

# DÁIL ÉIREANN

---

## AN COMHCHOISTE UM OIDEACHAS AGUS SCILEANNA

### JOINT COMMITTEE ON EDUCATION AND SKILLS

---

*Dé Máirt, 6 Samhain 2018*

*Tuesday, 6 November 2018*

---

The Joint Committee met at 3.30 p.m.

---

#### MEMBERS PRESENT:

Deputy Joan Burton,*	Senator Robbie Gallagher,
Deputy Thomas Byrne,	Senator Lynn Ruane.
Deputy Kathleen Funchion,	
Deputy Catherine Martin,	
Deputy Tony McLoughlin,	

\* In the absence of Deputy Jan O'Sullivan.

In attendance: Deputies Ruth Coppinger and Richard Boyd Barrett.

DEPUTY FIONA O'LOUGHLIN IN THE CHAIR.

## **Business of Joint Committee**

**Chairman:** We have an official substitution for Deputy Jan O’Sullivan. Deputy Joan Burton is attending in her place.

### **School Closures: Discussion with Minister for Education and Skills**

**Chairman:** The first item on the agenda is an engagement with the Minister for Education and Skills, Deputy McHugh, and an official from the Department, Mr. Hubert Loftus, on the closure of a number of schools constructed by Western Building Systems to allow for structural assessments to be carried out. On behalf of the committee, I welcome the Minister and Mr. Loftus, the assistant secretary general. I also thank Mr. Loftus for his hospitality. The committee was invited to attend a meeting last Wednesday with officials and the Minister. Myself and Deputy Thomas Byrne were pleased to attend that meeting. It was a useful. It is also important we have the opportunity to engage and discuss some of the issues here.

The format of this part of the meeting is that I will invite the Minister to make a brief opening statement. That will be followed by an engagement with members of the committee. Before we begin, I wish to draw everyone’s attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to so do, they are entitled thereafter only to a qualified privilege in respect of their evidence. I call the Minister, Deputy McHugh.

**Minister for Education and Skills (Deputy Joe McHugh):** Gabhaim buíochas as ucht chuireadh an Chathaoirligh go dtí an coiste seo inniu. Tá an t-ábhar seo iontach tábhachtach. Táim ag dúil go mór leis an díospóireacht le baill den choiste. I appreciate the opportunity to update the committee today on the structural assessments undertaken in 42 schools constructed by Western Building Systems and the next steps to be taken by the Department of Education and Skills. I am joined by the head of the planning and building division, Mr. Hubert Loftus. I thank the Chair and the members of the committee for their help and positive suggestions throughout this process.

We have tried to keep the members of the committee informed and have been in regular contact with the clerk and members. We also invited members to a briefing last week in Tullamore, where the Department’s management of this challenging situation was co-ordinated. Three Department teams focused on operations, communications and interim accommodation. They worked intensively over the past two weeks to co-ordinate the full programme of structural assessments and the implementation of precautionary measures. They also worked to provide support to schools as required in respect of interim accommodation needs and to ensure progress was communicated to schools and the public.

Getting to where we are today has only been possible thanks to the collective efforts of parents, school principals, patrons, boards of management and Department officials as well as the project managers, structural engineers and contractors who pulled out all the stops to facilitate the reopening of schools this week. I acknowledge the disruption and inconvenience caused to pupils and parents over the last number of weeks and the impact this has had on parents’ life and work. I am conscious that there has been a particularly heavy burden on school principals.

They have been dealing with the operational impacts of the assessments and related precautionary measures. I thank them in particular for their ongoing co-operation.

The outcome of all 42 structural assessments, including the full list of schools requiring precautionary measures, was published on 1 November. The summary of the current situation is as follows. There were 19 schools fully cleared to open this week without any precautionary works. A further 19 schools were enabled to open in full following external precautionary measures in the form of a fence around a building, or part of a building, and protective decking at all entrances and exits. Three schools, two in Tyrrelstown and one in Lucan, are being enabled to open, initially at ground floor level only, following the implementation of both internal engineering solutions and external precautionary measures.

Following a meeting between Department officials and school authorities in Tyrrelstown yesterday, additional work is continuing to address some of the operational impacts of the precautionary measures and other logistical issues such as traffic management. All parties are working towards the reopening of the Tyrrelstown school, initially at ground floor level only with other classes accommodated off-site. Finally, one building on this list, phase one of Ard-gillan community college, remains closed. Dublin and Dún Laoghaire Education and Training Board, ETB, has made arrangements for the displaced classes to be accommodated, including through the use of a shared community centre and facilities at another school.

It is important to underline our priority over the mid-term break was to ensure that the structural assessments were conducted and any precautionary measures implemented to ensure safe occupancy this week. We will be moving as quickly as possible to the next phase. That is to initiate more detailed structural investigations at all the 42 schools and, following on from that, to implement the permanent remediation works required. We cannot give a precise timeframe at this time for the duration of precautionary measures or the implementation of permanent works.

That will depend on the outcome of the next phase of the investigations. Every effort, however, will be made to keep the duration of temporary measures to a minimum. We fully intend to pursue Western Building Systems through all contractual and legal channels for the cost of the precautionary measures and the remediation work, where required. It is also our intention, at the appropriate time, to initiate a programme-level review of the Department's design and build programme to include aspects such as procurement, quality control, workmanship and oversight. The review will look at aspects both pre- and post-implementation of the amended building control regulations in 2014. The results of the more detailed structural assessments at Western Building Systems' constructed schools will be necessary to inform this review. I am happy to take questions or listen to comments.

**Chairman:** I thank the Minister. I will take questions from three members. Then we will go back to the Minister and then we will take questions from another three members. The first three members I will be taking questions from are Deputies Thomas Byrne, Catherine Martin and Burton.

**Senator Lynn Ruane:** Will the Chair not go to members of the committee first?

**Chairman:** Deputy Burton is a formal substitute and she had her hand up before Senator Ruane. Senator Ruane will up first in the next set of questions. I call Deputy Thomas Byrne.

**Deputy Thomas Byrne:** The Minister said he is going to pursue Western Building Systems. I encouraged him to do that when I met him last week and I still encourage him to do

that. It is very important. I previously expressed concerns that it seems to have taken three years simply to issue proceedings in court in regard to issues with fire safety certificates. I am concerned about that as well the Statute of Limitations and time limits. Will the Minister also be pursuing the other professionals involved? I refer to architects, those who completed certificates of compliance and those who acted on the Department's behalf as well. Will the Minister be dealing with other people?

At this committee last year, the then Minister for Education and Skills, Deputy Bruton, decided very suddenly to start to appoint clerks of works on Department school building projects. Will the Minister give us an update as to how that scheme has been rolled out by the Department? Are there clerks of works at every major building project which the Department is overseeing at the moment? Will the Minister also let me know the cost of the fire safety audits that seem to have taken place at the start of this? They were announced last year.

Outside of Western Building Systems, in regard to other schools where there are applications for emergency works, are there many outstanding applications at the moment that concern fire safety and are there many that concern structural issues? I refer to those in the Department now. I also want to ask about the certificates of completion. I want the Minister to be as clear as possible as to what their purpose is from the Department's point of view, whether before or after 2014. As I understand it, in certificates of substantial completion, it is the case that the Department, as the purchaser, relies on certificates of compliance that have been issued. There is also, however, a defects list that the Department would have engaged people to complete. Is the Minister satisfied with the work done on behalf of the Department in dealing with those defects?

I am not sure how useful this is, but a package of documents came into my possession today and it included certificates of substantial completion for many of the schools. Somebody sent me the snag list from a number of years ago for Ardgillan college. I hope the Minister can answer this question. There were some issues there. Toilets, latch way harnesses, toilet roll holders, fire extinguishers, boiler houses and gas meter cages were some of the items listed. They are relatively minor items, apart from the fire safety equipment. Is the Minister dissatisfied by the fact that major issues were not revealed at that time in terms of who the Department employed to deal with the defects or would he say these major defects simply would not be part of this particular process?

Is the Department engaging with local authorities, which are the building control authorities, on proceedings they might issue? Is any local authority investigating this matter to the Minister's knowledge? As I understand it, breaches of building control regulations carry fines and potential prison sentences. Is this something the Minister has pursued with the Department, particularly in the context of Ardgillan community college and whether it is possible within the time limits set out in building control regulations? The truth is that what was discovered at Ardgillan community college sent a shiver down the nation's spine last week. There is no doubt about that. The same applies to some of the other schools. Quite honestly, the same applies to any school where remedial works had to be carried out. It implies a breach of building control regulations and does imply criminal sanction. Is this something into which the Minister has looked? I might come back with some follow-up questions. I have asked some major questions.

**Chairman:** The Deputy has indeed.

**Deputy Catherine Martin:** I thank the Minister for coming before the committee. Need-

less to say, the entire scenario is very worrying for parents and school communities. In September 2017, fire safety audits were announced for schools. Have these been carried out for all of the schools built by Western Building Systems? If so, when were they carried out, by whom and what were the results? Were the schools sent the reports relating to these audits? When the announcement in this regard was made in 2017, we were told it would take four months to complete the fire safety audits for 25 schools. How can entire structural audits be done in less than two weeks? Why would it take four months to do a fire safety check on these schools?

In 2017, as Deputy Thomas Byrne stated, the previous Minister indicated that the Department would proceed to appoint a clerk of works for building project commissions. Has this happened? Does the proposal to appoint a clerk of works to school projects mean that neither the Minister nor his predecessor have faith in the building control system to deliver safe quality schools? This is particularly worrying because some of these schools were constructed under the revised 2014 building regulations regime. If there is no faith in the building regulations does this mean other Departments should follow suit? What about the Department of Health? Should a clerk of works be appointed for all major health projects, such as that relating to the new children's hospital? How far-reaching should this be if the Department does not have faith in school building projects?

With regard to the recent structural audits and the 19 schools that have reopened with external fencing in place, what are the risks being addressed by this fencing? Why was it determined that the schools were nonetheless safe? As Deputy Thomas Byrne asked, has any of the parties given an undertaking to the Department that it will pay for the works to be done? What is the estimated cost? I presume Western Building Systems will certainly not be carrying out any of the remedial works. Will the Minister clarify the position?

