



Northern Ireland
Assembly

OFFICIAL REPORT
(Hansard)
and
**JOURNAL OF
PROCEEDINGS**

Volume 133

(16 November 2020 to 13 December 2020)

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Assembly Members

A

Aiken, Steve (South Antrim)
Allen, Andy (East Belfast)
Allister, Jim (North Antrim)
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Archibald, Dr Caoimhe (East Londonderry)
Armstrong, Ms Kellie (Strangford)

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Beggs, Roy (East Antrim)
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Bradley, Ms Sinéad (South Down)
Bradshaw, Ms Paula (South Belfast)
Brogan, Ms Nicola (West Tyrone) (*from 23 November 2021*)
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Buchanan, Thomas (West Tyrone)
Buckley, Jonathan (Upper Bann)
Bunting, Ms Joanne (East Belfast)
Butler, Robbie (Lagan Valley)

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Dunne, Gordon (North Down)
Durkan, Mark (Foyle)

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O

O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
O'Toole, Matthew (South Belfast)

P

Poots, Edwin (Lagan Valley)

R

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Rogan, Ms Emma (South Down)

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Sheehan, Pat (West Belfast)
Sheerin, Ms Emma (Mid Ulster)
Stalford, Christopher (South Belfast)
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Storey, Mervyn (North Antrim)
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Official Report (Hansard)

Assembly Sittings

Northern Ireland Assembly

Monday 16 November 2020

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Ministerial Statements

North/South Ministerial Council: Environment

Mr Speaker: I have received notice from the Minister of Agriculture, Environment and Rural Affairs that he wishes to make a statement. Before I call the Minister, I remind Members that, in the light of social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members do still have to make sure that their name is on the speaking list if they wish to be called, but they can do that by rising in their place, as well as by notifying the Business Office or Speaker's Table directly. I remind Members to be concise in asking their questions. This is not an opportunity for debate per se, and Members should not engage in long introductions.

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): Thank you, Mr Speaker. In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the twenty-third meeting of the North/South Ministerial Council (NSMC) in environment sectoral format, which was held in Armagh and by videoconference on Wednesday, 21 October 2020. The statement has been agreed with junior Minister Kearney.

Junior Minister Kearney and I represented the Northern Ireland Executive at the meeting. I chaired the meeting. The Irish Government were represented by Eamon Ryan TD, Minister for the Environment, Climate and Communications, and Darragh O'Brien TD, Minister for Housing, Local Government and Heritage.

The Council noted the work that is being carried out to prepare for the end of the transition period and the need for continued cooperation on environmental matters, including those of a cross-border nature. Ministers agreed to continue to cooperate on environmental issues in coming months. They recognise that it is in the common interest of both jurisdictions to work together to minimise disruption to trade and economic activity on the island.

Ministers welcomed the continuing cooperation on, and draw down for, the main sources of EU funding in the environment sector — INTERREG Va, LIFE and Horizon 2020 — including successful delivery of Northern Ireland and Ireland partnership projects and ongoing collaboration through joint meetings, training and information events. We noted that, under the INTERREG Va environment objective, nine cross-border projects were awarded funding totalling €89 million in the 2014-2020 programme

period, and collaboration is ongoing to maximise draw down of the available EU moneys and to continue to implement the programmes as agreed.

Ministers noted the commitment to funding INTERREG Va after the UK withdraws from the EU, allowing the projects to be continued until their conclusion in 2023, and that, under Horizon 2020 societal challenge 5, two North/South collaborations on low temperature anaerobic digestion treatment of low-strength waste waters and photo-irradiation and absorption-based novel innovations for waste treatment were successful and contributed to the drawdown figures, with €2.5 million being shared by five organisations in Ireland and €0.55 million shared between two organisations in Northern Ireland.

The Council noted that benefits for joint environmental priorities from a small number of LIFE projects have been achieved through ongoing collaboration between Departments, agencies and partnerships operating in both jurisdictions. Ministers also noted the potential to build on the success of the INTERREG projects through access to the new PEACE PLUS programme 2021-27 and its environment policy objective of achieving a greener, low-carbon Europe.

Ministers noted the ongoing collaboration between officials in both jurisdictions and submission of joint position papers focusing on a range of holistic clean air, water catchment and nature based solutions to address future pressures from climate change, support sustainable economic recovery and protect the environment to inform emerging PEACE PLUS themes.

The NSMC noted that the work programme will be kept under review at future NSMC environment sector meetings, having regard to particular matters arising from the outcome of the UK referendum on EU membership. Ministers agreed that, within the work programme, consideration should continue to be given to opportunities for cooperation on wider environmental issues, such as sustainable development; encouraging cooperation and knowledge sharing in relation to the environmental impact of agricultural activities and related issues; cooperation and exchange of information on marine, bathing and shellfish waters; cooperation and collaboration on water and urban waste water services areas, including implementation of EU measures; the promotion of a circular economy; a joint programme of enforcement and collaboration on tackling environmental crime; and cooperation with a view to maximising draw down of EU funding. We also agreed the proposed updated work programme.

The NSMC noted that both Environment Ministers are continuing to work together to target resources into joint enforcement action against those involved in illegal waste activity, including the continued exchange of intelligence and information on problem areas and the continuation of coordinated joint inspections.

Ministers noted the efforts of both Administrations to increase the quantity and quality of recycling, including the publication, on 4 September 2020, of Ireland's national waste policy 2020-25, 'A Waste Action Plan for a Circular Economy', the publication of the new Northern Ireland waste prevention programme, 'Stopping Waste in its Tracks', and the associated actions and successes.

We also noted the ongoing work in Northern Ireland to tackle plastic pollution, the success of the extended producer responsibility schemes in Ireland and the opportunities for both Administrations to share examples of good practice in this area.

The NSMC welcomed the work being undertaken in both jurisdictions to further a clean air strategy and the collaboration between officials working together to identify cross-border research opportunities and develop proposals.

Ministers noted the publication of the second-cycle river basin management plan for Ireland in 2018 and welcomed the ongoing preparation of the third-cycle river basin management plans in Ireland and Northern Ireland. We noted that the public consultation on significant water management issues closed in Northern Ireland on 22 June 2020 and, in Ireland, on 7 August 2020. We acknowledged the continued support for the Rivers Trust in cross-border areas, and we welcomed the level of beach awards in both jurisdictions for 2020 and the continued coordination on the Clean Coasts and Coast Care schemes.

Ministers acknowledged the engagement of both Administrations in the work of the advisory group for Ireland's marine protected areas, the final report of which is expected shortly, and noted the continuing engagement between the Department for Infrastructure, the Department of Housing, Local Government and Heritage, Irish Water and Northern Ireland Water on exploring opportunities for cooperation, including applications to access funding under the EU's new PEACE PLUS programme.

The Council agreed to hold the next environment meeting in early 2021. Ministers agreed the joint communiqué.

Mr Irwin: What steps is the Minister taking to ensure that the Republic of Ireland moves to repatriate illegal waste from the Republic of Ireland that has been dumped in Northern Ireland?

Mr Poots: Eamon Ryan was the Environment Minister back in 2009 when I was also Minister. An agreement was drawn up then whereby waste that was illegally tipped on 20 sites in Northern Ireland, emanating from the Republic of Ireland, would be repatriated. It is my understanding that around only half of those sites have been cleared. That leaves around 100,000 cubic tons of illegally tipped waste in Northern Ireland on sites that have not been secured. Consequently, I have raised the issue again and asked why it has not happened. The reason given is that they have capacity issues in taking the waste. However, I do not find that acceptable. I will continue to work to ensure that that work, which has been let go by the by in spite

of an agreement, is taken up again and that the material on those waste sites is removed and taken back to the Republic of Ireland.

Mr McHugh: I note the Minister's commitment to cooperation on environmental matters. I am sure he is aware of the recent news of a major bog slippage in the Tyrone/Donagel border at the Meenbog wind farm. That has impacted on the Mourne Beg river — a major tributary to the Derg river, which is a renowned salmon watercourse. What work will the Minister do to ensure that we have the cooperation of the authorities on both sides of the border to minimise the impact of that bog slippage on fauna, flora and the fish stocks of the Mourne Beg river?

Mr Poots: The Loughs Agency, which is a cross-border body, has been engaging in investigations since that slippage occurred, as has the Northern Ireland Environment Agency (NIEA). I watched a video of the slippage: it was astonishing to see the amount of material moving slowly but inexorably. Donegal County Council has organised a meeting for today. My officials will be in attendance, as it is an issue that has a material impact on both sides of the border. It is clear that the rivers have been affected by large amounts of peaty soils coming into them. At this stage, oxygen levels in the rivers are still high, which is good, but fish gills can become contaminated with high levels of peat, and they can die from that. Small levels of fish kill have been identified at this stage, but that does not mean that that will be the case. Given the amount of peat and so forth in the water and the high levels of water, it is not particularly easy to identify the issues, but all of those things will be investigated in due course. We will continue to work with the authorities in the Republic of Ireland on that matter.

Mr McGlone: In the Minister's statement, heavy emphasis is placed on the exchange of and cooperation on information on marine bathing waters, rivers and the like. What cooperation has there been on the strain of COVID that has been identified in mink in Denmark. As we know, mink inhabit our waterways and rivers. Has there been collaboration between both Departments?

12.15 pm

Mr Poots: We suspect that the problem is less of an issue with wild mink because they do not come into contact with humans; in general, the problem is with farmed mink. There are three mink farms in the Irish Republic. There have not been any here since 2002 because the keeping of mink for fur was banned, but that practice has continued in Ireland. I believe that those three mink farms will be run down over the next year. It is a matter for the health authorities in the Republic of Ireland to keep a close eye on that circumstance.

I believe that there are 17 million mink in Denmark. The original plan was to have an immediate slaughter of them all, but I do not think that that is now the case. It is an issue of significant concern because a lot of effort and money has been expended on developing vaccines. We know that one is virtually ready to go and that another one will come very shortly afterwards. It would be of significant concern if a mutation of COVID happened through the mink and, consequently, those vaccines were not fit for purpose. Any country that has mink farms needs to act very responsibly in that regard at the moment. My preference is that mink farms would cease to exist.

Mrs Barton: Minister, thank you very much for your statement. What cooperation is there on cross-border fly-tipping, particularly from homes in border areas? Much waste from homes is dumped in Northern Ireland because there is an expense involved in having that waste collected from homes in the Republic.

Mr Poots: The Member puts her finger on a problem that emanates more from the Republic of Ireland than here. One of the benefits of our rating system is that people have their waste collected. The issue of fly-tipping arises but not to the same extent. It is for local authorities, in the first instance, to deal with fly-tipping. We have a level of cross-border cooperation on issues around waste in general, and we will press hard to ensure that as much information as possible flows to each side so that the people involved in the illegal tipping of waste are caught and prosecuted for their activities.

Mr Blair: I also thank the Minister for the statement and the detail therein, including the reassuring cooperation envisaged on marine waters, as well as the joint programme of enforcement and collaboration on environmental crime. In that regard, how will the proposed Office for Environmental Protection, which will have only one Northern Ireland representative, be able to play a part in intergovernmental arrangements that are already making progress here?

Mr Poots: The Office for Environmental Protection will deliver on the same standards that currently exist under the EU and are monitored by the European Commission. Therefore, the standards that exist in the Republic of Ireland will be the same standards as exist in the United Kingdom until the United Kingdom makes legislation that may produce different standards. Those standards could be higher or lower, but that is a matter to be debated by the UK Parliament or, indeed, the Assembly, should we wish to change them. At the moment, the standards will be the same, and the Office for Environmental Protection will have a role to ensure that the standards that have been set are implemented right across the United Kingdom after it leaves the European Union.

Mr Harvey: We are back to waste: what commitments have been made to ensure that greater enforcement measures are put in place to stop illegal waste practices?

Mr Poots: Clearly, there is a series of rules relating to waste, the tipping of waste and illegal management of waste. It is a matter for the courts to decide how they use the fine process that is available. There are substantial opportunities to fine individuals who are involved in the illegal management of waste. We all know that there is substantial money to be made in the illegal management of waste. Our Department has a “polluter pays” principle, so we will ensure that people who are caught dealing with illegal management of waste pay for all of the costs associated with disposing of it properly. There is a series of measures, but I accept that those measures may be made be stronger because people are still involved in this. So, whether it is through greater enforcement or whether it is through strengthening the fines that are imposed, we need to ensure that what is done is enough to put people off engaging in this activity.

Mr McGuigan: Given the recent discovery of two birds, a swan in Derry and a falcon in Limerick, with bird flu, what are the contingency plans in the Department here in

the North in the event of an outbreak of bird flu? What is the level of cooperation across the island to monitor the situation?

Mr Poots: It is very concerning. There have been a couple of outbreaks in England. Obviously, there is the one in Limerick and the mute swan that was picked up in Lough Beg. That is a matter of significant concern to us, because the poultry industry in Northern Ireland is worth around £900 million. It employs directly 5,500 people, so it is an industry that is hugely important to us.

Every keeper of birds is supposed to register with DAERA — even if there are only two or three chickens scratching about in your back garden, they are supposed to be registered. DAERA has a website set up that identifies how best to manage biosecurity arrangements. DAERA has been escalating, through the veterinary section, its response. We are not at the point yet where birds should be closed up, but, nonetheless, we are pressing and impressing upon people the need to take all of the biosecurity steps that they should and we have been very clearly indicating what those biosecurity measures are. Fundamentally, the most important thing that a chicken farmer or any keeper of poultry can do at this minute is to manage their biosecurity particularly well. If we believe that we need to move to that next stage of closing up free range birds, we will recommend that step in the not-too-distant future, if that is required.

Mr M Bradley: I thank the Minister for his statement. He referred to the implications of withdrawal from the EU and preparations for the end of the transition period, but what are the implications for Northern Ireland if there are no preparations ready to hit the ground running come the end of the transition period?

Mr Poots: I assure the Member that there has been a lot of preparation. Sometimes, it is a little difficult to prepare for something when you do not know what you are preparing for, so the conclusion of the negotiation is absolutely critical. I believe that the aim is that that will take place this week, but there are still outstanding issues, particularly on state aid and on fisheries. Those are the two issues that seem to be preventing a trade deal at this stage.

For Northern Ireland, there are particular areas of concern that arise through the implementation of the protocol. First is seeds that are imported to Northern Ireland, mainly from Scotland. In fact, the issue is of seeds imported to all of Ireland, mainly from Scotland. That is around 90% of seed used. That importation is currently a problem as a result of the protocol.

There is another group called PMR. That relates to minced beef and processed meats and accounts for up to 30,000 tons of meat imported into Northern Ireland every year. As things stand, that would stop immediately on 1 January, so it is not even a matter of having an export health certificate — you just do not import it, full stop. So, for example, there would be no lasagnes in Iceland. In fact, many of the products that you get in our shops would no longer be available and the shelves would be empty. That is purely a matter for the European Union.

I will add further that the importation of red meat amounts to around one quarter of a billion pounds per year. Indeed, a considerable amount of chicken — white meat — is imported to Northern Ireland, processed in Northern Ireland and, in the main, goes back to GB. There are

issues around that. Those issues really need to be sorted this week, and we need to get solutions.

It has to be stressed that it is not about damaging the single market or reducing the quality of things in the single market, but it will be hugely detrimental and have serious implications for Northern Ireland, both at a consumer and a business level, if we cannot get those issues resolved. The Executive are aware of the issues, and they have mandated me to write on their behalf to the European Union to impress the need to get those matters resolved to everybody's satisfaction.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): In paragraph 9 of the Minister's statement, he refers to the importance of clean air. Will he update us on whether any progress has been made on developing a clean air strategy discussion document for here and, indeed, on a cross-border basis?

Mr Poots: We discussed clean air and where cooperation could take place. We intend to bring to the Assembly this year the clean air discussion document that we are working on. It will go out to the public so that we can have a consultation process on clean air, which is a very important matter, particularly for those who live in cities.

Mr McCrossan: I thank the Minister for his statement. It refers to greater cross-border work on increasing water quality. In that regard, such collaboration will be absolutely essential in investigating and mitigating the environmental damage caused by the peat landslide that the Minister referred to at Meenbog, which has caused contamination of the Mourne Beg river and the local waterways.

I visited yesterday with councillor Steven Edwards, and there is clear anxiety amongst my constituents in Killeter, Aghyaran, Castlederg and Ardstraw. Will the Minister outline what action his Department has taken to reassure the public in that area that his Department is doing everything possible to mitigate contamination of those waterways? Does he know the root cause of the slippage problem?

Mr Poots: On 13 November, at around 1.30 pm, NIEA was informed of a landslide at a peat bog adjacent to the Mourne Beg river in Donegal. NIEA contacted Northern Ireland Water and the Loughs Agency regarding the event. In response, Northern Ireland Water shut down its intake of raw water from the River Derg as a precaution. As the incident occurred on the southern side of the border, the investigation and initial response to the event was the responsibility of the Loughs Agency. It has been on site investigating the matter.

NIEA tasked a water quality inspector to assess the impact on the Mourne Beg and Derg rivers on Saturday morning. The initial assessment showed that the oxygen levels have not been suppressed but that the high levels of suspended solids were affecting aquatic life, including a fish farm business. Loughs Agency is working with the owners to mitigate the impact, including the deployment of aerators.

Mr Nesbitt: I thank the Minister for his statement. I would be grateful if the Minister could provide some further detail on the LIFE projects referred to in paragraph 7.

12.30 pm

Mr Poots: A number of the LIFE projects that we mentioned have taken place. They have been achieved through work done by Departments, agencies and their partnerships operating in both jurisdictions. The LIFE projects have environmental priorities. There are a small number of them. I will write to the Member to give him the detail of the projects so that he can get fully updated on them.

Dr Archibald: I thank the Minister for his statement. He will be well aware that ammonia emissions are a particular issue here not just in the North but across the island. There will be a debate on the issue later this afternoon. Work has been going on to inform an ammonia strategy. When can we expect publication of the draft strategy?

Mr Poots: It is at the latter stages of preparation and will be produced before the end of this year. Ammonia is an area of significant concern for us. We know that most ammonia is produced on farms. A course of actions therefore needs to be taken to reduce ammonia levels as we continue to increase our agricultural output. It is important that we support the industry to increase its output but that that be done in a way that is less harmful to the environment. One of the things that we want to do is to ensure that, over the next number of years, ammonia outputs on farms are reduced, and there are ways and means of doing that. One of those means is through low-emission spreading equipment. We recently launched a grant that will support a number of things, but the priorities are that people will get additional points for having such equipment, for covering tanks, for better separation of slurry and for slurry scraping. We are already working on a series of measures that will help reduce ammonia emissions. If I get more funding, there is the opportunity to make a much more significant reduction in ammonia emissions, so that is an area of work that we will continue to impress on the industry.

Ms Sheerin: I thank the Minister for his statement. Minister, can you provide an update on the joint programme of cross-border collaboration and enforcement to tackle environmental crime?

Mr Poots: At our meeting, Ministers agreed to continued cooperation in five key areas of mutual benefit and future development potential: environmental research and reporting; environmental protection and sustainable development; water and waste water management; waste management in a cross-border context; and EU funding. In all those areas, we are encouraging sustainable development; cooperation sharing; cooperation and exchange of information on marine issues; cooperation and collaboration on water and waste water service areas; the promotion of a circular economy; a joint programme of enforcement and collaboration on tackling environmental crime; and cooperation with a view to maximising drawdown of EU funding. Environmental crime is therefore very much a key area within those areas of cooperation.

Mr O'Toole: Minister, thank you for your statement. It contains an update on EU funding, including existing INTERREG funding and, looking ahead, Horizon 2020 funding. What it does not mention, however — it would be good to get your thoughts on this, Minister — is the European green deal, which is an enormous, multi-year plan of investment by the European Union to transition to

a lower-carbon economy. Given that, for example, large parts of Northern Ireland's energy generation sector will remain in the EU emissions scheme and given some of the potential benefits from the protocol, notwithstanding the issues that he described earlier, can the Minister ask his officials to work with officials on the other side of the border on looking at potential benefits for Northern Ireland projects from what could be a £20 billion-plus Just Transition Fund (JTF) for green transition. That is something from which we might be able to benefit. I ask the Minister really to look at the European green deal and figure out how Northern Ireland could benefit from it.

