shortly, sets out a sensible, broad framework that could be replicated or applied in the right context to our education system, allowing schools to act as their own arm’s-length bodies, delivering education within a broad mandate set by the Department.

But having said this, I do not think we want to turn education on the Isle of Man into a market place. We do not want schools having to compete with each other for staff and resources. And going as far as they have in the UK in terms of academy-style structures I think

2835 would be completely inappropriate for the Isle of Man and that should be avoided at all costs.
(A Member: Hear, hear.)

In this context then, I think I would just like to ask the Minister to confirm a few things: first things first, the Bill deals with setting out a new framework for the way the Government and the way the Department provides financial support to students on the Island, not just pupils at school and students at secondary school and university students, but actually the wider population so retraining, upskilling, the broader skills development needs of our economy. I think I would like to ask the Minister what his plans are in this regard in terms of the regulations that he will be expected to bring to update and upgrade some of the financial framework that exists in this space.

2845 I would like the Minister to confirm, if he will, that the patchwork provision that we have seen in recent weeks has shown the necessity of a well-functioning quality assurance system. Can he confirm that the Bill itself does not prescribe any particular process and that the current approach and inspection regime will be reassessed following the Beamans' review and before he brings clauses stage to this Hon. House?

2850 The Minister also mentioned in his opening remarks that there will be more engagement and consultation with stakeholders over the summer following the review and before clauses stage. Can he confirm what he means by this? Is he talking about proper and full engagement with teachers directly, with their representatives, with parents and with students?

2855 When it comes to the regulations themselves, I think the point I would like to make is that this Bill provides the opportunity to review every aspect of how education is structured and how it functions on the Island. I think a very negative outcome would be simply lifting existing regulations and making them again under the new Bill without giving any thought as to whether they are fit for purpose and appropriate. So can the Minister confirm that as he is bringing individual sets of regulations and subordinate documents through the process that each one will be considered on its own merits and there are no plans to simply lift, copy and drop existing rules and regulations?

2860 This Bill provides us with the opportunity, I think, to relaunch our education system and it is up to us to take that opportunity, and I would hate to see it wasted. So if the Minister can please confirm these few things I would be extremely grateful.

2865 **The Speaker:** I call on the mover to reply, Dr Allinson.

Dr Allinson: Thank you, Mr Speaker; and I would like to thank Mr Hooper for his comments, but also all the previous comments that came before that.

2870 Can I be quite clear that by bringing this Bill to Second Reading it is not because we can do it; it is because we should do it. We should progress this legislation. Is this the ideal time for it? (A Member: No.) The ideal time would possibly have been last year when it could have come through. I see this as an ideal time. We have got a review of the entire education service on the background of a crisis which amplified all those parts of our service that need improvement, a warts-and-all review of the way the Department functions in terms not only of governance but also in how it relates to all the people who work within education but also rely upon the education service. We have also got, hopefully, the conclusion of an industrial dispute that has been going on for 18 months, and then an Education Bill. I am quite an unfortunate Minister to have all these happening over one summer, to be able to hopefully draw a line under problems in the past, plan a future that is centred around our pupils and young people.

2880 I think Mr Hooper, the Hon. Member for Ramsey, was absolutely right when he talked about the balance between autonomy and responsibility. I trust the teachers. But we need to enshrine that trust and that autonomy in legislation and actually make sure that we seize this opportunity.

2885 If I can just go through the questions Mr Hooper asked me. He asked about financial support for students but also in terms of skills and upgrades and lifelong learning, and I think that is a

phrase often bandied about without actually any meat on the bones. As we move into this summer, this year, next year, the importance of education in terms of retraining, in terms of skills, will never have been more important for our Island, and that has to be seized upon.

2890 We have already started work between the Department of Education, Sport and Culture, the Department for Enterprise and others to have an actual Government plan for how we reskill, retrain and re-employ people who have suffered economically due to the coronavirus pandemic.

2895 He also asks about the necessity of a well-functioning assurance system. Again, this is one of the questions that Beamans has been asked to look at: how do we assure that we are delivering what we have promised to our children? Now, I have never been keen on an Ofsted model. When I have talked to teachers here one of the advantages that they see coming to the Isle of Man is to get away from tick-box exercises about assurance, and what they appreciate is the self-assessment and support that the Department gives to them. I think we need to look at that again, we need to consult on that again and get it right because any quality assurance should 2900 have that supportive element to allow people to develop the services they provide, not chastise them for not being able to do so in comparison with their neighbour.

I fully agree with the Hon. Member for Ramsey's emphasis on full engagement. I have already said that during the summer we will do a full engagement with teachers, with their representatives. He makes the very valid point that I have made earlier on in this session, that 2905 pupils and their parents should also be part of that. But on the basis of our conversation today we need to move forward and engage people.

And the Hon. Member, Mrs Barber, is absolutely right, one of the advantages of legislation like this, we are talking about in some ways social policy, this touches peoples' lives. It is important for people and I completely appreciate the passions it stirs up, but also see this as a really good opportunity to engage in people with something that is very meaningful for them. 2910

One of the aspects has always been about regulations, and certainly as we develop the regulations and everything that underpins this piece of legislation, they will be assessed on their own merits.

2915 This will not be a cut-and-paste job, it is a large piece of work that needs to be got right for this Island and for the pupils and young people of this Island, and with that, Mr Speaker, I beg to move.

The Speaker: I put the question that the Education Bill 2020 be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

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

FOR

Mr Ashford
Dr Allinson
Mr Baker
Mrs Barber
Mr Boot
Mr Cannan
Mrs Corlett
Mr Cregeen
Mr Harmer
Mr Hooper
Mr Perkins
Mr Quayle
Mr Skelly
Mr Speaker
Mr Thomas

AGAINST

Mr Moorhouse
Mrs Caine
Mr Callister
Ms Edge
Mr Peake
Mr Robertshaw
Mr Shimmins

2920 **The Speaker:** With 15 for, 7 against, the ayes have it, the ayes have it.