What contingency plans were put in place prior to the fire audits in order to provide alternative arrangements for schools if something were to be discovered? I presume contingency plans have been put in place for the structural audits and I presume something was in place in the event of a fire safety audit requiring closure. In the instances where the closure of a school is affecting other community facilities, such as in Tyrrelstown, is there a contingency plan or other arrangements for the communities there? They are really suffering. We all saw the news reports last week regarding the basketball team. What is being put in place to help other community events in areas that have little or no free space? For how long will the community centre will be shut?

When the Minister's predecessor came before the committee last September, we asked about the rules for disallowing contractors to tender. He indicated that one of the rules relates to grave professional misconduct. Does this mean that Western Building Systems cannot tender, particularly as what happened in this instance certainly constitutes grave professional misconduct?

**Deputy Joan Burton:** There has been enormous consternation and devastation in the local community for the past two weeks. Notwithstanding efforts by the Government and the officials of the Department, we have total disruption in two fine schools where the teachers are completely dedicated to the children. I was there again yesterday viewing the temporary works. These were lovely schools and they are now surrounded by very ugly scaffolding that I assume will be boxed off for the safety of the children because otherwise it would be quite dangerous. What were beautiful buildings in terms of appearance and experience, notwithstanding snag lists, will only be in partial use. How long does the Minister expect the partial use of the ground floors to continue? Does he have an estimate of when St. Luke's national school and Tyrrelstown Educate Together will reopen? When it was announced two weeks ago, I was speaking

to teachers with tears in their eyes because they were so devastated at the disruption. Does the Minister have a plan as to how to put in place a full recovery and compensation for the schools so they will be able to catch up with what they have missed?

Has the Minister considered initiating an inquiry into what exactly happened, perhaps involving somebody from a buildings background, whether an architect or a structural engineer, and perhaps a senior barrister? We spend a great deal on schools. These buildings were constructed in lovely communities in Tyrrelstown and Hollystown, which have great pride in the two schools. I want the Minister to be aware of this because some of the media commentary has not acknowledged how great these two schools, their staff, the parents and the entire communities have been. There will have to be an inquiry. Will the Minister commit to one? There are all sorts of rumours circulating. Some people say that it was spotted because of fire safety issues following the examinations ordered after the Grenfell Tower fire. Will the Minister enlighten us on this?

Is the Minister aware that the two schools and the community centre between provide early education and after-school care services? In a huge number of cases in the area, one or both parents in families work. They have been left in a considerable state of disruption regarding their arrangements for after-school care whereby they are relying on their employers to be kind and to take what has happened into account. They may have one child going to school and a toddler going to the preschool under the early childhood care and education scheme.

Will the Minister give us an indication of what will be the cost of the remedial works? Has he considered asking by the end of the year for a special allocation from the Government through a Supplementary Estimate to meet the cost of these works? From my experience, I believe a Supplementary Estimate will be necessary. Without it, the Minister will delay further what had become a quite delayed schools building programme during the tenure of his predecessor. The whole process has slowed down. For instance, in my area a new community college that opened just last year, Edmund Rice College, is hosted by the neighbouring school, Le Chéile. We have no idea where it will find its permanent home. Very little information is being provided to the large community in Dublin 15. The large number of children there are totally dependent on quality education and quality teachers. The teachers in the area are fabulous but the Minister needs to commit in a positive way to giving considerable reassurance to them and the community. These teachers are skilled educators who are totally committed to the children. Can the Minister make it clear that everything they have lost will be made up for and that he will be seeking a Supplementary Estimate in order that the rest of the schools building programme, not only in Dublin West but also throughout Ireland, may be continued? We are all aware of projects in our constituencies.

Either before or after he has commissioned a report, can the Minister state, from the Department's point of view, what is involved technically in standing down a particular contractor where there have been problems as serious as those in question? Does it ultimately have to go to court? Is the Minister or Department in a position to make executive decisions on the really serious questions that have arisen regarding some of the works carried out by the builders in question?

**Chairman:** I remind members that they should not make charges against any person or organisation outside the Houses in such a way as to make him, her or it identifiable. I ask the Minister to respond.

**Deputy Joe McHugh:** That is no problem. There will be specific questions I will not be in

a position to answer but I will be happy to obtain the information sought. If there are elements I miss out on, Mr. Hubert Loftus will be more familiar with them and their history.

Let me deal first with the issues raised by Deputy Thomas Byrne. I agree with him that a number of players are involved; it is not just the contractor. It is very much set out in the building control legislation that there is a weight of responsibility on those concerned, be it designers, architects or contractors. We will pursue every possible channel to ensure that whatever costs exist at a remedial level can be met. We will also pursue any disruption costs as best we can.

A question was asked about the 2017 clerk of works. Since 2017, every single school has a clerk of works. Even though there is a clerk of works on site, he or she does not have ultimate responsibility for certifying work. The clerk of works is not looking down the cavity wall to ensure the wall ties are in. This goes back to vigilance, supervision and the question of where responsibility lies.

**Deputy Thomas Byrne:** What is the clerk of works doing if he or she is not checking that?

**Deputy Joe McHugh:** The clerk of works is ensuring the work continues. Obviously, there is vigilance. If there is a good clerk of works on site, he or she will be taking photographs and doing all the necessary work. In the past two years, I was speaking to the clerk of works on a school project in Donegal. He was telling me that every day he was on site he was taking photographs and being vigilant. The work can be done at clerk of works level but the clerk of works is not responsible for certification. It is still a matter of self-certification from the point of view of the contractor, designer or architect.

Deputy Catherine Martin made a suggestion on learnings from the investigation. Deputy Burton asked whether there will be an inquiry. There has to be an inquiry, in whatever form. I will be happy to pursue this to determine what we can learn from it, even regarding the period after 2014. The Deputy also asked about the certificates of completion and compliance. At every stage, responsibility for compliance rests with the contractor of the design team. This is where responsibility for the certification of compliance lies. Certification of completion occurs when the project is completed within a certain period. The Department has a role in that regard.

We all heard about Ardgillan college and its defects at the same time. Deputy Thomas Byrne referred to the fire assessment, boiler house and toilets. At no time were any of the fire safety assessments pointing to structural issues. In Ardgillan, a fire safety assessment concerning the cavity wall resulted in officials from the Department being alerted. They put a team in place to explore further whether there are structural issues. At no time during all the fire assessments was there any indication that there were defects, such as the lack of wall ties or the inner timber relief not being joined properly to the steel structure. The weaknesses came to my attention and that of the Department only when the wall opening in Ardgillan happened on the Friday in question.

**Deputy Thomas Byrne:** On that point, would the architects, engineers and project managers employed by the Department to issue a certificate of completion have had any responsibility? Would the Department have expected them to check the most serious issues and not just items such as toilet roll holders? One of the items on the snag list was to finish the painting of gas pipes. Are those concerned not considering more serious issues?

**Mr. Hubert Loftus:** When one is dealing with a snag list, the building is effectively com-

pleted. The structural issues identified were within the cavity. The building is closed up when the snag list is produced. The snag list has more to do with the operational elements.

With regard to the clerk of works, the arrangement applies to all the major projects since 2017. It involves an additional strengthening of procedures when the fire safety programme was initiated in 2017.

**Deputy Thomas Byrne:** For the snag list for a three-bedroom semi-detached house, the buyer might or might not get an architect. In this case, the Department got a project management company, mechanical, electrical, lighting and energy consultants, and a leading firm of architects. Therefore, quite detailed inspections were done of Ardgillan college by the Department before the money was issued, yet it did not discover the problems. Mr. Loftus is really telling me it was not its job to discover the most serious problems that could possibly exist, namely, the structural and fire safety problems.

**Mr. Hubert Loftus:** As the Minister mentioned clearly in his opening statement, the intention is to have a programme level review of the design and build programme to determine how these issues arise, what the learning experience will be and how we ultimately ensure this type of issue does not arise again.

**Chairman:** Mr. Loftus mentioned major projects. He might define what a major project is. In my view, every school is a major project. Is that what Mr. Loftus is talking about?

**Mr. Hubert Loftus:** All the design-and-build projects are major projects, as are all the large-scale projects on the capital programme that are outlined in a single list on the Department's website. Smaller projects would include projects such as summer works projects or smaller-scale projects.

**Chairman:** I thank Mr. Loftus.

**Deputy Joan Burton:** I want to take Mr. Loftus up on that. I contacted the former Minister, Deputy Bruton, on many occasions about having clerks of works on site. Particularly with traditional parish schools, as opposed to some of the new schools, one is relying on the chairman of the board, somebody on the board with some building knowledge and a couple of others to be the building committee. The principal is also involved. The principal may or may not have knowledge about, a taste for or interest in a building proposal. Consider the level of responsibility that still applies. I have a few friends in Dublin West who are on committees for certain schools that are being built, refurbished and so on. To be honest, it is an incredible burden on them. Will the Minister outline a little further what the clerks of works are doing? I am sure he knows from his experience in County Donegal the burden placed on those in the schools governance structure in running effectively a €5 million to €12 million project. It is more than lay-people can often take on, but, in fairness to them, they do.

**Mr. Hubert Loftus:** A €5 million to €10 million project is clearly a large-scale project. Since 2017, they have all had a clerk of works. The clerk of works is not necessarily the professional - the architect or engineer - but someone with a knowledge of and background in building. In layman's terms, his or her role is to be the eyes and ears of the employer's representative on the ground to hear about and see things and report back if any issue of concern arises or on how the building project is being delivered. It is an additional resource which we have put in place automatically for all large-scale projects since 2017. It was done in the context of the issues that had arisen in terms of fire safety and we saw it as an important additional measure.



The programme level review we envisage for the design and build programme will see how the clerk of works element put in place in 2017 and the strengthening of procedures help the situation and what added value they bring.

**Deputy Joe McHugh:** One of the questions Deputy Thomas Byrne asked was how much a fire safety audit cost. I do not have that figure to hand, but I am happy to get it for him.