Mr Poots: Some funding continues, despite the fact that the UK has left the European Union, and it will certainly go on until 2023, as set out in the statement.

The ETS is a scheme into which we pay very heavily, at close to £60 million a year. A new scheme will be set up for the UK, but, under that, only around 18% of our payments will go to the UK scheme, with 82% going to the EU. Over the years we have never drawn down any money from the ETS because of its three project per country rule. Given that the UK is quite a large country, ETS has not benefited Northern Ireland.

We are asking whether Northern Ireland will have the status of being a country in this instance because Northern Ireland remains part of the ETS outside of the UK. That would allow us to bid for three schemes per year, and that would be hugely progressive. However, thus far, we have not had the benefits from the emissions trading scheme that I would like to have seen. Northern Ireland has many wonderful opportunities in hydrogen and in how we can better manage and capture carbon and so forth. It would be good if the EU allowed Northern Ireland the status of being its own country and consequently we were able to draw money from the scheme.

Mr Lynch: I thank the Minister for his statement. What assurances can he offer to the many organisations who have contacted me and other MLAs regarding the replacement of lost EU funding as we come to the end of the transition period?

Mr Poots: There has been a rollover of funding by the UK Government. Therefore, the funding that is currently in place for the environmental sector continues to be in place as we go forward.

Ms Bailey: Thank you to the Minister for the statements and for bringing them forward in a timely manner. That was much appreciated.

Members have asked about enforcement, but I want to go further, Minister. What discussion has there been around how we deal post transition with trans-boundary environmental breaches under existing EU directives? Ammonia, for example, was brought up, but it is certainly not the only issue. We know that we are not meeting our EU directive targets for ammonia. That is not the farmers' fault; it is certainly not the chickens' fault. It is the result of policies. How will we meet those targets post transition across the island?

Mr Poots: There is a series of issues in and around the environment. The UK Government have set out their policy of being carbon-neutral by 2050. That sets significant challenges. You will not achieve carbon neutrality without significant investment, and that is just a reality. People

need to put their money where their mouths are when it comes to the environment. One of the things that I will raise at Executive level is how all our Departments will pull together to achieve carbon neutrality by 2050 and what investment is required to achieve that. For example, agriculture, energy and transport account for around 70% of emissions. Consequently, we need significant investment in those areas. Energy has demonstrated that there has been significant reductions in its carbon. We are looking at about 40% to 45% of our energy coming from renewable sources now. However, some of that energy is not appropriately captured, so we need to ensure that we have the capacity to capture all the energy produced.

COVID-19 has demonstrated that people do not need to travel as much. Those of us who were on the roads this morning will have noticed the considerable reduction in the number of vehicles on the roads, and, driving past them, you will have noticed the substantial reduction in the number of vehicles in our government car parks. There are opportunities to do more work from home. We can also use electric cars, as well as cars that are more fuel-efficient. My only caveat with electric cars is how they and the materials involved in their production are used at the end of life, so that there is no other kind of environmental damage done as a consequence of that. However, there are opportunities in transport.

Agriculture is a huge issue, particularly for Northern Ireland, as it produces more than 10% of the food produced in the entire United Kingdom. How do we manage that in a way that reduces emissions? We spoke about ammonia. I want to look at issues around nitrogen and phosphates and how we can better manage the materials and nutrients excreted so that they can be used for something other than slurry that is applied to land. That will involve investment. There is a series of things.

I am happy to cooperate with people in similar areas to ourselves, be that in other parts of the United Kingdom or in the Republic of Ireland, because, ultimately, all of us have similar problems, and so our responses will be similar. The research that will allow us to take the appropriate steps in environmental management is research that I am happy to support, and I am happy to cooperate with colleagues in the Republic of Ireland, Scotland, England or Wales to identify solutions that we can all apply in delivering a better environmental outcome.

Mr Allister: Can I take the Minister back to the INTERREG Va programme? Now that we have left the EU, would the Minister remind the House of the funding formula for INTERREG Va? Would he also remind the House of the match funding aspect, with an indication of what it will cost the public purse in Northern Ireland?

Mr Poots: I do not have the match funding figures required under INTERREG Va to hand. However, we have been able to fund about €89 million worth of projects over the past six years, and we will continue to be able to access EU money. Significant amounts of money have been spent directly into Northern Ireland, some on cross-border projects. We have been net receivers, as opposed to givers, of that income, and I regard that as positive. We will continue to work to secure as much of that funding as possible for the environmental benefit.

Mr Carroll: In relation to environmental protection, can I ask whether Ministers discussed measures to keep fossil

fuels in the ground? My party colleague, Bríd Smith TD, brought a proposal to take such measures in the South, but it was guillotined by a previous Government. Was there any discussion about legislation or policies and proposals to ensure that fossil fuels are kept in the ground?

Mr Poots: No such discussion took place. Of course, keeping fossil fuels in the ground may be appropriate when you have fully identified alternatives to fossil fuels. Sometimes I wonder at people objecting to extracting fossil fuels closer to home when we import fossil fuels from regions that are deeply unstable and use the money that they gain from fossil fuels to engage in wars, whether they be cyberwars or wars involving traditional weapons.

Not utilising fossil fuels closer to home is not necessarily something that is good for the environment, but it can be very good for people who do not care about the environment and human rights, and that is something that is of concern to all of us.

12.45 pm

Mr Speaker: That concludes questions on the statement. I ask Members to take their ease for a moment or two, please.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

North/South Ministerial Council: Aquaculture and Marine

Mr Deputy Speaker (Mr Beggs): The Speaker has received notice from the Minister of Agriculture, Environment and Rural Affairs that he wishes to make another statement.

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make a statement regarding the thirteenth meeting of the North/South Ministerial Council (NSMC) in the aquaculture and marine sector. This was held on Wednesday 21 October. Due to the current COVID restrictions, the meeting was conducted via videoconference. The Executive were represented by Minister Nichola Mallon, as accompanying Minister, and me. The Irish Government were represented by Mr Eamon Ryan TD, the Minister for the Environment, Climate and Communications, who chaired the meeting. The statement has been agreed with Minister Mallon, and I make it on behalf of us both.

Ministers welcomed the report on the activities of the Loughs Agency, including the ongoing conservation and protection efforts, and noted in particular the Loughs Agency's response to COVID-19; the Loughs Agency's strategic direction for a new decade 2020-2030; the collaborative work and delivery of a number of conservation, angling and marine tourism projects; and the success of the Foyle and Carlingford ambassador programme. The Council also welcomed the Loughs Agency's continued investment in a scientific fisheries monitoring programme.

The Council agreed that the Loughs Agency, the Department of Agriculture, Environment and Rural Affairs and the Department of the Environment, Climate and Communications will continue to work together to consider the impact of the UK's withdrawal from the EU. Ministers agreed that the matter will be kept under review at future NSMC meetings in the sector.

The Council approved the Loughs Agency's business plans and budget grants for 2017-18, 2018-19 and 2020 and the Loughs Agency's corporate plans for 2017-19 and 2020-22, which have been completed in accordance with the agreed guidance issued by the Department of Finance and the Department of Public Expenditure and Reform and agreed by sponsor Departments and Finance Ministers. The plans could not be formally improved in the previous absence of the NSMC.

The Council noted the Loughs Agency's annual reports and accounts for 2016, 2017 and 2018, which have been laid before the Northern Ireland Assembly and both Houses of the Oireachtas. The Council approved the continuation for a period of one year with effect from 21 October 2020 of the framework designed to support the Loughs Agency in dealing with emergencies, such as a serious pollution incident. Ministers agreed to review the

operation of the procedure, including its possible renewal based on a report from the Loughs Agency and the sponsor Departments before 20 October 2021.

The Council noted that the Loughs Agency, with the support of the Department of Agriculture, Environment and Rural Affairs and the Department of the Environment, Climate and Communications, is undertaking a competitive recruitment process for the post of the chief executive of the agency. In that regard, the Council noted that the sponsor Departments are shortly to seek approval from their finance Departments for the recruitment process and the terms and conditions of the post. The Council also noted that the recruitment process will be managed by the South's Public Appointments Service, as agreed with the sponsor Departments. Finally, the Council agreed to hold its next aquaculture and marine meeting in 2021.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I thank the Minister for his statement. In his statement, the Minister referred to Lough Foyle and made references to the Loughs Agency. The Minister will be aware that the ongoing dispute over the ownership of Lough Foyle is impeding the full remit of the Loughs Agency's work. Does he have any update on how best to deal with that dispute?

Mr Poots: Issues arise about Lough Foyle that cause us problems. The long-running jurisdictional issue about Lough Foyle is a reserved matter and is not within the competence of my Department or the Assembly and can be resolved only through the agreement of the Foreign, Commonwealth and Development Office in London and the Department of Foreign Affairs in the Republic of Ireland. The lack of resolution of the jurisdictional issue has, however, created practical difficulties, as the Member indicated, in creating a system for the licensing of aquaculture in Lough Foyle, and, consequently, there is significant unregulated aquaculture activity. Currently, the Loughs Agency has no authority to intervene in its expansion.

I have raised my concerns about the unregulated activity with the Northern Ireland Secretary of State and asked for an update on progress made by both Governments to resolve the current difficulties. The Minister of State for Northern Ireland has advised me that the UK Government recognise the need to take action to address the illegal activity and that they remain committed to working closely with the Irish Government on improvements to the management of the loughs. The UK Government are optimistic that progress can be made by both Governments on a management agreement for Lough Foyle, which would enable authorities to exercise criminal and regulatory jurisdiction of the bed of the lough. I very much support the efforts of both Governments to progress an agreement that will enable a licensing regime for Lough Foyle until such time as the jurisdictional issue is resolved.

Mr Harvey: Thank you, Minister. My question probably relates to the previous one. What steps are being taken to ensure that illegal oyster trestles are stopped in Lough Foyle, given the impact that that unregulated practice will have on the environment?

Mr Poots: The Loughs Agency estimates that there are 70,000 oyster trestles, which are particularly on the Donegal side of the lough. That unregulated oyster farming is inextricably linked to the jurisdictional issue that I have

just dealt with and which is a reserved matter that is not within our competence. The unregulated activity, however, creates hazards and risks, including the potential threat of the introduction of non-native species and a threat to the environment generally. Currently, the Loughs Agency does not have the authority to intervene.

In our jurisdiction, a lot of the trestles had been set up on land owned by the Crown Estate, and we were able to have a large proportion of those trestles removed. Unfortunately, individuals have moved to the Donegal side and set up trestles, and there is a considerable issue at that side of the lough. There is a clear understanding that, in the area within Northern Ireland in which we have been able to take some degree of enforcement action, the robust approach prevented the spread of illegal aquaculture development on the Northern Ireland side. We encourage it very strongly that the authorities in the Republic of Ireland find a means of taking action against the individuals who are setting up the illegal trestles.

Mr McGrath: I thank the Minister for his statement. It is very welcome. In towns such as Dundrum in South Down, we see native crayfish stocks that are among the finest in Ireland, but now they are becoming depleted. How does the North/South council intend to re-establish a cross-border technical aquaculture advisory service for the whole of the North and not just the cross-border loughs?

Mr Poots: The issue that the Member raises is one that is directly for us in the Northern Ireland Environment Agency (NIEA), and, therefore, we will be happy to deal with it. If the Member wants to write to me, we will certainly correspond with him on how best we can conserve the various species that are in Dundrum Bay, which is a very important and sensitive environmental area indeed.

Mrs Barton: How big a problem for the Loughs Agency is illegal fishing such as poaching, particularly in the Foyle area? How many people have been prosecuted for illegal fishing in that area?

Mr Poots: Salmon poaching is one of the big issues. Illegal fishing activity and water pollution remain a concern. The Loughs Agency has seized a significant quantity of illegal fishing material. Seizures by Loughs Agency staff have fallen, when compared with the 2019 figures. In 2019, there were 303 seizures of items such as boats, nets, rods and fish, compared with 165 seizures to date in 2020. The breakdown is as follows: two seizures of boats and cars in 2019 and seven in 2020; 31 seizures of nets in 2019 and 30 in 2020; eight seizures of other items in 2019 and four in 2020; 47 seizures of rods in 2019 and 54 in 2020; and 215 seizures of fish in 2019 and 70 in 2020. That gives a total of 303 seizures in 2019 and 165 up to 16 October 2020.

The agency has instigated a significant number of prosecution cases stemming from those enforcement actions. The agency has also collaborated with the Police Service of Northern Ireland, an Garda Síochána and other enforcement agencies to secure convictions.

Mr Blair: I thank the Minister for his statement. We are, more than ever, in a time when we need workable solutions to complex jurisdictional issues. I note that there are frameworks in place to deal with emergencies, and we have been reminded in recent days of the importance of that.

On a different theme, has there been a refreshed or renewed effort to promote the tourism product on this island by, for example, examining interchangeable or transferable angling licences to assist in the post-COVID recovery?

Mr Poots: We all recognise that angling has traditionally been a huge tourist draw to this jurisdiction, and we warmly welcome that. We will continue to cooperate with tourism authorities to promote that. We are also happy to cooperate with others on licensing to ensure that visitors who come to Ireland, North or South, have as good an opportunity as possible to enjoy the angling that is available and that there is as little bureaucracy — let us put it that way — as possible for the individuals who are doing it. That just makes sense.

Mr Irwin: The Minister stated:

“The Council agreed that the Loughs Agency, the Department of Agriculture, Environment and Rural Affairs and the Department of the Environment, Climate and Communications will continue to work together to consider the impact of the UK’s withdrawal from the EU.”

Does the aquaculture and marine sector have any particular concerns about leaving the EU?

Mr Poots: The aquaculture sector is less concerned than perhaps the sea fishing sector. Most of its material will not have issues around the import of goods from GB, and, consequently, it will, whatever opportunities there are to sell its product, be able to sell that in both GB and, indeed, the single market. The issues, therefore, are of less concern to the aquaculture sector than, for example, the deep-sea fishing sector, for which there are still issues outstanding, because fish caught in UK waters outside the Northern Ireland zone would be regarded as imports to the European Union single market and would, consequently, have to go through a series of hoops. Those issues are still to be resolved in the negotiations, and one hopes that they are resolved to everyone’s satisfaction.

1.00 pm

Mr McGuigan: Will the Minister give us an update on the readiness of ports in the North for the end of the Brexit transition period and what will happen if they are not fully ready by that date?

Mr Poots: I am not sure how it relates to the topic, but temporary facilities will be available from 15 December and will be in place. That is the action that has been taken. Permanent facilities will not be available until, probably, the middle of next year, but the procurement procedures have started, the companies have been awarded the contracts and certificates of lawful use or development (CLUDs) are now available for three of the four sites. Work will probably commence on those in the not-too-distant future, but temporary measures will be put in place to ensure that food enters Northern Ireland irrespective of the protocol.

Ms Ennis: I thank the Minister for his statement. What assurances can he give that the Loughs Agency will continue to receive EU funding post Brexit?

Mr Poots: Loughs Agency will continue to apply for funding from whatever sources, the key ones being us and the Irish Government. There will be opportunities to apply

for EU funding for particular projects, and it is likely that we will continue to draw down that funding.

Loughs Agency has been involved in a series of projects. For example, under INTERREG Va, there was a sea monitor project that delivered €4.6 million. It is a unique marine research project, studying the seas around the island of Ireland and western Scotland, using innovative tracking technology to better understand and protect vulnerable marine life. The agency is also a project partner in other EU projects: the shared waters enhancement and loughs legacy (SWELL) project, which is a €35 million project, and Catchment Care, which is a €13.7 million project.

The agency is projected to bring in around £700,000 in INTERREG funding in 2020 out of its total budget of £5.475 million. We have been reassured by the assurances from the two Governments and the European Union of continued funding of INTERREG Va, allowing those projects to reach their conclusion in 2023, and the development of a new PEACE PLUS programme from 2021-27. They will focus on a range of nature-based solutions and other initiatives to support environmental protection, sustainable economic activity and climate action.

Mr McGlone: In relation to the expansions at points of entry, can the Minister advise whether there has been any consultation with the Loughs Agency around any potential impact, whether environmental or other?

Mr Poots: I am not sure; there may well have been. There should not be an impact because the goods that are being brought in are the goods that have been brought in for many years. The impact will be on the end-user, the consumer, with potential additional cost. That is something that we need to remove and something that the European Union needs to take account of, for example, when insisting on export health certificates for food that will end up on shelves in shops in Northern Ireland. Those goods will do no violence whatever to the single market, so why does the European Union want to produce additional costs, additional bureaucracy and an onerous burden on businesses that will inevitably be passed to consumers in Northern Ireland — some of the consumers with the lowest disposable income in the UK — as a consequence? It is important that we all continue to drive home the message to the European Union that, in the negotiations, it needs not to introduce things that will create additional burdens for businesses and consumers in Northern Ireland, particularly things that will have zero impact on the credibility of the single market.

Mr Nesbitt: I thank the Minister for his statement. Does the decision to extend the Loughs Agency’s framework for emergencies by one year only to allow for a review suggest that there are concerns that the current framework is not fit for purpose?

Mr Poots: I thank the Member for the question. Rather than say that it is not fit for purpose, we always need to review how we engage, and, where we can improve on the good practice that exists, we should carry out such improvements. The agency has responded quickly to, for example, the major pollution incident around Mourne Beg, which is critical. We need to get as good an outcome as possible to that, and the agency appears, thus far, to have responded well.

In all these things, it is always good to review what you have been doing and the practice, and, if you can improve, we always need to look at how we can do that.

Mr M Bradley: I thank the Minister for his statement. Has there been a Loughs Agency response to salmon farming? Have discussions taken place to investigate possible pollution and disease through that activity and the impact that it may have on wild salmon during their migration to Northern Ireland rivers?

Mr Poots: Salmon farming is a concern for many jurisdictions. It is not as significant an activity here as in some other jurisdictions. Consequently, those concerns would not have come to the fore to the same extent.

Wild salmon is a wonderful resource that has been diminishing in Northern Ireland. We have never quite got to the bottom of the reason for that, so some of our high-quality salmon rivers do not have as many salmon as they once had. Therefore, it is important that we continue to identify how best we can ensure that that salmon stock is maintained and, ultimately, that we turn the tide and it increases.

Salmon draw tourists from far and wide. We have quality salmon fishing, so our focus needs to be on that source as opposed to salmon farms, which have a much more limited financial return and, environmentally, are much more challenging for us.

Ms Kimmins: I thank the Minister for his statement. What is being done to ensure that fishermen from North and South will have access to all the island's waters post Brexit?

Mr Poots: Clearly, fishing rights and licensing are matters for both jurisdictions. Currently, licences are cheap in Northern Ireland, at around £20, so people who want to engage in the sport of fishing can do so for a relatively modest cost. We want to encourage people to get out into the countryside. Most fish are returned to the water by most anglers. They fish for the enjoyment of getting out to a river and into the open air and engaging in the activity that they enjoy.

Mr Boylan: I welcome the Minister's statement. Paragraph 3 mentions the Lough Agency's response to COVID-19. Can you detail the nature of that response and its impact?

Mr Poots: The agency is engaged in ongoing efforts, particularly to provide a safe environment for its employees and for stakeholders and members of the public, while continuing to deliver a valuable public service in difficult times. Fishery protection staff, who play an important role in protecting our shared natural resources, have returned to full operational duties since 18 May, and a full range of statutory scientific surveys have recommenced. The Loughs Agency's goal is to offer a hybrid model of working that facilitates a blend of home and office working, with ongoing monitoring and adherence to public health guidance. The Riverwatch visitor centre remains closed. The delivery of capital projects has recommenced where possible, with all projects being kept under constant review.

Mr O'Toole: Has the Loughs Agency had an increase in funding to deal with the consequences of Brexit? If so, will the Minister give us the quantum? Were there conversations about the fate of our eel fisheries, particularly in Lough Neagh, whose main market would be decimated if there were not a comprehensive deal with

the EU? What are the latest conversations that he has had with that sector?