The Deputy also mentioned the building regulations. There are not just fines; there is also imprisonment for breaches of the regulations. All of this will be taken into account as we pursue every possible channel to ensure-----

**Deputy Thomas Byrne:** I have been in contact with the local authorities about investigations. As far as I know, they are the ones that deal with them.

**Senator Lynn Ruane:** Chairman-----

**Deputy Kathleen Funchion:** Chairman-----

**Chairman:** I will bring in the three committee members. We are only 40 minutes into the meeting. To be fair, everybody needs to be given an opportunity to ask questions.

**Deputy Kathleen Funchion:** To be fair, supplementary questions are usually taken at the end.

**Senator Lynn Ruane:** They are when everybody has had an opportunity-----

**Chairman:** I will make the ruling.

**Senator Lynn Ruane:** At this stage the rules are different every week.

**Mr. Hubert Loftus:** To come back to what Deputy Thomas Byrne said, my priority in the past two weeks was getting the schools back into operation, dealing with the initial assessments and the implementation of measures. That was our immediate priority. Separately we have initiated legal proceedings against Western Building Systems in the context of fire safety measures. All of the structural issues that have come through, including building controls, will feed into our engagement with the Office of the Chief State Solicitor.

**Deputy Joe McHugh:** I agree with Deputy Catherine Martin that it has created a lot of worry and concern and been a body blow to individual communities that were very much part and parcel of ensuring the school projects came to fruition in the first place. I agree completely with her assertion that it is a worrying time, but safety has been at the heart of our deliberations. I remember that when the problem first emerged, we were faced with two issues, the first of which was ensuring the safety of the staff and pupils. The second was trying to ensure continuity in the education of the children in the classroom. They were our two main foci in the past two weeks.

The Deputy asked about the decision made in September 2017. That matter has been cleared up. There has been a clerk of works for all major building projects since 2017.

The Deputy asked how many WBS schools had been assessed. Of the 55 schools, I think reports on 51 have been forwarded to the Department.

The Deputy asked about the regime post-2014. There are four schools. There is a three school campus in Ashbourne, as well as Scoil Chaitlín Maude in Tallaght. There is concern

about the external walls in these schools that has to be backed up with evidence and engineering assessments.

The next phase involves the 19 schools identified in which, for example, there is the potential absence of wall ties but in which there is no immediate or imminent danger. We will be pursuing an intensive and comprehensive programme of works to assess the extent of the problems in these schools and ensure they will be rectified.

The Deputy talked about external fencing and the making of payments. At this stage, as far as I am aware, there is no indication of payments being made by WBS. The estimation of cost will be based on the extent and nature of the works required. We are trying to evaluate and assess the extent of the works required in all 42 schools.

The Deputy referenced fire audits and asked if there was correlation between them and structural assessments. While there could be issues with doorstops and doors not opening properly, that never is an indication that there are structural issues within the cavity walls. While all of the fire assessments were being carried out, at no stage were structural weaknesses identified until the opening of the walls at Ardgillan community college on the Friday afternoon.

**Deputy Catherine Martin:** The question was to ask the Minister if he had a contingency plan in place if the fire safety audit showed that something was lacking because the school could not possibly be kept open if it could burn down in 15 minutes if it had not been properly fireproofed. Are there contingency arrangements in place?

**Deputy Joe McHugh:** I presume the Department was liaising at every stage with fire safety personnel. Mr. Loftus might come in on what happened before I was *in situ*, but I know that, once the concern about a potential structural weakness emerged in late August, a team and a programme of work were set in place. The potential concern emerged in Tyrrelstown. Because Ardgillan community college was being assessed through a different fire safety stream and was not part of the 55 schools, it was decided to make it part of that assessment process. That is how we ended up in this place.

The Deputy mentioned community facilities. Obviously, a lot of disruption is being caused in the communities affected. For example, basketball teams are looking for facilities. The community building in Tyrrelstown is open again. The ground floor is open in Tyrrelstown and also in Lucan. Within a matter of weeks we needed to have strengthening and support work done on the first floor. We will also need strengthening and support work done on the second floor in both schools in Tyrrelstown to ensure the disruption will not continue. It will be done in within a matter of weeks. When can the work be done? It will have to be done at weekends. It cannot be done when the students are on site in a learning environment. We will have to figure out a way to ensure the strengthening and support work on the first and second floors will be completed.

The Deputy talked about how grave professional misconduct was dealt with in legislation. Obviously, we are taking the matter very seriously, which is why I have met the Attorney General. The Department's legal team is in contact with the Office of the Chief State Solicitor and we will pursue every possible channel to ensure we get justice, not just from the point of view of the taxpayer but also for the communities affected.

**Deputy Catherine Martin:** By way of follow-up, I still do not believe the Minister can instill any hope in the 2014 building regulations if that extra level of oversight is needed. As he

mentioned, self-certification is the issue. We are seeing the same issue in apartments. Experts are saying it does not work. Therefore, the Government needs to revisit the issue. Regarding the major projects, what about an extension to a school or a PE hall? Do they get that extra layer of oversight structurally? The Minister referred to the external fencing. I asked what risk is being addressed with that external fencing and how those schools are nonetheless safe. I presume Western Building Systems will not be carrying out any of the remedial work. Is that correct?

**Deputy Joe McHugh:** That is correct. The reason there are precautionary measures is that there is an ultra cautious approach to the 19 schools. Initial assessments are that there is a suspicion of a lack of wall ties. There is no immediate danger but the judgment was made that there is an issue with structural weakness. For example, there is a three school campus in Ashbourne and the total length of the fence is 3 km. That gives an indication of the extent of the work that took place and the type of logistical exercise involved over the bank holiday weekend. It is to reassure the parents who are sending their children to these 19 schools. I spoke to my colleague, the Minister, Deputy Creed, this morning and two of his boys are attending one of the schools in Macroom. Its external walls are raising a concern about a potential absence of wall ties. However, until we get a full evaluation and assessment of the extent of the problem we have taken the ultra precautionary measure of putting fencing around these schools.

It is ultra cautious on my part. From day one I was on the same hymn sheet as my officials about safety so we are taking this ultra cautious approach. The extent of the problem in some of these schools is not the same. Some will need more work than others. In fact, in one school it is only one gable wall but we have taken the precautionary approach of having the fencing around all 19 schools. The two Tyrrelstown schools and Eiscir Riada in Lucan have internal and external issues and that is why that approach has been taken. Ardgillan is in a different position and we have closed down that building. Phase 1 was built in 2009. Phase 2 was built in 2015 and it does not have any structural issues and that is why that school is operating since yesterday morning. Eiscir Riada in Lucan is in the same situation as Tyrrelstown. It opened yesterday morning for the junior students to attend.

That is not to say that the concerns are different in different schools. The Tyrrelstown's boards of management and principals took a decision because of the logistics of moving children to different settings. They took the cautious and safety approach which was the right decision. They wanted the extra time to reassure parents. Parents will be afforded an opportunity tomorrow to visit Tyrrelstown and meet the engineers from PUNCH Consulting Engineers, departmental officials and the staff so they are reassured before they send their children back on Thursday morning.

**Mr. Hubert Loftus:** I will respond to Deputy Martin's point relating to the building regulations of 2014. One of the aspects of the programme level review the Department intends to undertake will be looking at the pre-BCAR and post-BCAR element. At this point we have erred on the side of caution and taken a precautionary approach with the external fencing that covers the Ashbourne projects and the Tallaght project, which are post-BCAR. It is only when we get into more detailed investigations that we will see whether there is more substance to any issues in those schools.

The Deputy also mentioned major projects such as extensions and PE halls. If they are of the scale that is a major project on our building programme they would have a clerk of works as well.

**Deputy Joe McHugh:** I take the point about whether it is a big programme or an extension.

This is an area where I want to ensure we have proper procedures and vigilance in place. I have been comparing it with Northern Ireland and the UK. They have a heavily resourced building control unit in their local authorities. Obviously then it is a question of Exchequer funding because if one tries to replicate that model it is down to resources. Having found myself in this position so new in the job I believe we must examine every way in which we can have more vigilance. Families today are wondering what happened and what went wrong so we owe it to them and to the taxpayer to ensure that happens. There are plenty of structural engineers so one of the issues I will be examining as part of this overall review is whether we can have a more systematic approach to having that type of vigilance in place as well. Again, it is a question of resourcing. These are the issues we have to grapple with.

Deputy Burton talked about the disruption. Yes, it is not great to be looking at scaffolding first thing in the morning when one goes to school. She will appreciate that the decision I and the Department were faced with was about safety. Young people are adaptable and interested in learning so they will be taking note of the process going on around them, whether it is internal or external. I went to Tyrrelstown and met the two principals and members of the boards of management. The Deputy is right that they are beautiful buildings from the outside, and parents had confidence that they were okay on the inside as well. That trust was broken and-----

**Deputy Joan Burton:** My question is-----

**Chairman:** I am not letting you ask it. You have had a supplementary question already.

**Deputy Joe McHugh:** My job and the job of everybody else here is to build up that trust again. How we do that is the foremost question on our minds.

I answered the question about the partial use of the ground floor. We are expecting to move onto the first and second floors in a matter of weeks. Eiscir Riada in Lucan is a two-storey building so we will be seeking to do that on the first floor and also to do the first and second floors in both schools in Tyrrelstown.

The Deputy spoke about full recovery and compensation. She also mentioned loss but I do not know if she was referring to teaching time or compensation for the cost of remedial work.

**Deputy Joan Burton:** Both. There has been a huge disruption to the education schedule of the teachers in the two schools. Will arrangements be made to compensate for that? My other question was whether the Minister will be seeking a Supplementary Estimate. There is the disruption to the education side of the schools but it is also to the childcare and sports facilities. Happily, the community centre does not appear to be affected.

**Chairman:** We understand the question, Deputy. Let the Minister back in.

**Deputy Ruth Coppinger:** Is there a time limit on this meeting?

**Chairman:** Generally we sit for up to three or four hours.

**Deputy Ruth Coppinger:** I have waited an hour, which is fine.

**Chairman:** I will be calling you next.

**Deputy Ruth Coppinger:** Many local people are watching this and in case the Minister has to leave I have questions that parents want me to ask him.

**Chairman:** To be fair, it is a serious issue. If clarification is needed from the members for the Minister and Mr. Loftus we must provide that as well. I will let the Minister finish.

**Deputy Joe McHugh:** As far as I know I am due to be in the Dáil at 5.30 p.m. I have already had a discussion with my officials on what happens about lost days. There is a reconfiguration option but obviously that is led by the teachers and the school. That is a conversation I am happy to have. What was the Deputy's second question?

**Deputy Joan Burton:** It was about an inquiry, but the Minister has partially answered it.

**Deputy Joe McHugh:** Sorry, the second question was about a Supplementary Estimate.

**Deputy Joan Burton:** Yes.

**Deputy Joe McHugh:** We do not have a costing. We do not even have a costing for the temporary remedial work over the last two weeks. Obviously, I will have to deal with that. I will also be talking to the Minister for Public Expenditure and Reform, Deputy Donohoe, about treating this as an extreme measure. I am treating it as a very extreme measure. At the same time our first port of call is accountability and culpability and we will be following up through the appropriate channels in that regard. Until I know exactly what this will cost I am not in a position to go to the Minister for Public Expenditure and Reform to seek extra money. We will initiate an inquiry and it is our intention to initiate this programme-level review of the Department's design and build programme at the appropriate time. It will look at whether rapid response to building is the right way to build. It will include procurement, quality control, workmanship and oversight. We have to look at everything. We owe the people nothing less.

Deputy Burton spoke about the community and the pride in the two schools. I picked that up on the ground in Tyrrelstown. There is disappointment on one hand but on the other hand, it is about how we move forward because my duty of care is to ensure those two schools get the adequate response to ensure they will be part of that community for a long time, be it Lucan, Tyrrelstown or any other part of the country.

The Grenfell Tower fire was mentioned. Let us be honest; this fire happened in June 2017. These assessments of the 55 schools came in September 2017. Obviously, there was a lot of triggering here. The Grenfell Tower fire brought a lot of focus not just to this Department but other Departments. Once those 55 assessments were complete, there was a triggering of the suspicion in late August 2018 that fast-tracked putting a team in place to check out the schools in Tyrrelstown and Ardgillan.

We do not yet know the cost of remedial works. We must wait and see what the figure is. A question was asked about the standing down of a contractor. We are having conversations with the Attorney General regarding many matters, one of which is future contracts.

**Senator Lynn Ruane:** I thank the Minister for the amount of information he has presented along the way over the past few weeks. We have not had to go looking for this information so the fact that the Minister has been proactive and has provided us with information along the way has been helpful. As the Minister is aware, my daughter is in Scoil Chaitlín Maude, which has fencing on the outside of the building. I listened to what Deputy Thomas Byrne said about the small snag tests. When they first moved into that school, my daughter ended up locked in a toilet as the handles were falling off bathroom doors within a few weeks of the school opening. This does not seem too serious. Obviously, she had to be rescued by the caretaker, which was not nice for her, but a worst-case scenario would have been if there was something structurally

wrong with the building or a fire happened when she was locked in the bathroom. I know this is going to the extreme but there are situations where these things happen and it is quite worrying both for schools and in terms of building standards relating to apartments and it opens up a wider conversation.

Perhaps I do not understand it properly but could the Minister explain the tender process? Are we going with the cheapest providers? What is in place from the Department and what expertise exists within the Department in respect of going through the tender process in terms of quality assurance and oversight to ensure we choose a company that will do an adequate job? So many schools are affected in one way or another. It does not just affect one or two and it is not just a mishap. It has happened so consistently that there is no way that there was not something in the contractor's reputation in terms of cutting corners before it was taken on as a contractor by the Department. It is obvious in so many schools that the contractor did not meet standards and comply with building regulations.

I am curious about the role of the clerk of works, which only came in during 2017. What was the motivation for bringing in a clerk of works? Was there a suspicion at that stage that we would need a clerk of works that did not exist previously in the other schools? Who had oversight of these schools prior to 2017? What expertise existed in the Department to engage throughout the building process and not just when the building providers were on site? What type of engagement happened back and forth throughout the process?

Did the Department just accept self-declaration or was it proactive in making sure the checks on the schools were done? Obviously, they were not done if this many issues with them have arisen. Consequently, it seems like the Department was almost absent throughout the entire building process if nothing was picked up in terms of having expertise on the ground?

The Minister responded to Deputy Thomas Byrne about snags and schools that have already been built. What work was carried out on the schools in the past few weeks that raised suspicion? Could the Minister talk me through how the Department comes to know there is a lack of wall ties or a structural issue? What tests are carried at that point to reveal that? Does it not make sense that as part of an overall snag test, those rigorous tests are carried out before a school even opens?

External stuff involves wall ties, which the Minister mentioned a few times. I do not understand the severity of what has gone wrong in the schools that have had to close. What exactly is wrong? What level of negligence took place in the building of those schools?

We talk about lessons learned. I know it is early in the process but what does the Minister regard as obvious in terms of making sure this never happens again, particularly in a place with a significant number of children? How do we stop this from happening again? What needs to happen to remove the reliance on self-certification? What type of expertise exists in Mr. Loftus's division, which concerns planning and building? Are there architects there? Who in that Department has the expertise to oversee the building of schools?

**Deputy Kathleen Funchion:** I appreciate that the Minister was not long in the job when this issue came to light so I have some sympathy for him. No school in my constituency in either county has been affected so I have not had the same contact with parents as other members of the committee and Deputies here. Not so long ago, there was an issue with tools being downed in the case of schools built through public private partnerships. As we now face issues relating to contractors, it shines a light on what happens when we start privatising stuff.

The State needs to play a much larger role in building schools, which are so important because young children attend them on a daily basis.

My main focus, on which Senator Ruane also touched, is how we make sure this does not happen again. I think the State needs to play a much larger role. In respect of the clerk of works not having the authority to certify, the buck should stop with somebody from the Department. While the Department can go after the contractors all it likes, these contractors can close down and operate under a new business name two or three weeks later. As they do it to their workers all the time, there is no reason why they would not do it to the State. The Department could be tied into a legal battle for a very long time only to get nothing out of it. Consequently, the most significant lesson we need to learn is how we prevent this from happening again. There are many schools that are either in the middle of a new school build or have been given the go-ahead and tendering is happening. These are not buildings that were there for 80 or 90 years with no work done on them. Many of them are very new so if this work was done properly, problems should not occur.

Who is liaising with the parents? Some people may be in a really difficult situation if the school is closed because there is nowhere for their children to go. Many people cannot take time off work. It may cost them their jobs. In particular, there is a lot of pressure on someone parenting alone. Is there a contact person in the Department who can give parents information? While I am not dealing directly with parents in this regard, what usually happens in such situations is people say they cannot get any information. Hopefully, that is not the case here but I wonder about that.

My last point concerns schools in general and cases in which they sometimes apply for the summer works or minor works funding. Schools can often apply year after year and may not qualify. The Department needs to be a little more proactive in looking at schools that might not fail a health and safety check and which might be safe for kids to attend but which are in a very bad state of repair. We all know schools in our areas that are in such a position. Rather than seeing them develop safety concerns, we need to look at some of these grants. I refer, for example, to people looking for extensions, applying every year for funding and for some reason being told either they have it but there is a delay or they will not get it for the year in question. While there technically might not be safety issues at such schools, there may be issues of too many kids in the school, an over-reliance on prefabs, very bad facilities and so on. This shines a light on the more general issue of the conditions of our schools and that we need to try to keep them up to a certain standard. It comes back to resources but if we want a good education system with quality education and so on, kids must be taught in appropriate buildings.

**Deputy Ruth Coppinger:** The people in the two Tyrrelstown schools have been in close contact with the Department but I will start with a very general issue and then get into some particulars.

Like everyone else, what the Minister is basically saying is that the clerk of works does not actually check work; he or she keeps the work moving.

**Deputy Joe McHugh:** Yes. He or she can check work but does not have responsibility for compliance.

**Deputy Ruth Coppinger:** The Minister is effectively telling an Oireachtas committee that buildings with thousands of young people in them for five to six hours or more each day and hundreds of employees working in them are built and no safety checks are carried out on them

before the Department takes control of them and puts people into them. I think many people out there will be scratching their heads in disbelief. We do not have a building control unit. The Minister has mentioned Northern Ireland, which does. We just have the builder's word that everything is okay. We have found out in recent days or weeks about something as simple as wall ties in the case of the Tyrrelstown schools. I was talking earlier to someone who asked how much they would even cost. They cost a minuscule amount. It seems to me that what happened is that the Department hired a company that officially had 45 people working for it and had a turnover of £39 million in 2016, £18.6 million of which came directly from taxpayers in the Republic of Ireland and went into the pockets of the company. Only 45 workers were building 20 schools, modular homes and God knows what else. This is not the Minister's personal fault; clearly, it started with Fianna Fáil in 2008, when the banks were being bailed out and there was pressure to get schools built in suburban areas that were growing rapidly and to do so as quickly and as cheaply as possible, given the austerity that reigned. Ministers at that time boasted of 30% savings, rubbing their hands as if this were great. A 30% saving on the normal quotations must mean corners are cut. For the sake of money and profit, the lives of children and adults in these schools have been put at risk, including my daughter's. She sat in two of the affected schools, I believe, because the Powerstown prefab was also one. What people want to know is whether we will have accountability for any of this or whether this will just be fixed up. We have this committee meeting and, apparently, we will be allowed to ask some questions tomorrow - of the Minister for Education and Skills, I hope. I mean no offence to Deputy McHugh, but the Minister for Education and Skills has said he signed off on these buildings with Western Building Systems, or so the company tells us, so he must answer for that.