Mr Poots: The Lough Neagh eel fishery was not mentioned in this context because they are not part of the agency's remit. It lies solely within this jurisdiction. That sits with all the arguments that I have made to the European Union and the UK Government negotiators about the well-being of our people who sell product to GB and the European Union. I do not believe that additional funding has been awarded to the Loughs Agency for Brexit issues.

Ms Bailey: I want to focus on issues of transboundary breaches of existing environmental laws, specifically with regard to aquaculture and marine breaches. In the statistics for Northern Ireland, 78% of our shellfish water bodies now fail water quality standards for E. coli. There has also been a decline —

Mr Deputy Speaker (Mr Beggs): May we have a question, please?

Ms Bailey: — in freshwater birds by up to 42%. Minister, are those statistics collated island-wide so that we can know the full extent across the island and come up with strategies to deal with such transboundary issues?

Mr Poots: I thank the Member for her question. At the meeting, the agency reported on the number of pollution incidents over the past five years. A total of 210 incidents have been dealt with in 2020 to date, compared with a total of 252 in 2019. That should give the Member a feel for the number of incidents. I am concerned about the number of serious pollution incidents in our rivers. I believe that the Loughs Agency has a responsibility to work closely with the local community here and in the Republic of Ireland to reduce pollution and the inevitable fish kills in the Foyle and Carlingford catchment areas.

Mr Allister: Minister, correct if I am wrong, but is it the case that the Loughs Agency has been without a chair for over two and a half years and without a chief executive for over three and a half years? I see no reference to any of that in the statement. More than that, is there a problem in the agency with absentee board members? I refer to the fact that the minutes of the Loughs Agency suggest that Mr Ian McCrea, formerly of this parish, who receives something like £6,000 a year to be a member of the Loughs Agency board, has not bothered to attend a board meeting since October 2018. What action is being taken to deal with absentee board members?

Mr Poots: I thank the Member for his question. Maybe he was not listening when I made the statement, which is not like him:

"The Council noted that sponsor Departments are shortly to seek approval from their Finance Departments for the recruitment process and the terms and conditions of the post."

There is a recruitment process for a chief executive. Clearly, there have been issues with there being no NSMC cover for the appointment of either a chair or a chief executive, but that is now under way.

Mr Deputy Speaker (Mr Beggs): That concludes questions to the Minister on his statement. I ask Members to take their ease for a few moments.

1.15 pm

Executive Committee Business

Criminal Justice (Committal Reform) Bill: Second Stage

Mrs Long (The Minister of Justice): I beg to move

That the Second Stage of the Criminal Justice (Committal Reform) Bill [NIA 11/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): The Second Stage of the Bill has been moved. In accordance with convention, the Business Committee has not allocated a time limit to the debate. I call the Minister to open the debate on the Bill.

Mrs Long: Thank you, Mr Deputy Speaker. I am pleased to be back in the Chamber after taking advice from the Chief Medical Officer (CMO) on the required period of self-isolation after my negative test for COVID-19. I would like to put on record my thanks to the Members of the House who were in contact with their good wishes over the last week.

The Bill that I move today is designed to help tackle some of the key challenges faced by our criminal justice system. The measures in the Bill will help tackle delay in the most serious cases that are heard in the Crown Court and will improve the experiences of victims and witnesses on their journey through the criminal justice system. The Bill, whilst relatively short, deals with the complex area of criminal law. Some aspects are very technical in nature. The clauses have been developed in consultation with the relevant criminal justice organisations to ensure that they provide a sound footing on which to implement the necessary reforms.

It is important to say at the outset that the principles of committal reform are not new. Powers to directly commit or transfer an accused person from the Magistrates' Court to the Crown Court in certain circumstances are included in the Justice Act (Northern Ireland) 2015. I will refer to it as "the 2015 Act" from here on. Reforms to the committal process were considered in detail during its passage through the Assembly. There have also been external reports and reviews recommending committal reform, and I would like to touch on some of those shortly.

Before getting into the detail of the Bill, I want to briefly explain what we mean by "committal". Committal proceedings were originally used to collect and record evidence ensuring that an accused was not sent for trial on indictment in the Crown Court unless there was sufficient legal evidence to justify doing so. However, as committal proceedings have developed, they have become a means for the defence to test the prosecution case pre-trial, often at the cost of additional stress to victims and witnesses. Indeed, Sir John Gillen's recent report on his review of sexual offences said:

"The paucity of cases where any material benefit is achieved for the defendant is completely outweighed by the disproportionate cost of and stressful nature of such hearings. More importantly is the fact that precisely the same issues of liability can be dealt with by the Crown Court at an equally early stage. I can see no justification, therefore, for continuing with the present system, which is wasteful of time, costs and

resources in circumstances where the vast majority of cases will be transferred anyway to the Crown Court."

Mr Allister: Will the Minister give way?

Mrs Long: I will, yes.

Mr Allister: I am sure that the Minister is aware that the figures that she supplied in answer to an Assembly question indicate that, in the last three years for which figures are available, 95.5% of all cases went on committal without the calling of evidence, without a preliminary investigation (PI) and without any delay in that respect. Why does she tell us that this causes excessive delays and that the defence are testing the prosecution case? Perish the thought. Why does she tell us that it costs money, when, if, at preliminary investigation, a matter does not proceed to trial, it saves the cost of what would have been the resulting trial?

Mrs Long: I thank the Member for his question. I am happy to deal with the issues that he raises as best I can. First, on the time that it takes for a preliminary inquiry or for a mixed committal, where oral evidence is given, on average it takes six and seven court hearings respectively, as opposed to two for a direct committal or a written evidence case. The number of court hearings is much greater than the number of cases to which they apply. The number is multiplied on that basis. Furthermore, the Audit Office — I do not wish to suggest that Mr Allister would not want to be acutely aware of what happens when it comes to the Audit Office — has said that committal reform is an urgent necessity in terms of cutting delay in the justice system. As I have set out even in the brief part of my speech to date, this is not just about delay; it is about the additional stress that it places on vulnerable victims and witnesses in cases where the victim may be retraumatised by the experience — for example, in cases of rape and other serious sexual assault — or where they may be subject to intimidation due to a link to paramilitary cases. That has been demonstrated in a number of cases.

The Member makes a good point, if, indeed, this is so important in terms of testing the evidence at an early stage. First, the evidence can still be tested at an early stage. If the Member allows me to proceed with my speech, he will be reassured of that in due course. More than that, however, this is also being used by people who do not want to test the evidence at an early stage. Around a third of people who requested a preliminary inquiry or a mixed committal hearing, on the day of that hearing, reverted to written-only evidence. Victims included in that cadre had to spend time stressed and anxious, expecting to have to give evidence and be brought to court, only to be told, at the last possible minute, that they would not be called on. That goes further than simply wishing to test the case; it is about trying to test the mettle of victims and witnesses in such cases. It is not, frankly, an appropriate way for defence barristers to behave. It is not therefore simply about the evidence.

I will move on. Committal hearings can proceed in three ways, as I mentioned in response to the Member's question: via preliminary enquiry (PE), where written evidence only is provided; via preliminary investigation or "PI", where oral evidence is called for from victims and witnesses; or, finally, via mixed committal, where oral and written evidence is considered. However, despite the fact that the process is intended to act as a screen to ensure

that only suitable cases proceed to the Crown Court, the vast majority of cases end up being committed for trial. The 2019 figures suggest that only 75 of the 1,765 defendants who went through the committal process did not proceed to the Crown Court. That means that only 4% of cases did not proceed to the Crown Court for trial. Given that the time to complete a Crown Court case is lengthy — a median of 565 days last year — it is important that we take all possible steps to reduce delay.

I mentioned that a range of external reviews have called for reform of the committal process. It is important to highlight some of those. As part of 'A Fresh Start', the Executive committed to implement:

"Further measures to speed up criminal justice and support victims to give evidence."

The 2016 Fresh Start panel report made two recommendations in relation to committal. First, it called on my Department to:

"bring forward ... legislation to further reform committal proceedings to remove the need for oral evidence before trial".

Secondly, it recommended that we should:

"use the measures already available ... to abolish committal proceedings in respect of those offences most frequently linked to paramilitary groups, including terrorist offences and offences which tend to be committed by organised crime groups".

Both of those recommendations were subsequently accepted by the Executive in their 2016 action plan. In its 2018 'Speeding Up Justice' report, the Audit Office noted:

"When criminal justice does not perform effectively it can have a significant impact upon the lives of victims, defendants, witnesses and their families. Participating in a trial can place an enormous burden upon a person: numerous stakeholders described to us how involvement in a serious criminal case can effectively put a person's life on hold until its completion. It is critical for these people that cases do not take an excessive amount of time to progress through the justice system and do not have their progress punctuated by administrative delays and adjournments at court ... Alongside the human cost of these delays, there is also a waste of public money resulting from inefficiencies."

That report recommended that my Department should establish an action plan and timetable for the eradication of the committal process. In the 2018 'Without Witness' report, the Chief Inspector of Criminal Justice recommended:

"Once direct transfer to the Crown Court is established for murder and manslaughter cases, the DoJ should ensure that rape, serious sexual offences and child abuse offences be added to the list of specified offences under the Justice Act (Northern Ireland) 2015".

That report concluded:

"the criminal justice processes in Northern Ireland for handling these cases take too long, are too expensive

and conclude with, all too often, a failure to deliver an acceptable outcome for victims."

The report highlighted the following statistics in relation to cases in which the defendant was charged with only sexual offences:

"In 2017, 125 of 127 (98%) of such cases were transferred to the Crown Court from the Magistrates' Court. In 2016 the comparable figures were 170 of 171 (99%) and in 2015, it was 164 of 171 (96%)."

The report stated:

"These figures demonstrate that there are limited risks involved in abolishing the committal proceedings in these types of cases, as the vast majority will be transferred anyway. Direct committal would also reduce the anxiety for victims and should reduce delays in case progression."

Then, in 2019, in Sir John Gillen's 'Report into the law and procedures in serious sexual offences', to which I have already referred, he recommended that my Department:

"should make provision for the direct transfer of serious sexual offences to the Crown Court bypassing the committal process".

Looking at committal proceedings in general, we can see that the vast majority of cases that proceed through the committal process end up being committed for trial to the Crown Court. Finally, at the beginning of this year, the 'New Decade, New Approach' deal stated:

"The Executive will deliver committal reform to help speed up the criminal justice system, benefiting victims and witnesses."

It is clear that further reform of the committal process is needed and supported by all Executive parties and a range of justice partners.

As I have said, the principles and policies around reforming the committal process are not new, and we, as an Assembly, have already legislated for some reform. So, why the need for this short, tightly focused Bill? It is designed, in the main, to do three things.

1.30 pm

First, the Bill seeks to get more cases, more quickly, to the Crown Court. The 2015 Act provided only for murder and manslaughter cases to be directly committed to the Crown Court in certain circumstances. This Bill proposes to expand that list so that all offences that, as an adult, are triable only on indictment will be directly committed. This definition is necessary to ensure that we capture in legislation an appropriate set of offences, and it ensures that the system works for adults and youths. The group of offences will include serious sexual offences like rape, helping to deliver the Gillen recommendations, and offences that are often, but not exclusively, linked to paramilitary activity and organised crime, such as firearms, explosives, GBH with intent and, of course, murder. This change will contribute to the delivery of commitments arising from the Fresh Start Agreement.

The Bill also includes provisions to add small numbers of additional offences by way of an order made by draft affirmative resolution procedure, should that need arise in

the future. It is also important to note that my Department's long-term aim is to completely eradicate the traditional committal process, with all offences being directly committed to the Crown Court. That will take time and further legislation, but it is the right direction of travel and something that external scrutiny bodies say that we need to do.

The second key objective of the Bill relates to the area of oral evidence. The proposals to directly commit more cases will remove committal hearings and, with that, the option of oral evidence at that stage. However, for cases that are not yet directly committed, and until direct committal is operational, there will continue to be committal hearings. I have already outlined that oral evidence can be provided at that stage through a preliminary investigation or via mixed committal.

Through the Justice Bill in 2015, my Department previously sought to abolish the option to hear oral evidence from victims and witnesses at a committal hearing. The experience of giving sometimes traumatic oral evidence, particularly under cross-examination, both at committal and again at the Crown Court trial, can have a significant impact on victims and witnesses. However, this did not receive sufficient support at the time of the passage of the Bill, and instead an amendment was made that ensured oral evidence could be called only if the judge was satisfied that the interests of justice required it. However, as I said, in 2016 the three-person panel appointed by the Executive to report on a strategy for disbanding paramilitary groups recommended that the Department of Justice should bring forward draft legislation to further reform committal proceedings to remove the need for oral evidence before trial. This was accepted by the Executive in their action plan published in July 2016, and this Bill gives effect to that commitment.

There will no doubt be those who say that oral evidence at the committal hearing is an important part of the criminal justice system and should be retained. Mr Allister is one such Member, and he has made that clear already today. To that I say three things. First, it is not just me or my Department saying that we should remove oral evidence. We are delivering previously agreed Executive commitments flowing from the Fresh Start Agreement. Secondly and, I believe, most importantly, I want to do this for victims, who will face a committal hearing until the committal process is fully eradicated. I have heard all too often of the impact on vulnerable victims who have to give traumatic evidence not just once but twice as part of our criminal justice process. Last year, cases involving 109 out of 1,765 defendants proceeded with oral evidence at committal stage, either through a preliminary investigation or a mixed committal. On the one hand, that is only 6%, so Mr Allister was correct. However, this is not just about numbers and statistics; it is about people. Direct committal of the additional offences I have outlined will remove the need for oral evidence in many of those cases but, for the remainder, I want to ensure that victims and witnesses do not have to go through this process.

We also know that, as I alluded to earlier, in the cases of a further 53 defendants, a preliminary investigation or mixed committal proceeding had been planned, only to be changed at a late stage — often, on the day — to proceed with written evidence through a preliminary inquiry. As Sir John Gillen noted in his report:

“committal proceedings ... are often listed as a mixed committal, which then turns into a conventional preliminary enquiry hearing on the morning of the matter, after the complainant has suffered the stress and worry of a court appearance, only to be told that they are not required. This is quite unnecessary and that practice should be strongly deprecated, given the additional stress and delay this process is causing.”

Besides the obvious impact on victims and witnesses, the preparation and process for these committal hearings can add both delay and burden to an already stretched system. We know, for example, that the number of hearings for a preliminary investigation or mixed committal can average three to four times the number of those required for a preliminary inquiry that uses only written evidence.

The final key objective of the Bill is to make improvements to the smooth operation of the direct committal process. The 2015 Act provided for a new process in cases directly committed to the Crown Court. Called application to dismiss, it allows the defence to apply to the Crown Court for some or all of the charges to be dismissed on the basis that the evidence is insufficient for the accused to be properly convicted. The 2015 Act allows oral evidence in that process, but, to ensure consistency with the objective of victims and witnesses not giving evidence before trials, the Bill includes a provision to remove oral evidence in the application to dismiss process.

The Bill also seeks to introduce a new power for the Public Prosecution Service to discontinue proceedings between cases being committed to the Crown Court and the presentation of indictments that set out the charges for which the accused is to be prosecuted. That is seen as necessary for the operational outworkings of direct committal and is similar to powers that exist in England and Wales. It means that where there is a material change in the circumstances of the case, such as new evidence, that leads the prosecution to conclude that the test for prosecution has not been met, immediate action can be taken to discontinue the case without adding additional delays.

Following extensive engagement with relevant criminal justice organisations, the Bill also seeks to repeal section 10 of the 2015 Act. That provides that a Magistrates' Court will directly commit an accused to the Crown Court if they indicate, prior to a traditional committal hearing, an intention to plead guilty. I recognise the benefits to victims, witnesses and defendants of that approach; however, a number of significant operational complexities and risks have been identified by justice partners, including the risk of false release or false imprisonment. It is also an interim measure and once direct committal is fully rolled out it would become obsolete. Although it is not possible to quantify the numbers involved with any certainty, it potentially applies to a relatively small number of cases. On balance, therefore, my Department considers that focusing efforts on a more expansive roll-out provides a better and less-complex basis on which to implement the changes required and speed up the justice system.

I recognise the benefits to victims, witnesses and defendants of fast-tracking cases when accused parties wish to plead guilty. Therefore, the Bill also includes powers where an individual is charged with committing a relevant offence and expresses an indication to

plead guilty to allow the Magistrates' Court to order the necessary reports in preparation for the Crown Court. That answers the third part of Mr Allister's question about the potential transfer of duties to the more expensive tier of the courts system.

Finally, the Bill will ensure that related offences can be transferred to the Crown Court —.

Mr Allister: Will the Member give way?

Mrs Long: No, I will not. I have given the Member quite a bit of attention thus far.

The Bill will ensure that related offences can be transferred to the Crown Court together with relevant offences. I recognise that much of that is quite technical, but it is important so that the reformed processes can operate as effectively as possible.

In summary, the Criminal Justice (Committal Reform) Bill seeks to, first, expand the use of direct committal to a wider range of offences and bring more offences more quickly to the Crown Court. Secondly, it will remove the need for pre-trial oral evidence. Finally, it will smooth the operational outworkings of direct committal.

I want to pay tribute to everyone who has helped us in the Department to reach this stage, including our criminal justice partners, whom I know will continue to work together with us to implement the reforms. I look forward to Members' support in taking the Bill through the Assembly and in keeping it focused on its current provisions, with any material policy amendments being dealt with through a future legislative vehicle.

This is another piece of significant legislation from my Department. It is a relatively short Bill of six clauses only, but the changes that it proposes will deliver much-needed reform of the criminal justice process, reduce delay and improve the experience of victims and witnesses, which, in my view, is the most important thing. I commend the Bill to the House.

Mr Givan (The Chairperson of the Committee for Justice): I also welcome the Minister back in her place. We are thankful for her speedy recovery. I also thank — I know that she did not — her Executive colleague Edwin Poots, who kindly offered to take the Second Stage of the Bill through today and, indeed, the Consideration Stage of the Domestic Abuse and Family Proceedings Bill last week.

I know that the Minister is able to do it today, but it is worth putting on record that there was a willingness to do that, and it is good to see Executive Ministers supporting each other in that way.

Mrs Long: I thank the Member for giving way. I do not normally discuss Executive correspondence in the Chamber, but I have thanked Minister Poots for that kind offer. It was very generous of him.

Mr Givan: OK. Thank you, Minister.

As Chairman of the Committee, I am pleased to be able to speak, on behalf of the Committee, during the debate on the Second Stage of the Criminal Justice Bill. A primary objective of the Bill, as the Minister said, is to improve the operation of the criminal justice system by reforming committal proceedings, which is the procedure that

determines whether there is sufficient evidence to justify putting a person on trial in the Crown Court.

In oral evidence to the Committee on 5 November, Department of Justice officials outlined that the Bill will do three key things. It will remove the need for victims and witnesses to give oral evidence pre Crown Court trial, it will seek to get more cases to the Crown Court quicker by expanding the range of offences to which direct committal will apply, and it will make some technical amendments to smooth the committal process. In the longer term, the Department aims to abolish the committal process completely.

There have been many calls for reform or, indeed, the eradication of the committal process over recent years. In addition to the length of time it takes for cases to progress through the criminal justice system, one of the key concerns with the process is the impact that it has on victims and witnesses, who may be required to give oral evidence at the committal stage as well as at the trial itself. The experience of giving oral evidence can be traumatic, particularly under cross-examination, and has a significant impact. We need to address the fact that they have to do that twice for the same case so that we can improve the experiences of victims and witnesses.

Delay in the criminal justice system and the time it takes to progress cases through the system has been a recurring issue and concern for the Committee since the devolution of policing and justice powers in 2010. The Committee was recently advised that reducing delay is one of the biggest challenges facing the justice system and is a priority for the Department, its criminal justice partners and the Criminal Justice Board. Reforming the committal process is a key part of the plan to reduce avoidable delay.

In its report on speeding up justice, which was published in 2018, the Northern Ireland Audit Office suggested that the committal process added minimal value to the progression of cases whilst imposing demands on victims and witnesses. The report stated that the committal process could:

“effectively amount to a preliminary trial, with victims and witnesses required to provide testimony which they will have to deliver again at trial in the Crown Court. This is, at the least, stressful to participants and ... may deter them from attending for trial.”