**Chairman:** Is the Deputy talking about the former Minister for Education and Skills?

**Deputy Ruth Coppinger:** The Minister, Deputy Bruton.

**Chairman:** Yes, the former Minister.

**Deputy Ruth Coppinger:** Yes. I apologise.

**Chairman:** It was just for clarification.

**Deputy Ruth Coppinger:** I keep losing track. I meant the former Minister.

**Deputy Joan Burton:** Deputy McHugh is not the former Minister yet.

**Senator Lynn Ruane:** You're fired.

**Deputy Ruth Coppinger:** I assume the former Minister will have to answer questions as well as Deputy McHugh because the latter has come into office just in the past month or so.

Everyone knows the really difficult situation in which the principals in Tyrrelstown have been landed. I have huge sympathy for them. Everyone wants to get this resolved. We held a meeting about the matter last week, to which I thought no one would come because they felt it was being addressed, but about 80 parents came. People's overriding feeling was one of fear of sending their five and six year old kids back into the ground floor of the school because, not surprisingly, they have a complete lack of trust, having been told this was all okay. What safety measures are in place that are different from those in place when the Department shut down the school two weeks ago? Will the Department call the Garda and ask it to investigate this? Will there be a criminal investigation? Surely it is a crime to build shoddy buildings, notwithstanding the absolute joke that is the planning laws we have in this country, given the craven



connection and relationship between certain political parties and developers. It must still be a crime to build a building without putting in wall ties. I was making a point about how cheap they are. Presumably, what happens is that one is under pressure, has, say, ten workers on a job when there should be 20 and therefore, instead of putting in the wall ties in each section, puts them in perhaps only in every third section. This is presumably the kind of pressure that builds up in companies like these, that is, bottom feeder companies. We will say nothing today of the revenue of which the State has been deprived because of the consistent policy of the Department of Education and Skills of employing usually Northern Ireland-based companies that come in, bring in their workers, who are forced into positions of bogus self-employment, in vans and drive them back home. This has happened with loads of other companies, not just this one. We have raised it tonnes of times here and now we are seeing the safety implications of such an operation.

I want to ask specifically about Western Building Systems. If the fire safety issues in Rush and Lusk were discovered in October 2015, why did Western Building Systems continue a month later to build the rapid-build houses in Poppintree? In 2017 it was building schools in Firhouse. Is it still building schools now, by the way? I am sure the Department has stopped all that in light of what has happened, but why did the Government not take action at the point at which fire safety issues were discovered? Could it not have investigated all the schools three years ago, rather than in October 2018, when the first signs of problems were showing?

Lastly, I was talking to a building worker who told me he and other building workers have been trying to blow the lid and be whistleblowers on these bogus self-employment building contractors for a good few years now because they have worked in those companies and see how they operate. There has been no interest in this in the Parliament, but these workers went to a meeting in the offices of the Department of Education and Skills and raised all these issues in Western Building Systems and they were literally turfed out the door. I can get the dates of those meetings, but is the Minister aware of this? Can he look back in the diaries in Tullamore and see if this was the case? If it is the case, that should also be part of the investigation that takes place.

**Chairman:** I will go back to the Minister and Mr. Loftus, and then Deputy Boyd Barrett and I will have the opportunity to ask a few questions.

**Deputy Joe McHugh:** If there are specifics that I leave out, Mr. Loftus will fill them in for me.

Senator Ruane raised a number of practical scenarios, such as a child being locked into a bathroom. This would become an issue if there were a fire. That is where people's concerns are. The standard of the building is paramount. I have been picking up bits of anecdotal information from public representatives about minor issues, such as doors jamming, but if one has minor issues in any building, it is something that one must take seriously and on which one must follow through. Obviously, the point at which one is aware there is a structural assessment required or a suspicion of concern is when one moves into a completely different space, as we did on Friday fortnight last.

I will let Mr. Loftus go into the detail on tendering process, the quality assurance and oversight. The tendering process, etendering, is outside the political process. It applies not only in Ireland, but in Northern Ireland and in Europe. That is our tendering system. Considering that 19 out of the 42 schools that needed external works did not have the same trend as Ardgillan, Tyrrelstown and Lucan, the different trends are alarming. Corners were cut, for example, in

Ardgillan, and one would question what were the reasons. Was it time? The Deputy is correct. Wall ties certainly will not cost much. It goes down also to people's pride in their work. Many of the buildings in this country that are used as educational buildings are over 100 years old. Old colleges that were built to standards and regulations at that time are still standing and here we are talking about schools that were built in the past ten years. That bit is not leaving my head. This is something we all take seriously.

I was asked what triggered the appointment of the 2017 clerk of works. I assume it was the Grenfell fire but Mr. Loftus might add to that. It would have been the assessment work that was carried out on the other schools.

On engagement back and forth, I was asked about self-certification of schools. This is the space that we need to bring this conversation into now. Are we happy with the type of oversight with regard to self-certification? Even in the private sector, most builds have experienced an average extra cost of 18% because of the new rules brought in in 2014. The extra costs are due to delays. There are delays because designers are taking their work really seriously. They are sitting down with the contractor and stating they will not move to the next stage until they ensure that everything is done properly. For instance, they may not move until they have a meeting with the fire officer on-site the following week, and where it turns out that they cannot get him that week, they might get him the following week. This is delaying projects, and that is correct. If that is happening in the private sector, as I am picking up anecdotally, it must be happening across the board as well. It is something we must be conscious of.

Mr. Loftus might talk about the snags issue after the completion of a project as well. There is obviously a default period after signing over and getting payment.

I was asked what went wrong in Ardgillan. Senator Ruane mentioned the word, "negligence". According to my information, it was simple things, such as the inside timber leaf not being adjoined to the sealed structure, the timber leaf on the inside not sitting properly on the concrete in the right place, and wooden nails going down through the concrete when one would only assume that these should be bolts. The Senator encapsulated it by using the word, "negligence". That is why that phase 1 building from 2009 was closed down in its entirety. That building was separate and as for that trend in Ardgillan, the same level of negligence did not appear elsewhere. That is not in any way justifying the different weaknesses in the other buildings.

As for lessons learned for the future, this committee will play a role in how we move into the new space of providing greater vigilance and oversight to ensure that this does not happen again. Deputy Funchion rightly pointed out the lessons learned on the PPP buildings. We have schools half-finished and a company went wallop. There are subcontractors who are owed money and now we must re-tender. Due to time lost, there will be extra money involved. Once again, it brings a negative to something which should be a complete positive for communities.

As for the State playing a bigger role, the State does not have the resources for complete oversight. From where does one take the responsibility? The legislation, both pre-2014 and post-2014, places the responsibility on the contractor and on the designer-architect. It is specific. It applied the whole way through the past ten years. That did not happen. I do not believe anyway that we should move to a situation where the State becomes responsible for oversight in its entirety. We must place responsibility. That is why we need to ensure that we follow up through all the legal channels to ensure culpability, responsibility and accountability. I have said that publicly from day one. I will continue to do so. That is the least I can do from the

point of view of both taxpayers and the communities concerned.

I was asked who was liaising with the parents. What we did straight away was set up a communications unit, through an intervention by Deputy Thomas Byrne. We were working on whether we should go directly to the parents and how would we communicate this news. Then I visited the principal in Tyrrelstown who told me that there were 46 different nationalities in that school and that some of the parents may have difficulties on the communications side. These were the challenges. What was decided was - I thank Deputy Thomas Byrne for his intervention - that the communications unit in Tullamore would communicate directly with the schools, that is, with the principal and the teams there. As information came through, the principals fed it back to the parents in their respective communities.

**Deputy Ruth Coppinger:** As a Deputy for the area, I found it hard to get information. I accept the principals are the absolute priority but I was waiting to see what they were posting on Facebook. Public representatives are also contacted and asked and it is assumed that we are in the loop, and some of us are not in the loop.

**Deputy Joe McHugh:** I take that point. We tried to ensure this committee was kept informed. That was at one level.

**Deputy Thomas Byrne:** We all were invited to Tullamore and only two of us went to Tullamore.

**Deputy Ruth Coppinger:** It is more an ongoing daily matter than a matter of one meeting in Tullamore.

**Deputy Joe McHugh:** I take Deputy Coppinger's point. For an individual Deputy in whose areas the schools are, information is key. I suppose we were in the situation of trying to sort out the two main issues of safety and getting children back to school. I apologise if there were any deficits in information in that regard. Deputy Funchion-----

**Deputy Joan Burton:** Can I intervene briefly?

**Chairman:** No.

**Deputy Joan Burton:** It is a point of information. While people were in a terrible state of devastation, I was up and down in the schools on several occasions during the period.

**Chairman:** Sorry, I do not see a question or clarification coming out of that.

**Deputy Joan Burton:** Much of what the Department did worked but it might have set up a website. Should anything like this ever happen again, maybe the Department should immediately set up a dedicated website.

**Chairman:** In fairness, there were press releases issued every day. I call the Minister.

**Deputy Joe McHugh:** There were updates on the Department website each day. There were 42 schools. I am not saying it affected 42 constituencies but it impacted on approximately 30. That will give the committee a sense of the magnitude.

Councillors were ringing the Department. Concerned citizens were ringing me. A former principal in Tyrrelstown was ringing me. Everybody was trying to give their help. It all helped and they all fed into the solution. Communications is a two-way street.

I acknowledge the dedicated team in Tullamore who worked on Friday, Saturday, Sunday and Monday of the bank holiday weekend. When I visited, all I could see were empty packets of biscuits. I do not think the dietary conditions were great.

**Deputy Ruth Coppinger:** The Department did not even feed them properly.

**Deputy Joe McHugh:** They were happy to come together, as were the construction companies which had to do the temporary work. The construction companies mobilised 250 workers over a long weekend. They felt there was a duty on their part to come forward and try to address this situation as well.

Deputy Funchion also asked about minor works for primary schools and summer works. We will be in a position to announce the summer works before Christmas and we are pushing hard to get the minor works announced before Christmas as well. I will commit to that. We need a longer run-in, for which several Opposition colleagues have been calling. We will commit to starting the application process for the 2020 summer works early next year in order that schools can do a bit of forward planning. Members do not need me to tell them that principals have a lot going on. The last thing they need is to be given an award of funding in May or June of that summer, which then has to go out to tender. It just does not make sense.