In its consideration of the implementation plan for the recommendations in the Gillen review of the law and procedures in serious sexual offences in Northern Ireland, the Committee learned that the time taken for sexual offence cases was 698 days in 2019-2020 compared with 470 days in 2015-16. I am sure that all Members will agree that that is much too long, and the impact that delays of that magnitude may have on a victim cannot be overstated. A key recommendation from the Gillen review is that steps should be taken to combat excessive delay in the judicial system, and the specific recommendation in that regard is that provision should be made for the direct transfer of serious sexual offences to the Crown Court.

Criminal Justice Inspection Northern Ireland (CJINI) also pointed out in its report on the handling of sexual violence and abuse cases by the criminal justice system that, in each year from 2015 to 2017, at least 96% of cases where the defendant's offences are exclusively

sexual offences were transferred to the Crown Court from the Magistrates' Court for preliminary enquiries and preliminary investigations. In CJINI's view, that demonstrates that there are limited risks in abolishing the committal proceedings in these types of cases as, in the vast majority of cases, they will be transferred. Direct committal will also reduce the anxiety for victims in such cases and should reduce delays in case progression.

The Minister outlined that the Fresh Start panel on the disbandment of paramilitary groups in Northern Ireland recommended that the Department of Justice should bring forward legislation to further reform committal proceedings to remove the need for oral evidence before a trial. Indeed, the 'New Decade, New Approach' document noted that the Executive would deliver on committal reform.

1.45 pm

The Committee for Justice considered committal reform as part of its Committee Stage scrutiny of the 2014 Justice Bill. Those who were on the Committee at that time will remember fondly that scrutiny, and the debate that took place in the Chamber. The provisions of that Bill, as introduced, aimed to abolish the use of preliminary investigations and the use of oral evidence at preliminary inquiries, provide for the direct committal to the Crown Court of certain indictable cases, where the defendant intends to plead guilty at arraignment, and provide for the direct committal to the Crown Court of certain specified offences. As Members will know, there was a divergence of views in the evidence that the Committee received at that time on those proposals. The Public Prosecution Service and Victim Support NI were supportive of the changes, but the Law Society believed the proposals to be flawed. Having previously undertaken an inquiry looking at the experiences of victims and witnesses of the criminal justice system, the Committee was fully aware of the trauma that is caused to victims by having to give evidence twice. It also believed that measures needed to be taken to address avoidable delay in the system. The Committee was, therefore, supportive of the Bill's provisions, but, as Members are aware, an amendment to the Bill retained the use of oral evidence where the court deemed it to be in the interests of justice.

When discussing the principles and provisions of this Bill with departmental officials on 5 November, Committee members raised a number of issues, including the likely volume of cases to which direct committal will apply under the legislation, the likely time reduction for such cases to be completed, the likely costs associated with the changes, any legal aid implications and operational complexities, and risks associated with the section 10 process provided for by the Justice Act 2015 and the reasons for its repeal in this Bill. Officials were also asked to address the argument that is sometimes put forward that having an oral hearing is useful in sorting out issues and that only so much can be conveyed through written papers, so it is better to have the opportunity to question in person. Officials responded by indicating that while there are arguments for and against direct committal, and while the number of cases that go through a preliminary investigation or mixed committal are small, it is a traumatic experience for those who are required to give oral evidence, pre-trial. The recommendations from a number of external organisations and sources indicate that direct committal should be implemented in full.

Officials also advised the Committee that it is difficult to specify how much time might be saved in progressing cases. Although there will be no committal hearing, which can, at times, be lengthy, at the Magistrates' Court, the proceedings in the Crown Court are likely to take slightly longer. In addition, it is difficult to predict cost savings, as it is more likely that there will be a change in the balance of costs between Magistrates' Courts and the Crown Court. However, there is no expectation that the new procedures will cost any more overall. The implications for legal aid are still being considered.

The Committee was also informed that there will be a phased approach to the roll-out of direct committal. The initial tranche will be for those cases that are triable on indictment only, which account for 30% of cases annually. The intention of the Department is that, eventually, direct committal will apply to all cases that go to the Crown Court.

In relation to the repeal of section 10 of the Justice Act 2015, officials indicated that, currently, if a defendant indicates an intention to plead guilty, regardless of the offence type, it will go straight to the Crown Court. However, if they change their mind, they will be returned to the Magistrates' Court. That is a complex matter, and it poses a number of operational and IT difficulties which produce risks, including the risk that the incorrect application of bail could result in the person being wrongly released or imprisoned. Given that section 10 applies only to a small number of cases, and will become redundant when the traditional committal hearing is removed, the Department has decided to repeal it and to include powers in the Bill to enable the Magistrates' Court to do a lot of the preparatory work for such cases for the Crown Court.

The Committee will wish to explore all of those issues, and others that no doubt will arise during the Bill's Committee Stage, assuming that it passes Second Stage today. The Committee is content to support the principles of the Bill. We look forward to dealing with it at Committee Stage. Members have already indicated some of the points that were rehearsed back in 2014.

I give the commitment that all of those issues will be given the detailed scrutiny that the Justice Committee has shown itself to be adept at carrying out. It is vital that the Department engages with the Committee during Committee Stage. As I said on the Domestic Abuse and Family Proceedings Bill, when a Department introduces a Bill, it becomes an Assembly Bill. The Assembly takes the final decisions. I am sure that Members will propose amendments or other issues that could be deemed to be within the scope of the Bill, and it is vital that the Department engages at that stage rather than leaving it until the eleventh hour.

I encourage Members who want to propose amendments to do so early to allow the Committee to carry out its scrutiny work. Obviously, they retain the right to do that once the Committee has reported, but, if evidence is brought to the Committee during the scrutiny stage, it is a lot easier for members of that Committee to have a considered position on the amendments. The evidence would also go to the Department and others.

Mr Deputy Speaker (Mr Beggs): I now call Linda Dillon. I may need to interrupt because we are approaching Question Time, which starts at 2.00 pm.

Ms Dillon: I assure you, a LeasCheann Comhairle, that you will not have to interrupt me: I will be finished before Question Time.

I thank the Minister for moving the Bill. As the Chair has outlined, it will be scrutinised in much greater detail as it progresses through the legislative process. It has been a steep learning curve for me. I have just been through the Domestic Abuse and Family Proceedings Bill, my first ever legislation. A number of pieces of legislation are coming through the Committee. That is a positive thing. It is what the House is for. We are here to try to make the best law that we can.

Committal proceedings are held to determine whether, in the case of more serious offences, there is sufficient evidence to require a defendant to stand trial. That can include the taking of oral evidence, as has already been referred to, from victims and witnesses, which means that they will have to give further oral evidence at a trial. There is a huge risk of retraumatisation. We have spoken on many occasions in the House about the need to support and look after victims and have a victim-centred approach to everything that we do. We should do whatever we can to reduce that trauma to victims, and I am hopeful that the committal Bill will go some way to dealing with that. The proposals to streamline —

Mr Allister: Will the Member give way?

Ms Dillon: Yes.

Mr Allister: I understand entirely the sentiment that the Member expresses. The debate has not lasted for long, but, already, every Member who has spoken has fallen in to the trap of talking not about “alleged victims” but about “victims”, before you get anywhere near conviction. At the stage of committal and until a jury says, “Guilty”, there is nothing but an alleged victim. We should not allow that to cloud our judgement in the manner in which it seems to be doing.

Ms Dillon: I accept what you say. That is why we will scrutinise the Bill as a Committee. We will speak to everybody during that process, not just to alleged victims but to those from a background such as yours, Mr Allister. I appreciate that you may have a different and more detailed understanding.

Mrs Long: I thank the Member for giving way. Does she agree that part of the process of speeding up justice is for the alleged perpetrators and defendants in a case who are not guilty but will have that hanging over their head for a more protracted period if justice is not swift?

Ms Dillon: Absolutely. It hangs over the heads not just of the perpetrators but of their families. Even where someone is guilty of something, their family has done nothing wrong. A protracted process does not help anyone in relation to those issues.

Mr Deputy Speaker (Mr Beggs): I ask the Member to ensure that she speaks into a microphone so that her comments are picked up.

Ms Dillon: Apologies.

We, as a party, support the two main purposes of the Bill around removing the option of calling alleged victims and witnesses for oral evidence in advance of a trial and the issue around speeding up the time for progressing Crown Court cases. However, we will not take a final position without going through the scrutiny process.

It is vital that the wider justice system supports victims of crime at every stage of their journey through the system. The Bill is one piece of the puzzle of how we can do that by removing the need to give oral evidence more than once. That, along with shortening the time taken for that journey to be progressed are major cogs in the process of how we can properly support victims in the process. The Department, however, has a responsibility to ensure that victims are put at the front and centre of the Bill and any other measures that are designed to improve the system for them. I would like to think that, in developing the Bill, the Minister and her Department have engaged with victims and organisations that represent victims and that she has their support.

As a member of the Justice Committee, I am sure that I speak for other members of the Committee when I say that the best interests of victims and alleged victims will be our priority in scrutinising the legislation. I am certainly keen to engage with all, including those from a legal background and the Bar, who obviously have had some issues with previous Bills that have come before the House.

I am also keen to hear some figures from the Minister on the expected outcomes of the Bill. For example, we know that there is a major backlog of cases and that the time taken to deal with serious criminal cases is already far too high. We need to hear additional information on the figures. I accept that it is not all about the figures — it is very much about people — but we are a public body that uses public finances. We also have a real focus on shortening the time for cases going through court, so we need to see some of the figures.

The issue was, of course, raised in 2015 as part of the Justice Bill. The 2015 Act provided for more fundamental reforms to the committal process by allowing direct committal of an accused person from the Magistrates' Court to the Crown Court in certain circumstances without the need for the traditional committal hearing. It was considered throughout the 2015 Bill whether we should abolish the option to hear oral evidence from victims and witnesses at the traditional committal hearing in the Magistrates' Court. However, it did not receive sufficient support at that time. Since 2015, however, there has been a range of developments that have led to where we are today, and some of those have already been outlined. We had the Fresh Start panel report, the NI Audit Office report in 2018 on speeding up justice, the Gillen review, a number of CJINI reports and then NDNA. Therefore, although the issue was not resolved in 2015, it has become clear that the case for further reform of committal proceedings is strong. My party, therefore, at this stage welcomes the Department moving on the issue. The changes are regarded as key to improving the speed of the justice system and delivering on the Executive's priorities outlined in NDNA.

Mr Deputy Speaker (Mr Beggs): As Question Time is scheduled for 2.00 pm, I suggest that the House takes its ease for a few moments until then. This debate will continue after a further ministerial statement and a number of questions for urgent oral answer. When we resume the debate, the next Member scheduled to be called is Sinéad Bradley.

2.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

The Executive Office

COVID-19: Recovery Planning

1. **Ms Flynn** asked the First Minister and deputy First Minister what assurances they can give that the emotional and financial needs of individuals and families will be at the centre of COVID-19 recovery planning. (AQO 1082/17-22)

7. **Ms Bailey** asked the First Minister and deputy First Minister what long-term planned response has been agreed to manage COVID-19 into 2021. (AQO 1088/17-22)

11. **Mr Buckley** asked the First Minister and deputy First Minister for an update on the discussions on COVID-19 at the British-Irish Council (BIC). (AQO 1092/17-22)

Mrs Foster (The First Minister): With your permission, Mr Speaker, I will answer questions 1, 7 and 11 together.

The Executive's response to and recovery from COVID-19 continues to be focused on the health and well-being of our citizens, our economic well-being and revitalising the economy and our societal and community well-being. The Executive are also placing a particular emphasis on people and families, as we know how important that is to everyone. That means that any decisions on the Executive's next steps will be informed by the impact that they will have on us as individuals, families and the wider communities in which we all live. In addition to the financial support mechanisms provided by the United Kingdom Government, the Executive have put in place a range of targeted local schemes aimed at supporting individuals, families, communities and businesses at this difficult time. Going forward, we are committed to ensuring that support packages meet the needs of those who are in need of help.

Looking into 2021, the Executive have approved a recovery framework that is aimed at progressing a cohesive approach across the whole of government and will deliver an economic, health and societal recovery that has the citizen at its centre. That work will also complement the longer-term Programme for Government that is currently being developed and which we are aiming to have in place by April 2021.

As our recent statement will advise, the impact of the COVID-19 pandemic on all the member Administrations was central to the discussion at the British-Irish Council summit on 6 November. BIC members shared information on the measures that they have taken both to contain the virus and to mitigate its impacts on health and on their economies. We also recognised the importance of continuing communication as we all work towards economic recovery while living with and managing the continuing threat posed by the virus.

Ms Flynn: I thank the First Minister for her answer. Will she give a commitment that the promotion of positive mental health and the provision of support services for

individuals and families who are struggling at the moment will be central to any COVID-19 recovery package?

Mrs Foster: The Member will have heard the Chief Medical Officer (CMO) just this morning talk about the fact that mental health was a continuing pressure for us in the Executive. We are very concerned at the impact that it is having immediately and in the medium to long term, so we will have to put in resources, as well as a determination from the Executive, to deal with that very real issue.

Over the weekend, I was contacted by a family friend of someone who, at 41 years of age, felt that she had lost all purpose in her life because she had lost her job and had attempted to take her own life on three occasions. That is a sobering thing to hear, and it is something that we all in the House should be very concerned about. The answer is that, absolutely, we will put in place mechanisms to deal with that. I think that I said last week that I was afraid that we were going to face a mental health tsunami, and that is a fear that I hold. I know that it is shared across the Executive, and it is something that we will have to deal with.

Ms Bailey: COVID did not create our mental health crisis: it is adding to it. Is there a long-term strategy or acceptance that we need to deal with our mental health problems in Northern Ireland not just now but in the longer term?

Mrs Foster: I thank the Member for her question and observation, because it is something that we identified on coming back into the Executive as one of our priorities to deal with. It is why we set up the Executive subcommittee to deal with resilience, well-being and mental health provision, which all Ministers can and do attend. We recognised that before COVID-19 hit, and we now know that it has exacerbated the difficulties that we have. When we meet groups from across Northern Ireland, albeit virtually at present, we are always reminded of the simmering undercurrent of mental health issues that exist across Northern Ireland. It is absolutely something that we recognised as being there before COVID, but COVID has exacerbated the mental health crisis, and we very much need to deal with it.

Mr Buckley: The First Minister will be acutely aware of the devastating impact that COVID-19 has had on our care homes across Northern Ireland. On 12 October, there were 46 care homes with COVID-19 outbreaks, yet, on 12 November, that number had risen extraordinarily to 143, all at a time when hospitality and close-contact services were closed. While we know that testing is one of the best answers to combat the spread, can the First Minister outline what conversations she had with counterparts at the British-Irish Council about ways in which we can ramp up our test and trace capabilities?

Mrs Foster: I thank the Member for his question. It is a cause for deep concern to us that the number of outbreaks continues to rise, despite the sterling work of our care home staff. I want to make that very clear.

There is a need for us to have a more robust testing system. The Member may be aware that, in Liverpool, a pilot is ongoing in which mass testing is taking place, and we have had some good feedback from that testing regime. The feedback encourages me that we can do something similar across Northern Ireland. We have a population of 1.8 million, so it is not something that should be beyond us. The Executive Office believes that test,

trace and isolate and the capacity to do so in a meaningful way will very much be part of trying to deal with the transmission of the virus.

Mr McGrath: Nichola Mallon, on 3 November, got the powers to deliver a scheme for the taxi sector. That scheme opened on 13 November, 10 days later. Can the First Minister, as the leader of the Executive, explain why, after four and a half weeks, many in the business sector are still waiting for a scheme being opened that they can apply to in order to get much-needed finance to give them some form of income?

Mrs Foster: Although I welcome the fact that the taxi scheme is now open, it took a considerable time to get there. I say to Members who have been waiting for that funding that we are disappointed that it took such an amount of time to get there but we are pleased that it has got there now.

Like all the schemes that were put in place to deal with what was to be the four-week intervention, the taxi scheme had to be dealt with from scratch. As I understand it, from the date on which the Economy Minister was asked to put it in place, the scheme was up and running and working nine days later, one day less than the Member said. The money is now going out in different tranches. I understand that the Land and Property Services (LPS) scheme, which deals with most of the money that goes out into the community, is moving now as well.

We would always like just to flick the switch and get the money out immediately, but I am sure that Members would ask us questions about due process and public accountability for money if we did not do things properly, and, of course, they are very much entitled to do so. We will do what we can as quickly as we can, but we have to acknowledge that this is public money that we are dealing with.

Ms Armstrong: First Minister, I am delighted to hear that the BIC has been talking, but I am wondering whether there is any coordinated approach being taken to the Christmas holidays and the restrictions that there may be. When we think about young people's mental health and that of families, getting our young people back from universities across the UK is vital at Christmastime.

Mrs Foster: I thank the Member for her question. It is something that we discussed with other devolved Administrations and Michael Gove last Wednesday, because we recognise that it is a huge issue not just for young people but for families across the United Kingdom and, indeed, in the Republic of Ireland. We will want to make sure that people can come together at Christmastime. That is an ongoing discussion. It would be wise to have the same restrictions, messaging and communications on that issue so that there is no room for misunderstanding about how people can travel home for Christmas. I know, for example, that some students who finish their course at the beginning of December will be tested and then allowed to go home, and they may have to self-isolate for a period. Those conversations continue. We very much want a coordinated approach across the United Kingdom.

Mr Allister: First Minister, today the Health Minister publicly said that he could unilaterally bring in restrictions. Do you agree that he could? What would be the consequences?

Mrs Foster: Well, it depends on whether you read the 1967 Act on its own or whether you read it alongside the Northern Ireland Act 1998, which clearly says that controversial, cross-cutting and financially significant issues will have to come to the Executive. Whilst he could, technically, make that decision, I think that he will be open to judicial review (JR). Let us just say that.

Mr Speaker: Before I move on to the next question I advise Members that I took a number of additional supplementaries on the basis that we had three grouped questions. That would not be the norm.

Office of Identity and Cultural Expression

2. **Ms Bradshaw** asked the First Minister and deputy First Minister for an update on the establishment of the Office of Identity and Cultural Expression, as outlined in 'New Decade, New Approach'. (AQO 1083/17-22)

Mrs Foster: Our officials continue with preparatory work to legislate for the core elements of the rights, language and identity proposals contained in 'New Decade, New Approach'. This includes arrangements to progress a Northern Ireland Act 1998 (Amendment No. 1) Bill that provides for the establishment of the Office of Identity and Cultural Expression. We will progress the legislation during 2020-21 and establish the Office of Identity and Cultural Expression as quickly as possible thereafter. We will, of course, keep the Assembly updated on progress.

Ms Bradshaw: Thank you, Mr Speaker, and thank you, First Minister, for your answer. Are you confident that the associated legislation will be on the statute book by the end of the Assembly term?

Mrs Foster: Yes, I am confident. It is part of the 'New Decade, New Approach' agreement. Therefore it is important that the basis on which we came back is followed through on, not just in respect of this issue but on a range of issues where our Government, the Irish Government and other people have made commitments. It is important that we follow through on those commitments.

Mr Speaker: Paula Bradshaw for a supplementary. Sorry, I need to keep up. Doug Beattie.

Mr Beattie: First Minister, you will know that I spent three torturous years on the Commission on Flags, Identity, Culture and Tradition and produced a report that is now with the Executive Office. Is that report likely to be made public, or is it acting purely as a reference document for the new identity office?

Mrs Foster: I thank the Member for his question. I feel your pain in relation to that issue. The report was submitted to us on 17 July. It was my 50th birthday present, and I really want to say, "Thank you" for it. In concluding its work, the commission was very much aware of the content of 'New Decade, New Approach' that I have just referred to. On 20 October the junior Ministers met the joint chairs of the commission to discuss the report and its recommendations. We are considering the content of the report and the appropriate next steps, including a decision on the full publication of the report.

Ms Ennis: Will the Minister outline her understanding of the relationship between the Office of Identity and Cultural Expression and the offices of the Irish language

commissioner and the commissioner to enhance the Ulster-Scots and Ulster-British identity.

Mrs Foster: The Bills provide for three separate appointments — the director into the office and two commissioners to lead the three bodies. The office and the commissioners are therefore independent of each other, but the office may provide support services to the Irish language commissioner and to the Ulster-British commissioner. It is important to recognise that they should all work together because, if we are serious about representing the plurality of cultures and identities in Northern Ireland, there should not be any difficulties with the three bodies working together.

Mr McGlone: Thanks very much, First Minister, for outlining that and your commitment to have the legislation in place within this Assembly term. Will that legislation of itself define the roles of the commissioners and the functions of the offices that they hold?

2.15 pm

Mrs Foster: The commissioners will be defined in the various pieces of legislation to amend the Northern Ireland Act. As the Member will know, that is how we are taking this forward: the Northern Ireland Act will be amended so that those bodies and commissioners can be set up. It will be clear in the legislation what the two commissioners' roles will be, and, indeed, the role of the Office of Identity and Cultural Expression.

Commissioner for Victims and Survivors

3. **Ms S Bradley** asked the First Minister and deputy First Minister for an update on the appointment of a victims and survivors commissioner. (AQO 1084/17-22)

Mrs Foster: This is a key time for victims and survivors, with preparations for the victims' payment scheme progressing, concerns with legacy issues, and looking ahead towards the next victims' strategy. It is important that we consider all matters fully and move forward in the right way. Therefore we have decided to appoint a new Commissioner for Victims and Survivors. We have instructed our officials to begin the work required to commence the appointment process, and, alongside that, we have asked officials to consider terms of reference for a review of the office of the commissioner.

Ms S Bradley: I thank the First Minister for that update. Can I ask the First Minister to give an update on the Victims' Forum and what, if any, appointments have been made to it? Is there an anticipated date for a conclusion?

Mrs Foster: The Victims' Commission continues in legal existence, even without the commissioner, and that will continue in the interim. It will work and interact with the forum. There were no fresh appointments to the forum, as I understand it, during the time when we were without devolution. That being the case, it may be time to look at the forum to see whether it is representative of the different strands of victims across Northern Ireland. That is something that we will be looking at alongside the review of the commissioner's office.

Mr Dunne: I thank the First Minister for her answers. We all appreciate the urgent need for the appointment of a Victims' and Survivors' Commissioner. Can the First

Minister assure us that the needs of victims will continue to be met until a commissioner has been appointed?

Mrs Foster: I thank the Member for his question. The body corporate of the Commission for Victims and Survivors continues, and its chief executive officer will now be responsible for its day-to-day business. It is important to say that it still exists as a reference point for victims. If victims have issues, they should bring them to the commission. Moreover, the Victims and Survivors Service (VSS) will continue to deliver services to victims and survivors throughout Northern Ireland during this time.

Unfortunately, it will, because of the public appointments process, take probably up to six months to have the new commissioner in place. In the interim, however, we will want to work with the commission and with the Victims and Survivors Service to make sure that the voice of victims is heard.

Ms Dolan: I think that the First Minister might have just answered my question, but can I ask her to outline the timescale for the appointment of a commissioner?

Mrs Foster: As I indicated, this appointment, like so many appointments, is regulated by the Commissioner for Public Appointments. As such, the process must comply with the code of practice for ministerial public appointments. It is carried out in that way to make sure that there is transparency and support for the process, and it may take up to six months to complete. That will ensure that everyone can have confidence in the appointment process and that it will be open and transparent.

Communities in Transition: East Antrim

4. **Mr Hilditch** asked the First Minister and deputy First Minister for an update on the Communities in Transition project in East Antrim. (AQO 1085/17-22)

Mrs Foster: With your permission, Mr Speaker, junior Minister Lyons will answer this question.

Mr Lyons (Junior Minister, The Executive Office): The Castlemara and Northland wards in Carrickfergus and the Antiville and Kilwaughter wards in Larne form one of the eight areas of focus for the communities in transition project. Four projects are in delivery in that area under a number of key themes: capacity building, community safety, health and well-being, and arts and culture. Furthermore, a regional project on restorative practice is being delivered in all eight areas.

Whilst COVID-19 had the potential to disrupt delivery, good progress has been made across all the projects, thanks to the commitment, creativity and enthusiasm shown by delivery partners and officials.

Mr Hilditch: I thank the junior Minister for his answers. Despite COVID-19, I know that those groups have gone well beyond their role, and I thank and congratulate them for their continuing work during the COVID-19 period.

Can the junior Minister provide further detail on the work being done and the number of people being impacted upon in the four projects in the Carrickfergus and Larne areas?

Mr Lyons: Yes. I have outlined the four areas. First, on community capacity — building an Intercomm Ireland is the delivery partner for this project — groups have been recruited, actions plans have been completed and training

needs have been identified. A range of social action proposals are under consideration. The project's profile has been raised given additional requests from individuals from the community to be involved.

With regard to arts and culture — Intercomm Ireland is also delivering this project — 33 participants have been recruited, and a handbook has been developed to inform training and development modules on arts and culture skills. Planning is also under way for events in both areas at Christmas.

With regard to health and well-being — this project is being delivered by Extern Northern Ireland — development interventions and specialised support, with a number of referrals for mental health support, have already been received.

With regard to community safety — the delivery partner for this project is Intercomm Ireland — volunteers have been recruited and a community engagement forum has been established. The community safety forum is in the process of becoming a constituted group, and a community safety survey is currently with residents.

I confirm to the Member that all of the projects are taking place in each of the four areas that I have already listed. Additionally, a tender competition to deliver a pilot programme on raising aspirations for compulsory school-age children and young people in the area was published on 30 October. As the Member will be aware, raising aspiration is really important as we seek to move forward and to get our young people to move forward.

Mr Beggs: I support such a programme, which empowers the local community to represent their interests and enables them to deal with issues. However, does the Minister accept that a separated prison regime helps to perpetuate societal issues around paramilitaries and serves only to give them a warped credibility when they are in prison and when they leave prison and continue to try to exert influence?

Mr Lyons: I thank the Member for his question. The entire point of the Communities in Transition (CIT) programme is try to break that coercive control, and to move our communities forward. That is very much what this programme is focused on and we can see the results that have already been, and continue to be, delivered. I am glad that there has been political engagement over the last number of weeks. We had a very useful meeting on 10 November with political representatives in the area to see and hear about the things that have been taking place to end that coercive control and to limit the influence and reach of paramilitary activity. Of course, one programme on its own is not going to tackle this problem, which can be very deep-rooted in our society, and that is why it is incumbent on all of us to work together, in all of the ways that we can, and to speak with one voice against paramilitary activity and the coercive control that it can have in our communities.

Mr McGuigan: Can the Minister give an overview on the phase two preparations for the delivery of the Communities in Transition project?

Mr Lyons: The tackling paramilitary activity, criminality and organised crime programme is due to expire in March 2021. The Executive have discussed and agreed, in principle, to a further phase of the programme, which is to

be delivered over a three-year period up to March 2024. The Communities in Transition project will be a significant part of the community-facing element in the next phase. Subject to the confirmation of a budget and an ongoing Government-wide budgeting exercise, it is hoped that the Communities in Transition project will have an indicative budget of £12 million.

The interventions that have been supported through the CIT project have been shaped and informed by communities in response to the very specific issues that manifest in each locality. The range of interventions continues to deliver much needed community responses at a time when positive community leadership has never been needed more. We recognise the commitment and innovation that has been shown across the CIT areas at this time, and we assure our community delivery partners of continued support for their good work. These projects must be given time to become embedded at a community level, but we are already seeing the impact of these interventions, and we must ensure that the necessary time is given to bring about the sustainable change and positive legacy that our communities want to see.

Brexit Negotiations

5. **Mr O'Dowd** asked the First Minister and deputy First Minister for an update on preparations and state of readiness for possible Brexit negotiations outcomes. (AQO 1086/17-22)

12. **Mr McGlone** asked the First Minister and deputy First Minister for an update on Brexit negotiations. (AQO 1093/17-22)

Mrs Foster: Mr Speaker, with your permission, I will answer questions 5 and 12 together.

Over recent weeks, the UK and EU have intensified their negotiations with the aim of securing an agreement. Discussions on the future relationship have continued since then. For an agreement to be in place for the end of the transition period, we understand that it must be negotiated by mid-November in order for the EU to complete internal processes. We welcome the commitment of both sides to continue discussions, however, we recognise that the talks could still result in a non-negotiated outcome. We are, therefore, continuing our operational readiness planning to include that possibility.

A key challenge for Departments in this planning process is the urgent clarity that is needed to implement both the protocol and any agreed deal with the European Union. Our officials have undertaken bilateral meetings with officials from other Departments in order to scrutinise readiness issues and to identify possible mitigations, including where interventions would be required from the UK Government, and assurances around continuity agreements or bilateral agreements. An Executive action plan to address high-priority readiness issues is in the final stages of development.

Mr O'Dowd: The Minister will be aware that, before COVID had its devastating economic impact, we were in recession. One of the reasons why we were in recession was the uncertainty around Brexit and the uncertainty faced by businesses and employees. Does the Minister agree that the worst-case outcome is that we have no

deal at the end of the talks and that that will have a further devastating impact on our economy?

Mrs Foster: I thank the Member for his question. Actually, before COVID hit, the Northern Ireland economy was performing well, and we were pleased to see that happening. Of course, we need to see an overall agreement being reached. We very much encourage the negotiators to find that way forward. We know that there are still some very significant sticking points, particularly around fisheries governance and the issue of a level playing field. We hope that solutions can be found to those issues in the coming days, because, if not, we will have a hugely significant task ahead of us, running up to the end of the year. The Executive are agreed that flexibility needs to be shown by others so that we do not reap the harvest of the protocol, which could cause us severe difficulties, particularly with foodstuff coming from Great Britain into Northern Ireland. We ask for flexibility, but we also hope that the negotiations reach a good outcome.

Mr O'Toole: There is an almost overwhelming amount of detail for the Assembly and our economy to process before the end of this year. It is, frankly, bewildering and scary. I ask the First Minister for an urgent update on the volume of primary and secondary legislation that the Assembly will be required to pass before the end of this year to give us a semblance of preparation. At the minute, we have not had really any update from the Executive Office about what the Assembly will have to achieve in the next few weeks. Frankly, that is not good enough.

Mrs Foster: I do not agree with the Member that he has not had any idea about what is expected of the Assembly and the Executive. We have been very clear that a number of statutory instruments will have to be brought forward. The different Committees are working their way through those statutory instruments. Nobody is pretending for a second that, if there is not a negotiated outcome, it is not going to be a very difficult period ahead; of course it is. It is very important that we all work together to make sure that we get through this period of great uncertainty, so that we can go into next year in a much more positive frame of mind.

Dr Aiken: The First Minister and the deputy First Minister wrote, on 5 November, to the European Commission and received a reply that was — for the Europeans — prompt but not very forthcoming. Will the First Minister update us on any further steps that the Executive Office is taking to ensure that we have security of our food supply?

Mrs Foster: I thank the Member for his question, which he raised with me when I made my statement, last week, on the British-Irish Council. We felt that there was a need to write to the vice president of the Commission, Mr Šefčovič — if I have got his name right — on the issue of goods coming from Great Britain to Northern Ireland. We are particularly concerned about the fact that the Joint Committee has not reached agreement on goods at risk.

We now face another challenge on pre-prepared meat products, with which the European Union says that there is a difficulty. The Member may recall the famous issue of lasagne going from Great Britain into Northern Ireland. Frankly, it is a nonsense. As far as I am concerned, lasagne comes over in a supermarket truck that goes to a destination in Northern Ireland and is sold in sterling to a consumer, so what is the difficulty? I hope that there is

enough flexibility shown by the European Union to find a solution to the problem. I also hope that it is not using it as a way to get its own way in the main negotiations.

2.30 pm

Mr Speaker: That ends the period for listed questions. We move on to topical questions.

'COVID-19 Feminist Recovery Plan'

T1. **Mr Nesbitt** asked the First Minister and deputy First Minister whether they support the Women's Policy Group Northern Ireland document 'COVID-19 Feminist Recovery Plan'. (AQT 661/17-22)

Mrs Foster: I am disappointed to tell the Member that I have not read the document, but, if he would like to share it with me — he has clearly read it in great detail — I would be only too happy to come back to him about it.

Mr Nesbitt: I recommend the document to the First Minister. I also recommend the response from the Civil Service. Will she address the criticisms of the Women's Policy Group to that response, particularly the denial of the fact that there is a gender pay gap and the lack of reference to women, given that 82% of part-time workers are female and are therefore most affected by COVID-19?

Mrs Foster: Thank you for raising that issue, which is of great concern to me and, I believe, to other members of the Executive. We know that women are disproportionately hit by the COVID-19 restrictions, given that many of them are in part-time, low-paid jobs. The lady whom I referred to in my first answer was seeking to take her own life because she felt that there was no purpose left to her life. We should be very concerned about that. Absolutely, I am happy to follow up on that issue with the Member.

EU Trade Deal

T2. **Mr Newton** asked the First Minister and deputy First Minister for their assessment of the likelihood of a deal being agreed by the Government and the EU. (AQT 662/17-22)

Mrs Foster: I very much want — I hope that the Member took this from my comments to Mr O'Dowd — to see a deal between the United Kingdom and the European Union, because it would be better not just for us in Northern Ireland but for all the countries and institutions involved if we reached an agreement.

Mr Newton: I thank the Minister for her reply. Unfortunately, I was not in the Chamber when Mr O'Dowd asked his question, so I apologise for that. Which part of the text from an emerging agreement would you be studying with particular reference to Northern Ireland's position?

Mrs Foster: I thank the Member for that. Of course, if there is a free trade agreement, that will make the operation of the protocol, to which, he knows, we are opposed, easier on the people of Northern Ireland, and we will not have to deal with some of the issues that we have been talking about, such as goods at risk coming from Great Britain to Northern Ireland, which, of course, is a complete anathema, given that we are part of the same country. However, hopefully, if there is an overall

agreement, we will not have to deal with those thorny issues.

COVID-19: Local Government

T3. **Ms P Bradley** asked the First Minister and deputy First Minister what further role they believe that local government can play in the battle against COVID-19, given the great role it played during the first lockdown. (AQT 663/17-22)

Mrs Foster: I thank the Member for her question. I am pleased to say that there has been proactive and meaningful engagement with local government, principally through the Society of Local Authority Chief Executives (SOLACE) and the two junior Ministers. I am pleased to see the way in which there has been engagement, and I am pleased that it wants to play a role in dealing with COVID-19 by helping us to get COVID-secure businesses and helping with community champions and ambassadors, as well as assurance schemes to de-risk some of the issues out there. I am pleased to say that local government is working proactively.

Ms P Bradley: I thank the First Minister for her answer. Surely, to help in the battle against COVID, we need tougher enforcement to deter people from breaking the rules. Can you give us some views on that?

Mrs Foster: Yes, tougher enforcement, probably, and more resource. I think it is common cause across the Executive that, if we need to put further resource into dealing with the issue, we will try to do that.

Enforcement is an issue for a number of agencies. The junior Ministers have been leading on enforcement and compliance. It is important that we see people called out if they are simply rule-breaking and not listening to the messages on why it is important to be COVID-secure. We will want to look at that important issue continuously.

Criticism of Surge Plans and Public Health Leadership

T4. **Mr Givan** asked the First Minister and deputy First Minister, after paying tribute to the front-line health workers who are doing an incredible job in very difficult circumstances, whether they have a response to the very critical comments on today's 'Talkback' programme, by Prof Gabriel Scally, an eminent public physician of world renown, about the Department of Health's surge plans and overall public health leadership, albeit that they may not have heard the programme. (AQT 664/17-22)

Mrs Foster: I have not heard Professor Scally's comments, and I am sure that he would not be surprised by that. It is important that we have plans in place to deal with the issues in front of us. I join the Member in paying tribute to our health and social care staff, all those who have put themselves in harm's way for the community. There was a huge outpouring of support during the first wave, and I think that many staff got through on adrenaline and a recognition that there was huge support. In this wave, I understand that a lot of them are tired. They have worked long, hard hours, and I want to tell them that their work has not gone unnoticed and that the House and the Executive deeply appreciate it.

Mr Givan: I thank the First Minister for that response. Are there additional support measures that the Executive Office can provide to the Minister of Health so that effective decisions on the internal running of his Department can be taken so that the front-line staff get the support that they need to provide the people of Northern Ireland with the best possible support?

Mrs Foster: We continuously speak with the Health Department from the Executive Office and, indeed, across the Executive, and, if specific issues have arisen in relation to surge planning, testing or the roll-out of a vaccination, we will very much want to assist the Health Minister to deal with those issues because we recognise that COVID is an issue for all of us. It is important to say that because we want to tackle it together. Whatever about what happened last week, we all recognise that there is a need to step up and to deal with all of the issues in front of us, because we are in a very difficult situation at present.

NDNA: New Approach to Government

T5. **Mr Allister** asked the First Minister and deputy First Minister how the new approach to government in Northern Ireland, which the New Decade, New Approach agreement boasted about, is going. (AQT 665/17-22)

Mrs Foster: Given that we only came back on 11 January — much to the delight of the Member — and that we then faced a global pandemic and given that we are in a five-party coalition, we are dealing with the issues in front of us. As leaders in our community of all five parties, we want to see resolutions happen. Sometimes, it does not look too pretty — we accept that — but that does not take away the fact that we want to find solutions and a way forward because we recognise that the people of Northern Ireland have put their trust in us.

Mr Allister: Was last week's omnishambles not confirmation that, if a mandatory coalition cannot work even on what should be a unifying issue of public health, it will never work and it is a cruel deception on the people of Northern Ireland, who deserve better, to pretend that it will?

Mrs Foster: No. I do not accept that. The Member will not be surprised at that. As I have said, it was a very difficult week; it was a tortuous week. However, it is right that we try to take decisions that are balanced and proportionate and take into account the enormous pressure that our healthcare staff and hospitals are under but also recognise that people need to earn a living, otherwise they fall into poverty and fall into health outcomes that are very bad as well. So, look, I make no apology for trying to get to a balanced and proportionate place, and I think that that is where the people of Northern Ireland want us to get to as well.

Cross-community Vote

T6. **Mr T Buchanan** asked the First Minister and deputy First Minister to respond to criticisms levelled by parties over the weekend and today about so-called abuse of the cross-community vote. (AQT 666/17-22)

Mrs Foster: Given our history in Northern Ireland, a number of protections are built into the operating of the Assembly and Executive. There is also an obligation in the ministerial code to try to seek consensus rather than

to simply drive through controversial matters by a simple majority. That protection is written into the Northern Ireland Act 1998 to ensure that sufficient consensus is achieved. That safeguard can be triggered by any three Ministers of any parties when they are opposed to a course of action on any topic.

The determining factor subsequently becomes the fairly blunt tools — I accept that — of parallel consent or weighted majority. However, it is lawful that that is used, and any impression created that the sufficient consensus requirement applies only to so-called unionist or nationalist issues is entirely bogus and is, frankly, at odds with the Northern Ireland Act. People might like to revisit the Northern Ireland Act and have a look at it.

Mr T Buchanan: I thank the Minister for her response. Was a change in that voting mechanism an issue in the three years of negotiations to restore the Executive?

Mrs Foster: Not that I am aware of. The only suggestion that I recall was from one of the smaller parties to reduce the threshold for such protections from three Ministers to two. We all know that there are those who want to apportion blame on the use of vetoes and all the rest of it. The truth is that we should never have got to that point, and I hope that, in our discussions in the coming days, which, again, will be difficult and controversial, we can get to a position without the need to invoke any of that.

Efforts of Healthcare Staff

T7. **Mrs Cameron** asked the First Minister and deputy First Minister for their assessment of the efforts of healthcare staff in the second wave of the pandemic, particularly in light of gifts being left at hospitals, the lack of clapping on Thursday evenings and the lack of hot food and drink being served to those workers, not least those in COVID wards and in ICUs. (AQT 667/17-22)

Mrs Foster: I thank the Member for her question. She has put her finger on the matter. I know that the Member has family in positions in ICU and will, therefore, be fully aware of the difficulties that our nursing staff face.

I say again that we absolutely support all those who put themselves in harm's way. We know how restrictive all this is not just when they are working but in their home lives, and we very much appreciate everything that they do.