Deputy Coppinger raised a few issues around building control. She made the point that the cost of wall ties is minuscule. Let us have a conversation about rapid build. A lot these builds were completed in 24 to 26 weeks. Today there is a demand for housing and there is a demand for rapid build in that sector as well. Let us look at the enormity of the challenge. I do not believe that reducing the timescale of a build is a negative if it is done right, if the workmanship is right and if there is proper attention to detail and oversight. It is a question of oversight and how we can fill that gap.

Deputy Coppinger mentioned the Garda. At this stage I have not made contact with the Garda but I reiterate what was already said at committee today. The Building Control (Amendment) Regulations 2014 specify that sanctions are not limited to fines. They include imprisonment. There is culpability and I will certainly continue to be very vigilant and-----

**Deputy Ruth Coppinger:** Is the Minister determined to pursue something like that, for a change in this country?

**Deputy Joe McHugh:** I am determined to get to the bottom of this. I am determined to find out who is culpable and where the responsibility lies. Obviously that will be a job for my legal team, the team in the Chief State Solicitor's Office, CSSO, and the Attorney General. The 2014 regulations are very clear that the sanctions are not just fines; they also include imprisonment. There must be culpability and an effort to bring culpability and accountability to bear.

Mention was made of Northern Ireland companies in general. I certainly will not tar all companies with the same brush. A lot of Northern Ireland companies do good work in the South. The work of Western Building Systems, WBS, in Rush was mentioned. I will let Mr. Loftus answer on the assessment carried out in 2015. Deputy Boyd Barrett raised this in the Dáil the week before last.

The Deputy asked about ongoing WBS projects. Yes, there are such projects, namely, a temporary building in Sandymount and a build in Wicklow. We are faced with a decision on whether to stop those projects or add more vigilance and oversight while they are ongoing. Obviously we have made the decision to go with the later option. The projects should continue

to completion. We are in direct contact with the Attorney General and the CSSO in regard to future contracts but we did think about that question. We looked at what the implications would be if those projects were stopped and we felt the negative would outweigh the positive. However, extra oversight is in place.

Deputy Coppinger also mentioned whistleblowers. If she has any evidence or if there is evidence within the Department, I am happy to pursue it.

**Mr. Hubert Loftus:** The Minister has covered a lot of the areas mentioned. I will pick up on some others. I am happy to provide a briefing to clarify how tender processes are done for the information of the committee. The motivation for the clerk of works essentially arose from the Grenfell fire and concerns about fire safety. To provide additional assurance, we made the decision in 2017 to put a clerk of works in place for all major projects.

As for actions taken in the past few weeks to be able to see this, bearing in mind snagging and things like that, I note that the building is closed up. We did opening-up works on the internal plasterboard and opened up areas within the buildings to look into the cavities, see what the issues were and satisfy ourselves on any concerns around structural safety. That took place in all of the schools. The outcome was the various categorisations we published on our website, either where nothing of concern was identified or where we thought it appropriate to put in place precautionary measures. Our approach was to err on the side of caution.

**Senator Lynn Ruane:** Some of the schools are really large, with two or three storeys. How does the Department make sure that the whole building-----

**Chairman:** My apologies to Senator Ruane. In fairness, Deputy Boyd Barrett has been waiting. I need to let him in next.

**Mr. Hubert Loftus:** I am happy to clarify that.

**Senator Lynn Ruane:** When a building is opened do inspectors open up every section of the building to see what it is like? How does that work?

**Mr. Hubert Loftus:** We had the same structural engineering teams working on all the buildings to ensure consistency of approach. They had experience from the opening-up works in Tyrrelstown and work in St. Luke's national school and Ardgillan community college. That experience and knowledge of where precisely to open up a building was applied to the other opening-up works. It is a risk-based approach. Ultimately there will be more investigations to determine the required long-term solutions.

**Chairman:** I thank Mr. Loftus. Before I call Deputy Boyd Barrett, I would like to take him up on the suggestion of a meeting to give the committee a better understanding of the tender process.

**Mr. Hubert Loftus:** I can provide a briefing note for the information of the committee. That might be an easier way.

**Chairman:** We would appreciate that. If there are questions we will come back to Mr. Loftus.

**Deputy Richard Boyd Barrett:** I will be very quick. I apologise to the Minister as I will have to run in order to ask a parliamentary question so I may not be here for his reply. However, I will look at the transcript afterwards.

I want to deal with the issue of accountability and the extent of the Department's interest in warnings that were given. Problems might have been apparent to the Department much sooner. First, let us remember that this has come out because several of the schools were repeatedly blocked by the Department in efforts to get building control reports. That is what they claimed last year when this came up. Several schools said they were looking for the reports on building control because they had concerns about fire safety and were repeatedly blocked by the Department. That would suggest to me that the Department, the Government or the Minister did not want to know. They wanted to say they had delivered all these schools and did not want anyone to mess up the good-news story by letting it out that there were massive problems with them. When I questioned the then Minister, Deputy Bruton, in this committee, he said there were minor problems. Then there were delays and we had to prod early last year. We had been promised that the fire safety audit would be done by January of this year but by March, only one school had been checked. Then a story was printed in *The Irish Times* and things began to move along. There is evidence of foot-dragging and not taking this seriously, and all of that needs to be investigated.

One of the issues I raised in September last year, tipped off by building workers to whom I will come back in my questions, concerned a college of further education built by Western Building Systems in north Dublin, which I understand was closed down in 2014. That college, a scandal in itself, is still sitting there empty. Why was it closed down? I understand there was subsequently legal action taken by the Office of Public Works, OPW. Was a red flag not raised when the OPW had to close the school and initiate legal action against WBS in 2014? Was this not a warning that there was a problem with these guys and that everything else they do should be examined? We need answers. I do not know if the details of the case are *sub judice* but we need to know everything that we possibly can. Was this not a warning to the Department? Without going into too much detail, did the issues relate to structural defects in the College of Further Education building in Whitehall? If so, why did alarm bells not immediately ring in the context of Western Business Systems?

As Deputy Coppinger alluded to, whistleblowers in the building industry have prodded us to raise issues they have outlined - not just in the context of the schools programme but also regarding building sites generally - to us and to the former Minister, Ruairí Quinn. When the latter was Minister for Education and Skills, people went to the trouble of joining his branch of the Labour Party in Ringsend. Some even did so before Labour got into government in anticipation of him becoming Minister. People repeatedly attended branch meetings in the succeeding years and warned him that the schools building programme was like the wild west due to the fact that there was no oversight, bogus subcontractors were used and there was rampant bogus self-employment. Building workers from Dublin or the south could not get jobs on these building sites. People would laugh at anyone who tried to do so. Gangs of workers who were bogus self-employed were brought down from the North.

I have been told - perhaps the Minister can confirm it is not true - that many of the contractors had stopped paying for wall ties prior to this. That may answer the mystery as to the lack of wall ties. The ties themselves are cheap. Previously, bricklayers and building workers were paid for the ties but, as part of cutbacks, their employers stopped paying them for the ties. However, the tie is the most elementary thing that stops a wall coming apart. One does not have a wall if one does not use a wall tie. It is really elementary and the employers stopped paying the workers for wall ties.

Building workers and officials met the former Minister, Ruairí Quinn, and Department of-

officials in Tullamore and at the head office of the Department of Education and Skills on Marlborough Street in 2012 or 2013. They told him that the schools building programme was like the wild west due to a complete lack of oversight and control. At all of these meetings they just met a brick wall from the Department.

**Deputy Ruth Coppinger:** They did not want to know.

**Deputy Richard Boyd Barrett:** Yes. The Department and the Minister did not want to know. If that is true that warnings had been given that this was happening yet nobody acted to counteract it because it would spoil the good news story in respect of building schools, heads will have to roll.

**Deputy Joan Burton:** May I make a point?

**Chairman:** No. I am sorry, Deputy.

**Deputy Joan Burton:** A charge has been made against a former Minister, which I know to be untrue and unreflective. In fact, there is an official here from the Department who may have worked there for some years. If I recall, the then Minister for Education and Skills, Ruairí Quinn, initiated an investigation into practices on sites. I understood Deputy Boyd Barrett to be a fair person but he has not got his history correct here. It may be that the official who is present will recall that the investigation was initiated - in my own case because I met a number of people. I want to the position clear because Deputy Boyd Barrett has made a lot of allegations.

**Deputy Richard Boyd Barrett:** I have just passed on a report from building workers.

**Deputy Joan Burton:** I initiated and got the inspectors in the then Department of Social Protection to visit a range of building sites to check that workers were properly registered for social insurance and tax purposes.

**Deputy Ruth Coppinger:** Did the Department visit lots of sites?

**Deputy Joan Burton:** Furthermore-----

**Deputy Ruth Coppinger:** The problems have been ongoing.

**Chairman:** Hold on. Deputy Coppinger cannot-----

**Deputy Joan Burton:** Allegations have been made against somebody who is not here to defend himself. In terms of my general knowledge, Deputy Boyd Barrett is entirely wrong.

*(Interruptions).*

**Deputy Joan Burton:** And now he has run away.

*(Interruptions).*

**Chairman:** I allowed Deputy Burton to comment because an allegation had been made against a former Minister.

**Deputy Joan Burton:** I commented because allegations were made.

**Deputy Ruth Coppinger:** We have obviously touched a nerve.

**Deputy Joan Burton:** No. The truth is important, but Deputy Coppinger might not respect

that.

**Deputy Ruth Coppinger:** If the correct owner-----

**Chairman:** Deputy Burton has had an opportunity to address the allegation.

**Deputy Joan Burton:** I have outlined that an inquiry was created.

**Deputy Ruth Coppinger:** What was it an inquiry into?

**Deputy Joan Burton:** Into people-----

**Chairman:** Deputies Coppinger and Burton are out of order.

**Deputy Joan Burton:** -----on building sites being property registered for social welfare insurance.

**Deputy Ruth Coppinger:** The Deputy must see-----

**Chairman:** Hang on a minute. The Minister for Education and Skills must be given an opportunity to respond. I have not had the opportunity to ask a few questions. I am conscious that the Minister has to be in the Dáil at 5.30 p.m. to answer questions.