Mrs Cameron: I thank the First Minister for her answer. It is important that we demonstrate our support for the incredible work that healthcare workers are doing in these challenging times.

Does the First Minister believe that the Executive can find a balanced and proportionate way forward over the winter months in dealing with COVID-19?

Mrs Foster: I think that we have found a balanced and proportionate way forward. We need to continue to find that balanced and proportionate way forward. When we have the testing regime to a higher level of capacity where we can test staff in healthcare, social care and care home settings more frequently, that will help. It will also give them a sense of worth that we are concerned about their well-being and want to know what is happening in those settings. The testing regime is very much part of what we need to do. As I said in reply to an earlier question, it is important that we take the learnings from the Liverpool

experience and use them in Northern Ireland so that we can be more focused on using testing as a mechanism to cut transmission of the virus.

COVID-19: Reopening of Businesses

T8. **Mr Irwin** asked the First Minister and deputy First Minister what assurances they can give, given the business community's concerns over recent COVID-19 related closures and their impact, that the planned reopening will be made crystal clear to businesses and that they will have sufficient time to know what is happening. (AQT 668/17-22)

Mrs Foster: We really regret the fact that our businesses were left in the position they were left in last week. A lot of them have been challenged in terms of stocking up and the amount of money they have spent in dealing with COVID-19 restrictions. We want to be as clear as possible, so we will continue to engage with the retail sector, the hospitality sector and, indeed, with our faith sectors, as we do, to get as many messages out as possible and to hear from them about what they can do to help us in this terrible time.

2.45 pm

Mr Speaker: Time is almost up. William Irwin, your supplementary.

Mr Irwin: I thank the First Minister for her response. I impress on her the urgency of the situation in which many businesses find themselves. They are at their wits' end; I know that she is aware of that. It is important for them to get clarity.

Mrs Foster: I thank the Member for that.

Mr Speaker: Time is up. Members may take their ease for a moment or two.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

Infrastructure

Diesel Emissions: Private and Light Goods Vehicles

1. **Ms Bailey** asked the Minister for Infrastructure for an update on diesel emissions testing for private and light goods vehicles. (AQO 1097/17-22)

Ms Mallon (The Minister for Infrastructure): I have recently approved the award of a £16.5 million contract to build a new test centre and enforcement depot at Hydebank in Belfast, which are scheduled to open in autumn 2022. The new test centre will include facilities to deliver safely fully compliant emissions testing, and its design will be used as a template for further proposed test centres, subject to further consideration and funding.

The Driver and Vehicle Agency (DVA) currently conducts fully compliant diesel emissions tests on all heavy goods vehicles, buses and vans over 3,500 kg and a partial diesel emissions test for cars and light goods vehicles. The partial test includes a visual inspection of the vehicle's emissions and a check of the engine malfunction indicator lamp (MIL), which indicates a defect in the vehicle emission control systems.

Reintroducing full emissions testing will require the modernisation of the test centre network to create safe, sustainable environments for DVA staff and customers. That is a longer-term programme of work that will require substantial capital investment. I will examine the issue further in the coming weeks and months to ensure that we can safely deliver a fully compliant diesel emissions test for cars and light goods vehicles.

Ms Bailey: I thank the Minister for her answer. This has been going on for years and years, and we keep hearing that there are plans to deal with it. Will the Minister give the House a time frame so that we know that diesel private and light goods vehicles will be checked, just as every other vehicle in Northern Ireland is checked?

Ms Mallon: I agree with the Member that the issue has been going on for a long time. I inherited the current network of vehicle test centres, which is over 40 years old and cannot support the introduction of a fully compliant diesel emissions test without significant capital investment. The DVA introduced a diesel emissions test for cars, light and heavy goods vehicles and buses in 2006, in compliance with the roadworthiness directive. However, for health and safety reasons related to the build-up of fumes in the test halls and in consultation with the Health and Safety Executive for Northern Ireland, the emission test for cars and light goods vehicles was suspended in June 2006. I assure the Member that, on taking up this post, I wanted to address the issue, which is why I have allocated the capital funding. We are looking to autumn 2022 when we will see the new depot at Hydebank that will include this facility, and I would be keen to see this rolled out across further depots in the coming years.

Mr Dunne: Can the Minister give an update on an increase in capacity for MOTs for vehicles moving forward? What is being done to try to accommodate the public in waiting inside the building in a safe and hygienic manner? At present, as I understand it, the public are left to wait in the rain, which is totally unacceptable.

Ms Mallon: I thank the Member for his question. We have been aware of the issue of customers having to wait outside the test centres. We are conducting a number of risk assessments, and we are providing local arrangements at each of the MOT centres to facilitate customers. We will be providing masks and are asking them to be mindful of social distancing and the use of hand gel to help address that.

The current capacity for vehicle testing at our MOT centres is approximately at 30% in comparison with the levels prior to the pandemic and the lift issues. To meet increasing demand, the DVA is in the process of recruiting additional examiners. It will also use overtime to provide additional capacity and cover for vehicle tests, if, due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, examiners are unable to attend work. I am conscious of the disruption being caused to those who are trying to access public-facing services, but the COVID-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely. We ask customers for their patience at this difficult time. Vehicle testing capacity will increase as restrictions ease. Risk assessments are continually updated until such times as normal service delivery can resume.

Mr Beggs: Last week, the Westminster Government decided to bring forward the ban on new fossil fuel vehicles to 2030. That will bring a considerable reduction in emissions. What consideration has been given to the creation of a hydrogen hub in Northern Ireland? The emission from a hydrogen vehicle is water, which is much preferable to what is used at present.

Ms Mallon: I thank the Member for his question. He is right that in early February the United Kingdom Government announced that they were bringing forwards their plans to ban the sales of diesel and petrol vehicles in the UK from 2040 to at least 2035. The ban will also include hybrid vehicles for the first time. My Department is liaising with the Office for Low Emission Vehicles to consider what we need to do to meet the challenge. The Member will also be aware of the actions that we are taking to increase the uptake of electric vehicles.

On the issue of the hydrogen hub, the Member will know that, shortly, we hope to bring online three hydrogen-fuelled buses. With the hydrogen hub, that will be the first on the island of Ireland. I recently met the Finance Minister, the Economy Minister and the AERA Minister to see what we can do to maximise the environmental and economic benefits of positioning Northern Ireland as a leader in the world of hydrogen.

Comber Greenway: Street Lights

2. **Ms Bunting** asked the Minister for Infrastructure when street lights will be installed along the Comber greenway. (AQO 1098/17-22)

Ms Mallon: As you will be aware, a number of Members have raised the issue recently. I recognise the importance of lighting, and this is key to enhancing greenways and making people feel safe when using them. I also understand that, during the dark evenings, we still want to maintain the levels of walking and cycling on our greenways that we have seen, particularly during COVID. Lighting of the Comber greenway will require a public consultation, and the design will need to be sympathetic to the environmental sensitivity of the route. My Department is currently carrying out preliminary design work for lighting the Comber greenway. Following completion of an outline design for a lighting scheme of the greenway, a public consultation will have to be conducted. This will inform a decision on whether or not lighting should be installed.

Ms Bunting: I am grateful to the Minister for her answer. She will know that the ducts were installed a couple of years ago, I think. She will also know that the place is pitch-black. We now know about the benefits of walking to all of society, particularly for people's mental health in these uncertain times. People using that greenway might be in the middle of it at dusk. Then, all of a sudden, there is pure darkness, and you cannot see your hand in front of your face. At the same time, there are cyclists, joggers and pedestrians. There are rabbits and dogs, and, most importantly, there is dog fouling. People need to be able to see, not just for their safety but for the practical use of the greenway. I appreciate what the Minister said about a public consultation, but can she indicate the time frame for that?

Ms Mallon: I cannot give the Member a definitive time frame at present. As I said, we are working through a design, and it will have to go out to consultation. As someone who uses the greenway frequently, the Member

will know that a number of properties back on to it and that bats are present in the area, which will have to be factored into the design. I assure the Member that I am committed to the roll-out of the improvement of existing greenways. They bring huge physical and mental health benefits. As the Comber greenway has demonstrated, greenways can be a solution to a multiplicity of problems. I reassure her that I want to advance this agenda and am keen to work with the councils. Indeed, the steering group that was established between the three councils and my Department will meet on 9 December, and I hope that we can, in partnership, continue to make progress on improving that asset.

Mr Lyttle: I thank the Minister for the work of her Department to upgrade the Toucan Crossing at the Braniel section of the Connswater community greenway in east Belfast.

Will the Minister provide an update on her Department's work, in conjunction with councils, on the potential transfer to councils of responsibility for the Comber greenway, thereby enabling the high-level, ongoing maintenance and upgrade of that community asset?

Ms Mallon: I thank the Member for his question. He was an active campaigner on the issue of the crossing; indeed, he shared with me a petition signed by a number of residents.

As I said, my Department has established a steering group, with agreed terms of reference, to consider the matter. As I stated in my previous answer, the next meeting is scheduled to take place on 9 December. Councils' wider powers in respect of community development, health and well-being puts them in a better place to develop greenways as community assets. I am very open to exploring whether the three councils might capitalise on those opportunities, and that includes the option of transferring ownership to them.

Mr O'Toole: For the people of east Belfast, the Comber and Connswater greenways are examples of how wonderful these facilities are. In my South Belfast constituency, people in Carryduff are keen to see progress. Will the Minister provide an update on that and raise the matter with the relevant council at the meeting in the weeks ahead?

Ms Mallon: I thank the Member for his question. It is clear from the amount of correspondence that I have had that Members across Northern Ireland feel passionate about greenways. The Member will be aware that I announced £20 million of capital funding for blue/green infrastructure. I am keen to work with councils to see the further development of greenways. I am funding a number of greenways that are ready for construction in this financial year. We have also written to councils to encourage them to develop their proposals so that we can get as many as possible to the stage where we can move them on to construction. I am keen to work with councils on the development of greenways across Northern Ireland, including, of course, one in Carryduff.

Lough Neagh: Sand Dredging

3. **Mr Carroll** asked the Minister for Infrastructure how permitting sand dredging in Lough Neagh fits with her Department's aims to address climate change. (AQO 1099/17-22)

Ms Mallon: Climate change is the single biggest environmental challenge that we face today, so it is vital that we work together towards a zero-carbon future that delivers better outcomes for our people, our economy and the environment. There is an urgent need to reduce emissions in order to tackle the climate emergency that we face and reach net zero as quickly as possible. As Infrastructure Minister, I have a clear agenda on climate change. My focus is on using available resources to create greener infrastructure and to deliver sustainable transport that connects people, unlocks our economic potential, protects our valuable environment and improves the health and well-being of all in our community.

Where an application is made for planning permission, my Department, in dealing with that application, must have regard to the local development plan, so far as it is material to the application, and to any other material considerations.

Those other material considerations include the regional development strategy 2035, the strategic planning policy statement, the planning strategy for rural Northern Ireland, retained planning policy statements and supplementary planning guidance. This application was subject to environmental impact assessment, habitats regulation assessment and a public inquiry before the Planning Appeals Commission. My decision to grant planning permission was taken after consideration of all of the above, and I am content that it properly considers any impacts on climate change.

3.00 pm

Mr Carroll: I thank the Minister for her answer. The Minister may or may not be aware that article 31 of the Wildlife and Natural Environment Act (Northern Ireland) 2011 makes it an offence to permit the carrying out of an operation which damages any feature of an area of special scientific interest — obviously, the whole of Lough Neagh is one — stating that anyone who does so shall be guilty of a criminal offence. Given that the removal of natural habitats by sand dredging creates unquestionable damage and the fact that sand dredging is still unlawful, is the Minister not clearly committing a criminal act under that legislation by permitting further extraction that damages an area of special scientific interest?

Ms Mallon: I thank the Member for his question. I am an advocate for protection of the environment, particularly a special one such as Lough Neagh. The decision to grant planning permission for sand dredging on Lough Neagh was taken in line with current planning policy. The environmental effects of the development have been the subject of rigorous assessment including environmental impact assessment, habitat regulations, appropriate assessment and a public inquiry hearing. I have come to the view that no adverse effect will be caused by the development on the lough in terms of its integrity or other aspects of its designated status, provided that suitable conditions and agreed measures are put in place.

Given the importance of maintaining the integrity of the designated status of Lough Neagh, my final decision will issue only when the section 76 agreement with the applicant and relevant parties has been concluded to my satisfaction. The conditions and section 76 cover matters such as the area that can be subject to dredging and the amount of dredging that can take place and when it can

take place. They also cover the system for monitoring those aspects of the operation. The conditions and section 76, between them, will limit the number, size and operating times of the barges and restrict the hours of operation of the downstream processing facilities.

Ms Sheerin: Following this decision, will the Minister, at the very least, commit to robust monitoring of the dredging of Lough Neagh?

Ms Mallon: I thank the Member for her question. As I outlined in the supplementary response to Mr Carroll, there are a number of conditions attached. Monitoring is one, and my officials and I, as Minister, will take it very seriously.

Dr Aiken: Dredging has been permitted in a very limited area of Lough Neagh. Does the Minister accept that, were we to import sand from elsewhere, even more significant environmental and economic damage would occur and add significant costs to the construction and manufacturing industries here?

Ms Mallon: The Member makes an important point. We, as leaders, always weigh up the environmental aspect and the economic aspect. I have been very clear in the conditions that are being placed on this particular development. That is to ensure that we do what we can to protect our environment. However, the Member is also right to point out the contribution that it makes to the construction sector, in particular. As someone who is very mindful of our housing shortage, I am very conscious of the need to build more homes. We have to make sure that we are in a position to be able to do so. We have to consider all those things in the round. I hope that anyone who has been following this situation closely will take some reassurance from the fact that we have placed conditions on this. I am always very mindful of the impact on our environment of the decisions that we all take.

Roads: Winter Gritting

4. **Mr McAleer** asked the Minister for Infrastructure for an update on the winter gritting service. (AQO 1100/17-22)

Ms Mallon: I am pleased to advise that my Department started the delivery of its winter gritting service on 19 October. Gritting on selected routes in the northern and western divisions has already been undertaken, and 330 tons of salt has been used to date. As part of planning for the winter gritting programme, my Department ensures that adequate staff are available, that all winter service equipment is in satisfactory working order, and that there are adequate supplies of salt. There are also arrangements in place to supplement stocks of salt during the winter period, if necessary. A full winter service will operate from 19 October until 5 April and will have approximately 300 staff and 130 gritters available and ready to salt main roads in order to help drivers across Northern Ireland deal with wintry conditions.

The average cost of providing the winter service is £7 million, but it can be as high as £10 million in more severe winter conditions. I have already allocated £3 million from the opening 2020-21 resource baseline budget as a contribution to funding for the winter service, and a recent COVID bidding exercise provided a further £5 million in funding for winter gritting services. I was disappointed that my further bid for £2 million in the October monitoring

round was not successful. However, funding for the winter service will be reassessed as part of January monitoring, and any bid that is required will be submitted by my Department.

Mr McAleer: I thank the Minister for her response. She will be aware that, along with Ms Sheerin behind me here, I have been lobbying for quite a while now in relation to the B47 route through the Sperrins. That is a key route for people living up in communities like Cranagh for accessing services in south Derry, Magherafelt and Ballinascreen. Will the Minister give further consideration to including that section of the B47 from Cranagh to Ballinascreen on the main gritting schedule?

Ms Mallon: I thank the Member for his question; I am aware that, with his colleagues, he has been raising this issue. Under the present policy, 28% of the road network is gritted, which covers 80% of the volume of traffic, and that has an average cost of £7 million. If I were to extend that to cover, say, 90% of our traffic, it would double the cost of the winter gritting service to £14 million. If I were to extend it further to cover 100% of traffic, we would be talking about an annual budget of £28 million for the winter gritting service. My Department has to operate within the policy to ensure that it is fairly applied across the board in Northern Ireland. I would very much like to be in a position to do much more salting and gritting, but I have to operate within the policy and, particularly, within the financial constraints facing my Department.

Mr McCrossan: Minister, given COVID, what contingency services are in place for winter services going forward?

Ms Mallon: I thank the Member for his question. My Department has a staff sickness contingency plan in place which ensures that, initially, efforts are directed towards motorways and trunk roads before moving on to other main roads. Even with all of our available resources, it is unknown what impacts COVID-19 will have on our winter service. The traffic information control centre is operational 24 hours, 7 days a week, and will advise the public through the TrafficwatchNI website and social media of any routes not salted due to staff sickness. I want to assure the Member that this is something that we are very conscious of and that we are keeping our contingency arrangements under constant review.

Mr Butler: I am sure that the Minister would like to join me in Road Safety Week and take up the Northern Ireland Fire and Rescue Service challenge today to "kill your speed", given the problems that ice and snow can cause. As we know, rainwater has been a problem over the past weekend. Will the Minister take a look at the A26, particularly under the railway bridge? Members from Lagan Valley will know what I am talking about. Close to Moira, it floods absolutely every year, and it is a main arterial route. It is one of the busiest roads in Northern Ireland. Will the Minister give an undertaking today to look at that, please?

Ms Mallon: I thank the Member for his question. Unfortunately I do not have the detail of that specific road to hand, but I am content to speak with officials after Question Time and ask them to look into the matter and report back to you.

Bicycle Strategy

5. **Mr Lyttle** asked the Minister for Infrastructure whether her departmental budget for 2021-22 will facilitate meeting the bicycle strategy target of £10 per capita spend on cycling. (AQO 1101/17-22)

Ms Mallon: I thank the Member for his question; I know that this is an area he is very passionate about. My Department does not identify spend on walking and cycling separately but includes funding for both in active travel. The attribution of spend to active travel is also not a precise exercise, as some projects have benefits for active travel even if they are not carried out specifically for that purpose. Other Departments, councils and other agencies provide additional funding for walking and cycling promotion and infrastructure development. For example, we have had recent commitments of many millions of pounds by a number of councils for walking and cycling as part of their contribution to the greenways that they are developing.

I am not in a position to provide guarantees for active travel in 2021-22. The Executive have not agreed the Budget for next year; therefore, I do not know what budget my Department will have. However, I can confirm that I am committed to investing in active travel and encouraging walking and cycling. In demonstration of that commitment, I have appointed a walking and cycling champion in my Department and invested in a £20 million fund for the development of blue/green infrastructure, which will support the connection of communities and active travel. I expect to make further investments in active travel next year.

Already this year, I have completed the new Blaris greenway and pop-up cycle lanes on the Dublin and Grosvenor Roads, and I continue to develop more opportunities to put walking and cycling at the front of a green recovery for all our towns and cities. My September announcement indicated a total capital grant for the six greenway projects of £1.4 million this year and £2.3 million next year. Capital funding for those increased grants could be made available from blue/green infrastructure funding.

Mr Lyttle: I thank the Minister for her support of active travel. Does she, however, agree that there has been underinvestment in active travel infrastructure? Would she consider an active travel Act to make it a statutory responsibility for a minimum percentage of the Department for Infrastructure's budget to be spent on active travel?

Ms Mallon: I thank the Member for his question. I agree with his assessment that there has not been enough funding to encourage and provide opportunities for citizens to walk and cycle. I am committed to addressing that.

I advise him that I am actively considering an active travel Bill. I have asked my officials to prepare a submission that sets out a range of options for how I can move that forward with policy changes, resources and what we might be able to do on the legislative front.

Mr McGuigan: The Minister will obviously be aware of the tragic death of another cyclist on our roads five days ago. Without any knowledge of that specific incident, as a cyclist, I am well aware that, without cycling-only infrastructure and additional cycling safety measures, unfortunately, further tragedies on our roads will occur. Does the Minister intend to review the Highway Code

to explore ways of strengthening it with cycling safety measures?

Ms Mallon: I am aware of that fatality, and I want to express my deepest sympathies to the family and friends of the person who lost their life. I agree with the Member that one of the best ways of encouraging people to cycle and ensure that they can do so safely is by providing cycling-only infrastructure. I am very keen to work with councils on that. I have to be honest: as someone with very little patience, I would like to see a much faster pace of change, but we are trying to do what we can.

As part of my consideration of safe active travel, I have asked officials to look at what we can do to review the Highway Code. I am keen to provide updates to the all-party group on cycling, which I know the Member is on.