**Deputy Thomas Byrne:** Can I ask a question similar to that posed by Deputy Boyd Barrett?

**Chairman:** Very quickly.

**Deputy Thomas Byrne:** In the past two years, did Engineers Ireland or any similar organisation warn the Minister for Education and Skills or his Department about Western Building Systems in the context of Ardgillan Community College? Did anyone specifically warn them about any other buildings issues within the past year or so?

**Chairman:** That is all of the questions I will allow.

**Deputy Joan Burton:** May I comment?

**Chairman:** No, I am not going to allow any more questions now. I am glad the Minister has clarified that he will seek accountability and find the individuals who are culpable. What we have become aware of in recent weeks has been very upsetting. It has also been devastating for 42 school communities. The Department has handled the issue well in terms of communications. It also put together teams to carry out checks and rechecks. It deployed a group of 250 workers to check all of the schools. I commend it on doing so.

The Minister must deal with a legacy issue. I wonder how the various issues were allowed to build up. This matter has caused great concern among members and among people in the school communities. Some 42 schools are involved, four of which are located in my constituency. I was contacted by representatives of another school that was not built by Western Building Systems. The people told me that they had a lot of issues with their school and found the Department sadly lacking in terms of following up in respect of them. The people took the initiative to engage an independent engineer to examine the issues. He was shocked by what he discovered and found the Department unhelpful. The people managed to get the builders back on site and the school is now 100%.



It is good that we are going to have the clerk of works back before the committee. I am not sure when the cut-off point was but we did not have the clerk of works in on this issue. It would make sense that the clerk of works would be an engineer and that he or she would be a resident engineer as opposed to a clerk of works, particularly in the context of checking all of the issues that impact on the safety of children and staff.

I want to ask a few specific questions. The Minister referred to the lessons learned and the need for more oversight, with which we all agree. I remain unclear as to who was responsible for signing off the work and whether departmental officials were involved and if they were suitably qualified. It is key that we be given such information.

I was surprised to hear that there is no estimated cost for the remedial works at this point. I accept that checking, rechecking and remediation work had to be prioritised. It would be useful if the Minister supplied us with an estimated cost and, subsequently, the supplementary costs for which I have no doubt he will be supported. Will attempts be made to recover the costs through insurance claims, from Western Building Systems, or from engineers who signed off on these projects? Even though engineers had signed off on a project in Millfield, Newbridge, County Kildare, which is in my constituency, there was no culpability afterwards. People should be held accountable. Thankfully, the project at Ardgillan was an outlier in terms of defects. The defects at Millfield were not as bad as anything discovered at Ardgillan.

Western Building Systems should be precluded from future tenders as a result of what we have learned. Representatives of the company have stated that they were not given enough time on site to carry out structural evaluations. We must discover why they were not afforded enough time. I have more questions but they have already been answered.

I ask the Minister and Mr. Loftus to answer the questions posed and to respond to the issues raised by myself and Deputy Boyd Barrett.

**Deputy Joe McHugh:** I shall first respond to Deputy Boyd Barrett. He raised a lot of issues and made a number of allegations. His comments highlight the fact that questions need to be answered. However, people need to be in a position to defend themselves. The Deputy mentioned whistleblowers. I would be interested in hearing any information or seeing any evidence anyone might have. Accountability was mentioned and it was suggested that schools were being blocked repeatedly by the Department. I have no knowledge of that, but if he has any information around that I am happy to listen to and to look at that.

The issue of Whitehall College of Further Education, a building built in 2006 under the auspices of the OPW, was mentioned. The Deputy is correct to say it was vacated in 2014 due to certain issues that arose. The reason there was no knock-on impact on the school was that it was a completely different type of build. It was a prefabricated building. That building, however, must be included in any investigation or review that comes out of this, even though it was under the umbrella of a different Department. We can learn lessons from it.

Deputy Boyd Barrett has said he will read the transcripts. He said he picked up a lot of evidence from conversations with a couple of workers. The more evidence we have as we carry out this review, the better.

Deputy Thomas Byrne asked whether there was a specific warning about WBS from certain engineers. I do not have any information in that regard. As far as I am aware that was not the case.

The Chairman mentioned the four schools affected in her constituency. I thank her for coming to Tullamore with Deputy Thomas Byrne for the briefing session. Communication goes both ways, and we learned from her visit as well.

Mr. Loftus will tell us who was the party responsible for signing off on the work but as far as I am concerned, the certification of compliance is the responsibility of the contractor on site and the designer on site. There is a role for the Department in certification of completion but it does not take consideration of certification of compliance at the moment. Mr. Loftus might be able to elaborate on that a little more.

The reason we do not have a cost for the remedial work is that time was not available to us even to plan out the works. I mentioned the three-school campus at Ashbourne, which required 3 km of fencing. Scaffolding was still being sourced on Sunday at one of the Cork schools. Remedial work is continuing at the school in Tyrrelstown to bring it up to the satisfaction of the board of management and to address safety issues there. As soon as we get that figure, I will ensure that it is presented publically. Insurance, culpability and accountability were mentioned. I am looking at all possible avenues which might redeem costs for the remedial work. It must also be noted that there is a big job ahead of us now, and we will have to do a comprehensive and complete assessment for the 42 schools in order that we can find the best solution, which will involve a tendering process. That process will cost money and the implementation of that solution will cost money but these school communities have been wronged and I will find out who wronged them. Whatever needs to be fixed I am prepared to fix it; I am making that my responsibility. I have been in the Department of Education and Skills for only a short while but the officials with whom I have worked closely in recent weeks on this issue are very attentive. Everything I needed and everything I have asked of them in terms of communication and the putting together of a team to find alternative accommodation at short notice has been done. The biggest response on this issue came from the community. The community response was enormous; it stood up to the challenge. Education and training boards, ETBs, different schools and different school patron bodies came forward with space and with solutions. The contractors also came forward with ideas. There were many solutions proposed. The 42 schools were able to open last Monday as a result. Tyrrelstown wanted to do its own robust analysis of the logistics to ensure that the bus transfers were okay and that there was adequate supervision when young children were dropped off at school. The response at a community, school and education sectoral level has been second to none. Universities offered space as well. I thank everyone involved in that regard.

**Mr. Hubert Loftus:** The Minister has covered many of the points raised. Deputy Boyd Barrett mentioned more links to the Department. I have been head of the planning and building division for one year and to my knowledge, nothing of this scale has come to the Department before. In terms of the fire safety assessment reports the Deputy referenced, some were published in 2017 following a freedom of information Information Commissioner ruling. Since then, and as part of the learning experience, the Department put protocols in place whereby as fire safety reports are carried out, they are automatically provided to the school, the patron and the fire officer. We then put in place a programme management team to follow through on the works and the issues arising from them in order that any remedial issues could be addressed. The Minister referenced the Whitehall case, which was a different type of construction. It was a temporary building and consequently, the issues there are not directly related.

Deputy Boyd Barrett also referenced the former Minister for Education and Skills, Mr. Ruairí Quinn, and issues around audits. It predated my time in the Department but that Minister

put in place a programme of audits and checks that were followed through on. I can arrange for that to be followed through for the information of the committee.

Deputy Thomas Byrne made a point in respect of Engineers Ireland. We were not aware of the issue he raised. As for certification and clarity, it is very clear in a design and build project that the contractor has a legal responsibility for sign-off on certification. For clarity on this issue, and as a sample, the Department published on its website the certificates that were signed by WBS. In my view, it is crystal clear.

**Chairman:** I am going to finish now because I am conscious that the Minister is needed in the Chamber and that we have to move on to the next stage of our business. I thank the Minister and Mr. Loftus. We must be mindful of the school communities and the extra burden of work placed on school principals and boards of management, who really stepped up to the plate. They have done incredible work to ensure that the school communities are safe.

**Mr. Hubert Loftus:** The Department was very clear that this was a Department-led programme. We were not relying on the school principals to sort this out. We fed information to them and the Department is standing shoulder to shoulder with them to work through these issues.

**Chairman:** It has been a useful engagement, and I know there will be follow up. I know there are other areas that Mr. Loftus is looking after, so we look forward to future engagement with him.

### **Letterkenny Institute of Technology: Chairperson Designate**

**Chairman:** We are now moving on to No. 2 on our agenda, which is engagement with the chairperson designate of the Letterkenny Institute of Technology, Mr. Fintan Moloney. I am conscious that Mr. Moloney has to get a flight later today. The purpose of the meeting is to engage with Mr. Moloney in advance of his proposed reappointment as chairman of the governing body of the Letterkenny Institute of Technology. This is an opportunity for the committee to discuss his vision and his priorities in the short and medium term and any challenges facing the institute. On behalf of the committee I welcome him. I ask him to make a brief statement and members will then have the opportunity to engage with him.

I wish to draw Mr. Moloney's attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the joint committee. However, if they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. I advise witnesses that any opening statement made will be published on the committee's website after the meeting.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I invite Mr. Moloney to make his opening statement.

**Mr. Fintan Moloney:** A Chathaoirleach agus Baill Choiste an Oireachtas, gabhaim buíochas libh as an deis seo a thabhairt dom labhairt libh inniu. I thank the Chairman and commit-

tee members for giving me the opportunity to address them. I have provided a summary of my career to date, with particular reference to the five years to 30 September 2018, during which I acted as chairperson of the governing body of Letterkenny Institute of Technology which is known as LYIT. I have been involved in the financial sphere since graduating from UCD in 1974 with a degree in economics. Having spent 16 years with the Revenue Commissioners, the last of which was as district inspector of taxes for County Donegal, in 1989 I commenced a taxation and financial consultancy business which continues to this day. I remind the committee that the Revenue Commissioners have given me eight more days to get in all of the tax returns, given that the deadline date is 14 November. Working with my 65 colleagues in Revenue's office gave me great experience of people management and highlighted the importance of leadership attributes such as empathy, time management, the art of listening, judgment evaluation and decisive decision-making.

Having been distant from the education sector for a considerable time, my appointment to the challenging position of LYIT chairperson required a considerable learning curve at a time when the country was in the throes of recession and funding for education or anything else was hardly extant. However, my prior financial experience stood to me in those difficult years when the college's reserves were dissipating rapidly and a red line in the sand had to be grappled with. The reality at the time was that our institute, which is based on campuses in Letterkenny and Killybegs, was going to run out of money in the short term. Reserves are never limitless. Thankfully, matters have improved and funding has become available, particularly for the Killybegs campus, for which some €3 million has been approved, to be drawn down over four years. LYIT is the first institute to come out of deficit following the crash. Growth in student numbers has also had a positive impact on our financial viability. In the past five years total student numbers have grown by 24%, from 3,493 to 4,316, with the part-time cohort showing a significant increase of 94%, from 626 to 1,215 today. The non-EU international student numbers have grown from one five years ago to 135 today. They come mainly from India, Malaysia and China, among other places.

LYIT has many exciting projects in the pipeline, including a €20 million public private partnership project which is to commence in 2020. Submissions have been made under the rural regeneration fund to the Department of Rural and Community Development for an ocean innovation centre in Killybegs, while a joint application involving LYIT, Donegal ETB, Donegal County Council and Údarás has been made to the climate action fund. An application involving LYIT, the University of Ulster and Queens University has also been made under the INTER-REG programme for a share of the €30 million available.

Our greatest challenge in the short term is achieving technological university status in partnership with Sligo Institute of Technology and Galway-Mayo Institute of Technology, GMIT. Last month funding of €1.8 million was secured to progress the application of the Connacht-Ulster Alliance, CUA. Work is ongoing to satisfy the criteria set out in Chapter 9 of the Technological Universities Act 2018, under section 28(1)(a) of which, LYIT already satisfies the 30% test, with a figure of 51% confirmed. Work is continuing in assessing the current position on the criteria set out in section 28(1)(b) and (c) and a report will be concluded by the CUA project manager by the end of November.

Our collaboration north of the Border continues. Last April the then Minister for Education and Skills, Deputy Bruton, announced the establishment of a cross-Border further and higher education cluster involving LYIT, the Ulster University, the North West Regional College and Donegal ETB. The initiative has recently secured funding from the Higher Education Authority

to enhance its activity and continue its work in the context of implementation of the national development plan.

This year the institute has come through an institutional review carried out by Quality and Qualifications Ireland, QQI. It involved QQI personnel meeting staff, students, governing body members and external shareholders from industry and other spheres of public life. QQI is processing our application for approval of a level 10 course in computing and success is anticipated by the end of the year. A similar application will be made in 2019 for the school of business, which will obviously have an impact in meeting the criteria to achieve TU status.

I acknowledge the dedication and fortitude of all LYIT staff, together with governing body members and sub-committees, in pursuing the best interests of the college during its very difficult recent history.

**Chairman:** I thank Mr. Moloney.

**Senator Lynn Ruane:** On LYIT moving out of the red, I am curious to know from where the majority of funding has come to put it in a better position. Was it all HEA and departmental funding or was it from non-EU students or for research and development? What is the breakdown in that regard?

**Mr. Fintan Moloney:** It is a mixture of all of those sources. The position is that, with our five year development plan, the campus in Killybegs will not wash its own face, that is, it will not cover the costs associated with it. For the campus in Letterkenny, the position is positive, but, obviously, while the funds can be used to offset the deficit in Killybegs, they are not sufficient. In the next couple of years we will have €750,000 per annum which will help to balance the books, but we will have to look for more funding in that regard. In the intervening period the growth in student numbers, in particular, the number of international students, has had a significant impact. That is where we are concentrating to bring in additional revenue.

**Senator Lynn Ruane:** On the growth in funding, how does Mr. Moloney feel about the lack of a follow-up on the Cassells report? This committee has been awaiting a technical report from the Department which we have not yet received. It is as if people are wishing it would all go away. What would Mr. Moloney like to see happen in being able to put LYIT in a position where both campuses will be functioning and the situation progressing, rather than simply being maintained?

**Mr. Fintan Moloney:** That is a pertinent question. It is almost two and a half years since the Cassells report was published, yet it is still sitting on the sidelines. I know that the new Minister for Education and Skills has not had time to consider it, given the ongoing construction issues. However, the former Minister said it would not be looked at until 2019. Perhaps it might be kicked even further into touch. It feels as if it is another report that will gather dust. There are three aspects that concern how third level education should be funded. I would like to see a situation where all students from all walks of life - we can mention the programme for access to higher education, PATH, in that context - would be able to access third level education without fees, but, of course, from where would the money come?

**Chairman:** To clarify, as a committee, we engaged with 40 stakeholders to provide recommendations in the context of the Cassells report. As Senator Ruane pointed out, we felt an economic evaluation was needed of the impact on students and their families and the State. That is the report we are awaiting before we issue our final recommendations.

**Senator Robbie Gallagher:** I welcome Mr. Moloney and compliment him and others on the huge success of LYIT. As someone who comes from that neck of the woods, I am familiar with it. From an economic perspective, apart from anything else, I know that it has been a serious bonus to Letterkenny and the wider area.

I have several questions. How many students are on the campus in Letterkenny? Where does Mr. Moloney see the growth areas for the college? He mentioned technical university status. What role does he see it playing in the development of the facility? What does he believe is the growth area for employment? Does he feel the institute's need will be the economic activity in the Donegal and Sligo catchment area? I am sure Letterkenny is no different to other towns whereby housing is becoming an issue for students. How significant an issue is it? Does Mr. Moloney feel institutes of technology such as that in Letterkenny could have a greater role to play, rather than having students leave the town on a Sunday evening on a bus to Dublin, with their parents trying to fund them?

**Mr. Fintan Moloney:** The Senator has asked many questions and I ask him to remind me if I do not cover them all. The number of full-time and part-time students on campus is 4,316. With regard to accommodation, believe it or not, there is not an accommodation issue with the campuses in Letterkenny or Killybegs. This comes from the student representatives themselves on the governing body. I have asked them specifically whether there is a problem with accommodation. Of the 4,316 students, 75% are Donegal-domiciled. This makes a major difference. It is different from the situation we find in Dublin, Galway or Cork where accommodation is under pressure.

The full employment factor creates pressure on increasing student numbers. We have seen growth and been successful in collaboration with local industry and local businesses on part-time distance learning courses geared towards what the employer wants. They have an input into how the courses are formed. We target the larger employers most and bring potential employers on board. We ask them what type of people they need to fulfil their staff complement. They are active in designing the courses and allow their employees off work to do the courses on a part-time basis and make it easier for them. There is a dividend at the end of the day because there are bonuses for the company if it ends up with better educated employees.

**Deputy Tony McLoughlin:** I welcome Mr. Moloney. He mentioned the Connacht-Ulster alliance. How is it progressing? What is LyIT's relationship with the institutes of technology in Sligo and Mayo? How is it being progressed? Does the institute of technology have many people doing online courses? Mr. Moloney mentioned foreign students residing in Donegal.

**Mr. Fintan Moloney:** The figure I gave of 135 relates to people who are physically present in Donegal. To answer the question on the Connacht-Ulster alliance, the North-South collaboration was formed quite a number of years. Brexit has raised a couple of questions on where we can go from here but there is certainly a guarantee that the fee structure of courses at LyIT on which there are students from the North will not change until they complete their courses. With regard to what will happen after Brexit, and what form it will take, I am afraid we are all still looking towards the heavens.

With regard to the Connacht-Ulster alliance, the registrars, presidents and financial controllers have monthly meetings. On top of this, the chairmen have also met on a number of occasions. For my part, there is a little hiatus at present because my authorisation to act as chairman finished on 30 September and I did not hear until 25 October that I was to have designate title until such date as I am approved, if I am approved. I am not assuming anything in this regard.

I would like this hiatus to cease so we get back on track. Any vacuum will delay the process of the Connacht-Ulster alliance. There is a lot of work to be done. There is a lot of negotiation to be done and a lot of trust to be built up among the three partners to bring it to the stage where we can make a technological university application.

**Deputy Tony McLoughlin:** Is everybody on board with this?

**Mr. Fintan Moloney:** Yes.

**Deputy Tony McLoughlin:** The relationship between the three-----

**Mr. Fintan Moloney:** It is very positive and good and we do not want it to go sideways. It is very important and funding of €1.8 million has been allocated to bring forward the process. It was not everything we were looking for but, let us face it, who gets everything he or she is looking for?

**Deputy Tony McLoughlin:** What about online courses?

**Mr. Fintan Moloney:** It is not something on which we are strong. Institute of Technology Sligo is much stronger with regard to online courses. Our part-time courses that feed in through the education and training board are very strong. Online is an area we must improve. It is similar to the other matrices involved in achieving technical university status, in terms of the 4% of students moving to masters from research. We are on that road but we are certainly not there yet. With regard to 90% of full-time academic staff being at masters level or higher, we are still on the road. There will be analysis by the end of this month on exactly where we are and then we will see where we go from there. Planning will be required.

**Deputy Tony McLoughlin:** This week I saw a university and institutes of technology league table. One of the criteria was students' employment prospects on leaving third level. How does LyIT fare regarding student employment?

**Mr. Fintan Moloney:** It is very high. I cannot give the exact figure but I was in Killybegs last week and everyone who graduated and who was available for employment is employed.

**Deputy Tony McLoughlin:** That is a great testament.

**Chairman:** I thank Mr. Moloney for coming before the committee. He brings great quality to the role of chairperson and his experience has definitely benefitted the institute of technology in Letterkenny. He has outlined the challenges and priorities. All that remains for us is to notify the Minister we have had an engagement with him. On behalf of the committee, I thank him for his engagement and wish him every success in his role.

**Mr. Fintan Moloney:** I thank the Chairman.

**Chairman:** I hope Mr. Moloney makes his flight.

**Mr. Fintan Moloney:** There has been quite an amount of input from Donegal today and I will not delay the committee further.

**Chairman:** I appreciate that. We will now go into private session to deal with some house-keeping matters.

The joint committee went into private session at 5.50 p.m. and adjourned at 6.10 p.m. until 9.30 a.m. on Thursday, 15 November 2018.