Mr Dunne: Is the Minister convinced that she is getting it right with her priorities? I appreciate her enthusiasm for greenways, cycle lanes and so on, but we need to get back to the basic principles of maintaining our existing road structure. Is the Minister convinced that she is getting it right?

I look at my constituency of North Down and the A2, which carries 45,000 vehicles per day. The drains are blocked. Following a strong campaign by us, the grass is now being cut twice a year and weeds are growing wild on the verges. That is not happening only in my constituency; Belfast, including south Belfast, which now has an SDLP MP, is an absolute disgrace. Weeds are growing on footpaths and grass verges.

Minister, with all due respect, you have your priorities wrong. We have a huge volume of vehicles —.

Mr Deputy Speaker (Mr McGlone): Could the Member come to a question or he will not get an answer?

Mr Dunne: People pay road tax, but cyclists do not.

Mr Deputy Speaker (Mr McGlone): Question please, Gordon.

Mr Dunne: I appreciate that. Thanks very much.

3.15 pm

Ms Mallon: I thank the Member. I know that he is very passionate about his constituency. I do not believe that I am getting my priorities wrong. The Member will recall that, on taking up my post, I said that we needed to get the basics right, and that is why I have fully funded a 12-month repair scheme for street lighting and why I have invested £8 million in LEDs to replace our street lights. It is why I have maintained the structural budget for our roads and set up a £10 million rural roads fund as well.

It is not a question of getting priorities right; it is question of having the resource to be able to do what you want. The Member will know that the Barton report said that we should be investing £140 million per annum in our road network. I am not being allocated money to in any way touch the sides of that figure. I want to bring about change in active travel, and I want to make sure that people can be active and that they have better outcomes for their physical and mental health and in terms of the environment as well, but I share the Member's frustration. If I had much more money, I would be doing much, much more.

Mr Deputy Speaker (Mr McGlone): I have time for a very brief question from Sinéad Bradley, followed by an answer.

All-island Infrastructure

6. **Ms S Bradley** asked the Minister for Infrastructure for an update on her discussions with the Irish Government on all-island infrastructure. (AQO 1102/17-22)

Ms Mallon: I am fully committed to improving connectivity across the island, and I am working with my counterparts in Dublin on a number of key all-island projects aimed at improving the lives of people across the island. This includes enhancing the rail network to create a spine of connectivity on the island, the A5 project, the Narrow Water bridge project and the Ulster canal project, all of which are commitments in New Decade, New Approach.

The Member will know that I have been engaging with Minister Ryan, and I know that she has an interest in Narrow Water bridge. I joined party colleagues in a Zoom meeting with the Taoiseach on Friday night. He is giving updates to all parties on the shared-island unit, and I discussed with him the issue of Narrow Water and the multiple benefits that that project can deliver, which is news that I know the Member will be delighted by.

Mr Deputy Speaker (Mr McGlone): That concludes the period for listed questions. We will now move on to 15 minutes of topical questions.

Belfast International Airport

T1. **Dr Aiken** asked the Minister for Infrastructure what additional support she might consider for Belfast International Airport, albeit that responsibility for airports would lie better with the Department for the Economy, as opposed to the Department for Infrastructure. (AQT 671/17-22)

Ms Mallon: I thank the Member for his question. Our local airports play an important role in growing our local economy and in connecting people and business. I am disappointed to learn about the reduced hours of operation at Belfast International Airport, but I understand how that reduction in operations will help the airport reduce its cost base in light of the reduction in scheduled services because of the COVID-19 measures.

The Member is right: my Department's remit on airports is limited. I have agreed previously to meet the airport, and I am committed to working alongside my ministerial colleagues, given the shared statutory responsibilities in this area, to explore what the Executive can do to support the industry through this challenging time.

Dr Aiken: I thank the Minister for her comments and, indeed, her support for the aviation sector in Northern Ireland. As she is aware, Belfast International Airport is the only 24-hour operational airport in Northern Ireland, and it is not just a question of commercial aviation but a question of general aviation. It is about fixed-wing air ambulance support, about the PSNI and it has been available as an alternative diversionary airfield along the edge of the Atlantic as well, so it has significant implications. The fact that Northern Ireland does not have a 24-hour operational airport will have a considerable impact, not just on our international reputation but on our ability to grow and maintain business going forward. Is the Minister willing to join with the Finance Minister to work together to

get a bespoke package for Belfast International Airport so that it can get back to 24-hour operation for the good of everybody in Northern Ireland as soon as possible?

Ms Mallon: As the Member highlighted, the issue of airports cuts across a number of policy areas but also across the statutory responsibilities of a number of Ministers. I can assure him that, just as we did before, I am committed to working with the Minister of Finance and, given her responsibility around airlines, the Minister for the Economy as well. I believe that, if we work together, we can and should be able to support the industry through this incredibly difficult time.

Rural Roads

T2. **Ms Dillon** asked the Minister for Infrastructure for an update on the rural roads fund. (AQT 672/17-22)

Ms Mallon: As the Member will know, we have allocated £10 million for the rural roads fund. That is being worked out across divisions. We are providing reports to all of the councils on the projects that have qualified for investment as part of the rural roads fund. Those reports are being made available on the councils' websites.

Ms Dillon: I appreciate the Minister's answer, and the fact that we will be able to get online access to those reports. Does the Minister's Department have a strategy or funding coming forward for short stretches of footpaths in rural areas? Such infrastructure would make a big difference for people being able to walk to school or football clubs. At this time, we are devoid of a strategy and, in many areas, any type of infrastructure.

Ms Mallon: I am aware that the absence of footpaths to ensure that people can walk safely is an issue across the North. It runs counter to my ambition to have more people walking and cycling. That is why I have set up the £20 million blue/green fund. I have also been clear that I cannot impose solutions from on high. I do not know communities. That is why I am looking to councils to bring forward proposals that I can support financially, and on which I can work with them to try to progress. We have had a focus on cities in the initial roll-outs and pilots, but I am conscious of the fact that we need to see improvements across the North.

Infrastructure Commission

T3. **Mr Hilditch** asked the Minister for Infrastructure for her thoughts about a potential infrastructure commission, given the recent PAC report that was quite damning about capital project delivery in Northern Ireland, some of which falls to her Department. (AQT 673/17-22)

Ms Mallon: I thank the Member for his question. He will know that I set up a ministerial advisory panel to look at that issue. I understand that the panel has reported to the Committee. I am sure that the support that the Committee had for the initiative when I went to discuss the matter, remains. I am keen to see that it is progressed with my Executive colleagues. I have already met the Finance Minister and the Minister of Agriculture, Environment and Rural Affairs, and I am due to meet the Education Minister and the Communities Minister. There are opportunities to be more strategic in the planning and delivery of our infrastructure in its more holistic sense. I am, therefore, keen to see how that can be progressed with my Executive

colleagues so that we can get into a better position with regard to long-term planning and the future delivery of strategic infrastructure projects.

Mr Hilditch: I thank the Minister for the optimism in her answer. Does the Minister see the report as having sidelined the Infrastructure Minister in any way, as the commission would report directly to the Executive? What takes place in other devolved situations?

Ms Mallon: I am sure that it seems bizarre to have an Infrastructure Minister say that she wants to see an infrastructure commission that deals with issues outside the Department and brings them to the Executive, but it is not about a power grab for the Infrastructure Minister. It is about ensuring that we have the right mechanisms for delivering our infrastructure projects strategically, minimising delays and doing it in the most efficient manner. We have to look at our competitors across these islands. We look to New Zealand and often cite it as an example of how you can do things much better. All of those places have an independent infrastructure commission because they have ambition. We should not have any less ambition.

Driving Tests

T4. **Mr K Buchanan** asked the Minister for Infrastructure for an update on driving tests and what additional measures she will put in place in relation to them after the relaxation of the current regulations. (AQT 674/17-22)

Ms Mallon: As the Member will know, driving instructors were included in the Executive's regulations on businesses that closed until 13 November to help stop the spread of COVID-19, and which have been further extended by the Executive to 20 November. Following that Executive decision, driving tests ceased over that period of increased restrictions based on public health and scientific advice. I assure the Member that we have work in order and that we will be recommencing driving tests on 21 November. We took a decision not to recommence on 20 November, because we are allowing a day for people to have their formal driving lessons, if they need to.

With regard to creating additional capacity, the DVA has opened up the booking system for February for the customers who were impacted by the recent restrictions. Over 2,000 additional booking slots have been made available in November, December and January as the DVA increases capacity by recruiting additional examiners. Once all customers whose test has been cancelled recently have had the opportunity to rebook their appointments, the DVA will open up the booking service for all other customers in early December. The DVA will continue to offer driving tests on a Saturday. Following consultation with key stakeholders, it is planning to offer driving tests for HGVs on Sundays. The DVA will also use overtime to rota off-shift dual-role driving examiners to provide additional capacity and cover for scheduled driving tests where, due to a variety of unforeseen reasons, such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

Mr K Buchanan: I thank the Minister for her answers so far. Minister, I have concerns about how you are going to address the backlog. I appreciate that, for car MOTs, you can issue a temporary exemption certificate (TEC), which will let people drive on. I have concerns about that as well because of the amount of work that garages are not doing;

there are cars on the road that are not safe, although it is up to the individual to ensure that their car is safe. How are you going to increase the percentage and numbers? A rate of 100% means that driving test numbers will just sit still; you need to increase that by another 100% to address the backlog. Many young people have contacted my office because they have been turned down when they try to get a test date; they cannot get one. One or two more people will not do it; we need a massive increase in the percentage to address the backlog.

Ms Mallon: I know that disruption is being caused to learner drivers. I have taken the decision to further extend the validity of their theory test pass certificates to try to reduce the disruption to them. It is a public-facing service, and all public-facing services are being impacted by COVID. I assure the Member that it is not just a case of recruiting one or two additional examiners; we are recruiting 27 additional temporary and permanent examiners. We are looking at testing on a Saturday and Sunday to free up capacity as well. We will continue to look creatively at doing what we can to try to maximise the number of people who we can test, while being mindful of the public health advice and the need to adhere to the risk assessments that we have carried out.

Craigavon: Rail Hub

T5. **Mr O'Dowd** asked the Minister for Infrastructure what consideration her Department has given to the provision of a rail hub in central Craigavon. (AQT 675/17-22)

Ms Mallon: I have not, to date, been able to give very active consideration to that. I am struggling to make sure that our public transport network remains viable under the current conditions, given that we have seen such dramatic falls in passenger numbers. As I have said, my job is to protect the existing public transport network in terms of bus and rail, but I also want to see it being improved and enhanced. I will continue to make representations to Executive colleagues to ensure that we get the finances that we need to see enhancements to the network, such as the one that the Member has, rightly, highlighted.

Mr O'Dowd: I appreciate the pressure that the Minister's Department and the entire Executive are under. I would not expect her to be able to say, "I'm building that within a short time". I want to ensure that it is in the mindset of the Department that we need to expand our rail network. We need to be imaginative in the provision of further rail halts, particularly along the main Belfast to Dublin line. A rail halt in central Craigavon would lift the traffic congestion out of Lurgan and allow Lurgan to return to being a market town with specialist traders.

Ms Mallon: The Member does not need to persuade me of the merits of that; I can see it, and I share his enthusiasm. It is an issue of finance. My Department is currently working on the regional strategic transport plans, which will go out for consultation. That will be an opportunity for Members and members of the public right across the North to respond and share their views and ambitions of what public transport provision they would like to see in their local community. I encourage Members and their constituents to respond to that consultation once it is published so that I can be clear on their views.

Mr Deputy Speaker (Mr McGlone): If we turn around the next one quickly, we will get in a question and an answer.

COVID-19: Support Payments to Bus, Coach and Taxi Sectors

T6. **Mr Boylan** asked the Minister for Infrastructure when those in the bus, coach and taxi sectors can expect their COVID-19 support payments. (AQT 676/17-22)

Ms Mallon: I thank the Member for his question. He will know that I was given new powers for the financial scheme on 3 November. Ten days later, I opened the taxi scheme; it opened on Friday, and, at close of play, there had been around 2,000 applications.

I have committed to ensuring that payments for that scheme are out before Christmas, because I understand that people are finding it very difficult financially. The scheme for the bus-and-coach sector will open next week.

3.30 pm

Mr Deputy Speaker (Mr McGlone): Members, please take your ease while we change the Chair and move on to the next topic.

(Mr Speaker in the Chair)

Ministerial Statement

COVID-19: Executive Decisions on 12 November 2020

Mr Speaker: Members, I have received notice from the First Minister and deputy First Minister that they wish to make a statement.

Mrs O'Neill (The deputy First Minister): Go raibh maith agat, a Cheann Comhairle. I thank you and your office for making arrangements to accommodate the statement today. The First Minister and I recognise the importance of making these announcements to the Chamber, and we are grateful that you were able to facilitate us at such short notice.

On 16 October, the Executive put a series of measures in place in response to a significant increase in the transmission of COVID-19 and a concerning rise in positive cases and hospital admissions, including those requiring intensive care. Those measures were informed by the latest scientific and medical advice and a consideration of the societal and economic impacts that they could have. They have been a necessary and proportionate step to protect our valuable health service at this difficult time.

While the measures have not been easy for any of us, we are starting to see the positive impact. That has been due to the hard work of all of us in adhering to the measures, and I want to thank every one of you for that. The R number has started to come down, and positive cases and hospital admissions have started to level out. However, they are still at a very high level, which means that we are not out of the woods yet. It is, therefore, vitally important for us to continue to be vigilant at this time, especially as we face into the winter months.

It is in that context that the Executive met last week to consider the next steps that must be taken. That resulted in the current restrictions being extended for one week until 19 November, after which there will be a number of relaxations. They relate to the opening of close-contact services, including driving instructors, on 20 November, which will be by appointment only, and to the opening of unlicensed premises such as cafes and coffee shops, also on 20 November. They will operate with restricted opening hours of 5.00 am to 8.00 pm, and the consumption of alcohol on the premises will not be permitted. Both unlicensed premises and close-contact services will have a legal duty to record contact details of those using their service to assist in contact tracing. Additionally, pubs and bars will be permitted to sell off-sales from 20 November. They must be in the manufacturer's original sealed packaging only. All other restrictions remain in place until 27 November. They include the measures relating to private households and gardens, gatherings, marriages, funerals, sport and indoor attractions and libraries. We know that this will be difficult, but I want to commend the determined efforts of all of the people in our

community who to date have ensured that we have made good progress. We want to thank you for that, and we want to urge you to continue to work with us in the weeks and months ahead.

You will have heard the First Minister and me talking previously about co-existing with the virus, and it is with that focus that the Executive have agreed a number of support measures, which we are now working on. They are the roll-out of a vaccination programme as early as possible, initially targeting priority groups such as healthcare staff, care homes and those with underlying vulnerabilities; ongoing preparation for the introduction of rapid and mass testing at the earliest opportunity; and additional financial supports in place for affected businesses and individuals. A focus working group will also be established that will work to mitigate the risk in the opening of hospitality businesses, including improved ventilation and requirements for the recording of customer information for contact tracing purposes.

We have all acknowledged that this was a challenging week. That is because none of the decisions before us are easy. The Executive have had to consider the impact on health, our hospitals, our health staff, alongside the economic and societal impacts and the very real impact that it has on people there too, including employees, many of whom are lower-paid. We also know that further decisions need to be made. The ability of the health service to cope over the winter months and the economic and societal impacts will remain key issues.

Going into winter — a time when people's health is already more vulnerable and the health service is under more pressure — it is vital that we continue to work together to suppress the transmission of the virus. COVID will also have a detrimental impact on people's general health and well-being, and we are mindful of the other health impacts that we are seeing in the pandemic. People will present with illnesses that are not COVID-19-related. We want people to make sure that they seek advice and services if they are worried about their health. People will also be experiencing mental health problems, social isolation and anxiety.

We will work with all sectors and other partners to identify the measures and solutions that can be put in place to effectively tackle the spread of the virus. Our wish is to avoid the need for ongoing cycles of restrictions, but we are living in a period of great uncertainty. We need to work closely with all our partners and citizens to get through the Christmas and winter period and to prepare for mass testing and the delivery of vaccines. The Executive have a very clear focus on that pathway.

There is still some way to go, and nothing about the virus is predictable. As I have previously said, there is no certainty. We know that everyone wants to know what the next few months will hold, and that is a natural expectation. We are currently planning for that, and we want to protect as much of the festive period as we can. Our clear commitment is that we will do absolutely everything we can to secure that, and we will make more announcements on that soon.

At this point, I would like to draw everyone's attention to the most powerful tool that we have at our disposal in the fight against the virus: our own behaviour and the actions that each and every one of us takes. Our decision will now ultimately shape what happens next and what steps

are required. We have a new media campaign, and we encourage everyone to engage with it; to continue to follow the public health advice on social distancing; to limit our social contacts now; to wear our face coverings now; to wash our hands now; to go out only for necessary activities and travel; and to stay at home as much as we can. Those are small individual acts, but they are incredibly powerful when we act together. As a society and a community, our small, daily steps can make that real difference. They will build capacity for the health service. They will help keep the economy going. They will mean that we will do the right thing for our friends and families. Those small, daily steps are more than the sum of their parts. They are a huge part of how we will get through this.

As I said, we are very grateful to everyone for the steps that they have taken, and we understand how difficult the past months have been. We all have to dig deep now, and I have every confidence that we can do this together. The vast majority of society are following the public health advice and, in doing so, are keeping people safe and, undoubtedly, saving lives. To those who are considering going against the public health guidance and regulations, I ask you to think carefully. Your decision could be detrimental to all our efforts to reduce the transmission of this deadly virus. Your decision could also be detrimental to the health and well-being of your loved ones and to the capacity of our health service to cope.

In closing, I thank everyone for their efforts and their hard work so far. This has been a difficult year for all of us, especially the many families who have lost loved ones and the many others who have been ill as a result of COVID. However, let me end by saying that I continue to be amazed and impressed by the widespread fortitude and resilience across all our society. I know that, looking forward, we are well placed to continue rising to the unprecedented challenges that we face.

Mr McGrath (The Chairperson of the Committee for The Executive Office): I thank the joint First Minister for her statement. Last week was a failure of good governance here. It was an embarrassment and an example of how not to reach decisions. It may have been an embarrassment to the Assembly, but, more importantly, it created a system of chaos that does not deliver for the public. The background briefings, leaks and updates to us via the media were shocking. Can the joint First Minister confirm and detail the plan that is now being put in place by the Executive Office to ensure that the shambles that we witnessed last week will not be repeated and that, before 27 November, we will have a timely way forward for protecting lives and livelihoods and not party political perspectives?

Mrs O'Neill: I thank the Chair for his question. Last week was unedifying for everybody: not one party, not two parties, but every party that sits around the Executive table. Let me put that on the record.

We need to get a grip on the pandemic. We need to get to grips with the fact that, comparatively speaking, we find ourselves in a worse position compared with many other areas and many of our neighbours. We need to get virus transmission under control, and we need to find a way to work collectively to deliver that. We need to continue to follow the public health advice. We need to be guided all the while by what we said we would do at the very start of the pandemic: keep transmission in check and keep the pressure off our health service. Those are our

guiding principles through this. What we need to do as an Executive is to go forward in the way that I outlined in the statement, where I talk about looking to the future. What can we do? What will allow us to open things up? We have had some glimmer of hope around vaccination, and we look forward to having that rolled out. Even before that, however, there is the issue of mass testing. How can we quickly get that rolled out? Doing that will allow us to have more freedoms to move around.

Everybody wants certainty now. This has been such a difficult year for everybody, and everybody is craving some certainty. I only wish that we could give that certainty, but the reality is that, because we are dealing with the pandemic, we cannot. What we can be certain about, however, is when we are going to communicate with the public. What we can be certain about are the trigger points at which we take certain decisions. That is what I want the Executive to focus on. We will focus on vaccination, on mass testing and on additional supports for individuals. The Minister for Communities will make a statement on that tomorrow, which, again, is some positive news. We have to give the public something to grab onto for the future, and it is those areas that we want to work on. The Executive need to get a grip collectively on their approach. We need to reflect on last week and make sure that it is not repeated.

Mrs Cameron: I thank the deputy First Minister for her statement to the House at what is a critical stage of the pandemic. I welcome the new media campaign. I caught sight of an ad at the weekend, and it was very good.

Does the deputy First Minister agree that every one of us has the power to control the spread of the virus and that, through taking the most basic of precautions, infection rates can be reduced further, thus allowing non-COVID health services to continue or, indeed, recommence?

Mrs O'Neill: Yes, I concur with the Member. It is back to basics. It is back to the principles of washing your hands and staying apart. In the simplest terms, we are trying to break the transmission of the virus, and the best way in which we can do that is to limit our contacts. We really want to reinforce that message, and we hope that the new communications campaign will help us get that message out there again and remind people of what is expected of all of us.

I also think that people should take some hope from the fact that the restrictions that we have brought in to date have worked. We have demonstrated that they work. The rate in Derry and Strabane was through the roof: the intervention there worked. We can see that the four-week intervention that we have had is starting to work. We are at where we predicted that we could be. We have to learn from those things and continue to do them where required, but, ultimately, we need to get to the point at which we have the virus transmission at a controllable rate and the pressure off our health service, and then we can focus on the other areas on which we need to be very much focused into the future.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a ráitis. I thank the Minister for her statement. I wonder whether she can tell us what she thinks the political fallout will be from the Executive's decision last week.

Mrs O'Neill: I described last week as being unifying for everybody. It does not reflect well on the Executive. We

have a challenging Executive in the most normal of times. We have five parties sitting around the table that have a duty to work towards collective decision-making and collective responsibility, and, unfortunately, that was not the case last week.

It was a really challenging week for the Executive. It does not reflect well that we found ourselves in a difficult position but we had very clear public health advice. It is very challenging to work your way through, and I readily say that. I believe that everybody is conflicted all the while when trying to make decisions. The majority of Ministers voted to extend the restrictions for two weeks, and that should have been the case and the outworking of Executive. I find it a matter of profound concern and regret that colleagues opposite decided to use a mechanism that is there to protect minority rights. That should not have been the case. The will of the Executive should have been carried through.

3.45 pm

We need to accept where we are now. I accept that this is now the outworking of the Executive. We are all duty-bound now to communicate the current situation to the public and to work with the public and to work our way through this. We need to try to give people some hope in the middle of all this doom and gloom and the challenges and mental health damage that the pandemic brings and everything else that comes with it. For me, certainly, last week was a bad week all round, and I do not want to see that repeated.

Dr Aiken: I thank the deputy First Minister for her statement. I echo the thanks that all of us in the Assembly owe our health service workers in what they do.

In the light of the disastrous example of so-called leadership and management shown by the Northern Ireland Executive last week, in particular the divisive, significant and controversial use of the cross-community vote, will she highlight how decisions, which should be based on the science and medical advice, will now be debated and delivered cooperatively, rather than having decisions based on the narrowest of narrow political expediency, a political expediency that has already reduced the people of Northern Ireland's faith in our institutions to a new low that even I thought was impossible. With the First Minister and the deputy First Minister here, I ask you both to make a commitment now that you will not use the cross-community vote mechanism, particularly on health issues and issues that are of vital interest to the people of Northern Ireland? You are both here: you can make that commitment.

Mrs O'Neill: We should always inject a wee bit of honesty into these debates and conversations. It was not two parties that used a cross-community vote: it was one party. Let us be clear about that. Let us also say that all other parties in the Executive wanted to extend the period for two weeks. That is also honesty with the public. That reality was voted down by a cross-community mechanism, which I am aghast at. I do not believe that it should have been used. That is my clear position, and that will always be my position.

Where do we go from here? We communicate to the public where we are now; we tell them where the spread of the virus is now; we tell them about the hospital pressures

that we are under now; we tell them what the current restrictions are now; and then we work towards what can we do for the future. What can we do to fix this picture and take pressure off our health service and to support people to isolate? That is what is required. All the evidence tells us that, of the people who have to self-isolate, many of those on low incomes dread getting a ping on their phone, if they have downloaded the app, because they cannot afford to isolate.

We have to get to a point where we make this as easy as we can for people in the most challenging of times. That should be the objective of the Executive, and we should be guided by two things that we said on our pathway to recovery: keeping the transmission rate under control, under 1; and, alongside that, keeping the pressure off our health service. That is what should guide us in all our future decision-making. All those decisions should be made in a timely way to make sure that people have that information well in advance so that they can plan.

Ms Armstrong: I am delighted to hear that the deputy First Minister no longer supports or does not support the use of the cross-community vote. As someone who does not have their vote counted because of the cross-community vote, I think that maybe it is now time to change that, to modernise the Assembly and move on.

Deputy First Minister, you mentioned that last week was a bad week: I do not want to continue that bad week any further. You talk about supporting people to isolate. On that basis, when we look at your statement where it talks about the roll-out of a vaccination programme, we need clarity on how some of the things in the statement will work. That is one on the things that we can give people clarity and certainty on. For clarification, will domiciliary care workers and unpaid carers, who have not had a break in nine months, be included in the vaccination programme?

All of us are looking for clarification. For instance, it talks about unlicensed premises such as cafes and coffee shops, but many of those cafes and coffee shops have bistros that open in the evenings with licensed services. Does that mean that they are closed for the whole day? We need clarification for the businesses that can open. I ask the deputy First Minister to give that clarification either now or in the regulations as they come forward.

Mrs O'Neill: On the second point, clarification will come with the regulations. We said last week that we need to help businesses to understand what is expected of them. I do not think that there has been enough communication between the Department of Health and the wider sector. Meetings with various sectors have been held throughout the pandemic, and I have to say that many sectors and businesses have worked really hard to adjust their businesses and to bring in things to make them more COVID-19-secure. We will just have to keep working at that. However, people need to be communicated with in order to make decisions about what comes next.

On the issue of the vaccine roll-out and prioritising who will get first, there will be an Executive discussion on that. I am sure that we will be able to say more about it over time. Clearly, those who work on the front line will be prioritised, as will those who are vulnerable to the virus. There will be choices to be made by the Department of Health. However, we are assured that we will receive a paper for

discussion on testing and vaccination. I look forward to that conversation, hopefully this week.

Mr Buckley: The deputy First Minister talks about injecting honesty into the debate. However, she failed to mention the fact that her position on Sunday was a fair compromise. Only she can answer why that changed on Monday.

In the spirit of looking forward, I welcome the statement, as, during the crisis, it gives clarity on dates for businesses, in particular for working families, who have borne the brunt of some of the restrictions. The deputy First Minister and the First Minister have talked about coexisting with the virus, so I want to ask this: what work is going on with businesses to ensure that, when businesses reopen, they do so in a safe and compliant manner?

Mrs O'Neill: I hope that I addressed the Member's point in a previous answer when I spoke about the compliance group being put together to work with different sectors to get them ready to open. We also have supported our councils, as they have a key role to play, with local environmental health officers and enforcement officers working with businesses to help them to open in a safe, secure way. I welcome the funding that has been given to councils to do that work, and we need to continue to do that.

In order to deal with the pandemic, we need not just the Executive but all partners. We have said from the very start that it would require a partnership approach and heavy lifting by everybody. That is how we will take it forward.

Back to the point about honesty: I was very honest on Sunday in saying that I would weigh up all the factors on the basis of the public health advice. Every time we come to one of these crucial points, we have to look at it from the perspective of health, of the economy and of society. All those things are factored in to our discussions. They are very difficult decisions for everyone. You cannot take away from that. People have different emphases and priorities for what is required. When we, at this juncture, as at every juncture, have discussions with the public health team, with the Health Minister, with Michael McBride and Ian Young and they tell us, "No matter how you slice and dice it, we will, in all likelihood, be coming back to an intervention before Christmas if we do not have a full two-week lockdown" — that was the scenario with which we were faced — when I hear that evidence, I take it seriously. Further to that, after days of conversation in the Executive, we have the Chief Medical Officer saying that to proceed down this route will cause excess deaths: again, we have to take that seriously.

I accept that these are challenging conversations, and the best way to communicate with the public is with honesty. None of us can make cast-iron guarantees: we are dealing with a pandemic. It would be untrue to the public to give them any kind of guarantee. All we can do is try our very best and communicate it in a timely way and take balanced decisions in the best way we can.

Ms Sheerin: I thank the Minister for her statement and for the honesty and integrity with which she has handled this. Can the deputy First Minister update us on what local financial assistance there is for individuals at this time?

Mrs O'Neill: This is a fundamental tool in dealing with COVID-19. As I say, all the attitude surveys tell us that people intend to self-isolate, for example, but cannot because they cannot afford to. The pandemic has a disproportionate effect on those on lower incomes and women. Its implications are dire. Financial support is, for me, crucial. I know that the Communities Minister will make a statement to the House tomorrow on that. However, I will drive that message home to the public: there is financial support in place. Tomorrow, as I have said, we will have more detail around a self-isolation grant, and the current scheme will be increased. That is really important in getting that money to people who are on low incomes and maybe face a reduction in their pay because they have tested positive or have been told to self-isolate. The grant that Carál has brought forward is a tax-free and non-repayable grant, and no other jurisdiction has it. That is a really important thing that we have that she has been able to bring forward.

Alongside that, there is a dedicated urgent referral service from the advice sector to escalate supports for people who desperately need them. We, as MLAs, all should promote this work to make sure that people know where they can get support when they need it. We have had the different supports through the different helplines, which I very much welcome, and we have had the community support funding and the commitments that were made to councils. That was to help with things like, for example, grassroots services so that, whenever there are localised lockdowns, we will provide wrap-around services, food and financial support. Those are all really important areas of work that we need to continue to promote. That is because a lot of these things are out there, and I do not know if everybody knows about them. We need to continue to promote them to make sure that the people who need that support know where to go to get it.

Mr Clarke: I follow on from other questions about your honesty, deputy First Minister. You referred to advice from Mr Young: we heard Mr Young on the radio this morning, and he said that the excess deaths would occur whether we opened or otherwise. My colleague asked you about your change of opinion. Of course, at the start of this lockdown, all of the parties agreed that this would be for four weeks and four weeks only. The circumstances that brought of us out of the first lockdown were to get the R number under 1: last week, we were told that the R number was 0.7. What changed? What advice has the Minister got, and will she publish that advice on what changed between 0.7 and the previous advice, where it was under 1?

Mrs O'Neill: I encourage the Member to maybe listen to all that I say on different occasions. I was consistent from the start of the four-week intervention that I hoped that it would be a four-week intervention but we needed to keep everything on the table because we did not know where the virus would sit at the end of the four-week period. We had predicted and all of the modelling told us that the four-week intervention could get us to 0.7, which it did. Again, that demonstrates that what we are doing works. It also further modelled that it would go up again with the impact of schools, and we know that all of our measures have a lag period. The impact of schools opening means that our R rate is sitting at 0.9 and is maybe even closer to 1, if not above it, this week. We will know more about that later in the week.

All of these things are predictable and they are modelled. The Chief Medical Officer and the Chief Scientific Adviser have been very clear with regard to the four-week-only intervention. If you remember back to the four-week intervention, the Health Minister wanted more; he modelled four to six weeks. We talked about all of these things, and we tried to get an accommodation and a way forward. We really hoped that the intervention would work, but, when it does not work, you have to do further things. That is the position that we find ourselves in *[Interruption.]*

Mr Speaker: I ask the Member to continue to show respect to everybody else when they are speaking. You had your chance to ask a question, so please respect others.

Ms Anderson: Thank you, Minister, for that statement. In the statement you talk about the additional financial support that is in place for individuals and businesses that have been affected. However, Minister, there is the failure of the Economy Minister to release the funds for those who are recently self-employed and those in the supply chain. Given the comments that we have heard, especially over the last week, about poverty and deprivation, does she realise and could you please relay to her that some of the people who have not received a single penny need to put food on the table and to pay bills?

Mrs O'Neill: I thank the Member for her question. Yes, I am deeply concerned that many of the businesses that were asked to close four weeks ago have still not received their grant aid, particularly those in the close-contact services — again, a predominantly female workforce who are often at the lower end of pay scales. The money needs to be delivered to them and into their bank accounts ASAP. It should already have been delivered. There is no doubt that these are complicated times, but I have raised this with the Minister for the Economy and will continue to do so in the Executive.

4.00 pm

Mrs McLaughlin: I thank the deputy First Minister for her answers so far. The deputy First Minister has spoken about giving people some hope. At the weekend, I had an email from a constituent, who is looking for some hope. This is what she said:

"Every Christmas, I welcome home my family, my children and my grandchildren. We have a large family dinner on Christmas Day. There could be 22 at our table. Members of my family return from Galway, Edinburgh and London. Will this be permitted this year? I have to make arrangements, and I do not trust the Executive to plan ahead so that I can plan ahead. When do you think that we will get clear guidance? This is making me anxious as Christmas is just round the corner and travel arrangements need to be made. Can you shed any light? I just want a very merry, Derry Christmas."

What do you say to her?

Mrs O'Neill: That reflects the concerns of many families right now and demonstrates the enormity of what we are dealing with and the fact that people have been separated all year long. Now, we are coming up to the Christmas period, and it is the natural instinct of us all to be with our family and friends and to spend time together. We have to work our way through this. We have to be very clear with

the public about the fact that close contact spreads the virus. At the same time, we have to give people something in terms of being able to find some way to spend some time with family members. As an Executive, we will have to discuss the approach to this. It will be dependent on the virus's spread at the time, as you would expect. We will have to find a way to communicate it, in the clearest possible terms that we can, to the public. It will depend on the public health at the time. It will be a challenging time for people, but we have to give them that wee bit of hope. We should be able to find a way to allow some flexibility to allow people to get over the Christmas period and have some comfort.

Mr Chambers: I thank the Minister for her statement. Does the Minister agree that the decision taken by the Executive last week has the unfortunate potential to breed public complacency and to undermine confidence in the public, medical and scientific messaging that is coming from the Executive?

Mrs O'Neill: Yes, I do not think that anybody can get away from that. When the public see what happened here last week, they will rightly be dismayed. Let us not repeat what happened last week. Let us make sure that there is a better way forward — a consensus way forward. Let us make sure that we use this time to not lose sight of the fact that we are dealing with a global pandemic. Despite everything that happened last week, we still need to communicate to the public that we are asking them to do those basic things to break the transmission. We are in a very challenging situation, and our health service is under huge pressure right now. We are asking people to continue to work with us, and, hopefully, we can continue to keep the virus's transmission down.

Mr Robinson: First and foremost, I thank all our dedicated health staff who are working day and night to try to protect us all from this horrific virus. When does the Minister hope that the first people in Northern Ireland will be able to avail themselves of the much-needed virus vaccine? What role can rapid testing and potential mass testing play in Northern Ireland?

Mrs O'Neill: Thanks to the Member for his question. We cannot give a definitive date right now, but we have been told that we will perhaps have supplies of vaccine this side of Christmas — so, hopefully, in December. There will be prioritisation around how we roll out the vaccination programme. That is one of the discussions that we will come back to at the Executive around what that will look like and who gets prioritised. We await a paper on that from the Department of Health. I have no doubt that, given the significance of having a vaccination programme, the Health Minister will want to make a statement to the Assembly and to take Members' questions.

Mr Gildernew: Go raibh maith agat, joint First Minister. Given the serious impact that the measures have on business and the fact that they are absolutely necessary in the absence of other public health measures, what supports are in place locally for business?

Mrs O'Neill: Thanks to the Chair of the Health Committee for his question. There is a range of supports in place. We have different schemes across the Department of Finance and grants available at three different levels: £800, £1,200 and £1,600 per week. In addition to that, we still have the 12-month rates holiday in place, which is

obviously a welcome initiative for businesses that still have their overheads to pay but that are not trading right now, whether that is in hospitality, tourism or leisure.

Obviously, we know that some services are impacted more than others. We also have the localised restrictions support scheme in the Department for the Economy, and we have the COVID restrictions business support scheme. There is a whole range of schemes that we have tried to get into the public domain as quickly as possible. There is the Department for Infrastructure scheme for taxis and buses, and we still have the furlough scheme, so there is a whole range of schemes to help businesses to survive this. That is the best that we can do in this period: try to mitigate the damage that this is causing to our economy. There are also other areas that we need to focus on such as, as I said earlier, the issue of mass testing. How can that help us to open up more things in the economy and lift some of the restrictions?

At the weekend, I had a very interesting conversation with Joe Anderson, the Mayor of Liverpool, about its mass testing programme. It was really interesting to talk to him about how it has been able to break the chain of transmission. Some of the early detail from the pilot is that mass testing can bring transmission down by as much as 50%. That is transformative in terms of what we can do here. That is a really important area of work, and I would make the case that we should give priority to the roll out of either a mass-testing pilot or its full implementation on the back of the pilots that are being done. That, to me, would allow us to have both personal freedom and freedom for more businesses to open as well.

Mr Lyttle: Participation in sport is vital to the physical and mental health of young people. What work are the Executive doing to establish the impact of youth sport on the transmission of COVID-19, and when will youth sport be allowed to recommence?

Mrs O'Neill: We have not got any decisions on what happens next. The current restrictions are still in place. I am happy to take that up with the Communities Minister and talk to her about the current restrictions. You have put on the record the positive benefits of youth sport. It is about giving people the chance to go outside, if there are opportunities for us to do things outside, because being outside comes with less risk than being inside. I will ensure that that is raised with the Department for Communities and that it is factored into the conversations about what comes next.

Dr Archibald: I thank the Minister for her responses so far. I caught your response to Martina Anderson about business support. I think that it is really important that that be raised as a matter of urgency with the Economy Minister. Further to Sinead McLaughlin's question, what advice would you give to people this Christmas?

Mrs O'Neill: We will communicate that to the public as soon as we can. We are very conscious that people want to spend time with their loved ones and families; I know that I certainly do. How much time we can spend with them will depend on the current position with the virus at that time. We will talk about that at the Executive, and we will come back and communicate what it will look like for people as soon as we possibly can. Unfortunately, it is a wee bit too far away yet to be able to give that information in any kind of detailed way.

Mr O'Toole: One of the big issues facing businesses, as we all know, is the inability to get money out to them quickly enough to enable them to get through this period of restrictions. Many of them are willing to close, because they know that that is in the broader public benefit and that it is better for them to be open around Christmas than in late November, given the rising infections. Can the deputy First Minister confirm that £500 million has not yet been allocated? Does she agree with me that it is incumbent on the Economy Minister to work with, yes, the Finance Minister to get as much of that money allocated and out the door to businesses as quickly as possible?

Mrs O'Neill: Yes, you are right. We received an additional allocation of £400 million, and that has been added to some money that we already had. The public would be right not to forgive us if we do not use that money wisely to support them through the pandemic. It is incumbent on all Ministers around the table, actually, to come forward with ideas, and I know that the Finance Minister is talking to all Ministers about that. We need to help people in the here and now. Whatever we can do to get financial support to them in the here and now is what we should do. Certainly, the Executive are focused on that, and we want to make sure that we get everything and every penny out the door to support businesses as quickly as we can.

Mr McNulty: I thank the joint First Minister for her statement and her answers thus far. In relation to protecting the health service, the economy and our family and friends, the joint First Minister mentioned the importance of us all taking small, daily steps. That I agree with. However, many businesses and families are on their hands and knees and have yet to receive any support from the Executive. There are 11,000 applications to the Department of Finance, but only 9,000 have been paid. What does she have to say to those businesses and families who are on their hands and knees about taking small, daily steps?

Mrs O'Neill: The Member would be wise to separate the two things. What we are asking people to do is about compliance and their personal behaviour. What I said, throughout the statement, is that this is a challenging and difficult time for everybody, particularly for those who have had to shut businesses. As I said in answer to many questions that I have been asked today, I am aware that many businesses have raised concerns about the slow payment of grant aid. I also said that the delay concerns me greatly. I also said that I have taken the matter up with the Economy Minister and I will do so again at the Executive this week.

Ms Bailey: We are now nine months into the pandemic, and for nine months we have known that it is a winter virus, so while it might be reassuring for some to hear that the Executive are now starting to prepare for the introduction of mass testing, it is long overdue. They are looking to establish a focussed working group. Again, that is long overdue. How can the Minister assure the public that they can have confidence in delivery from the Executive, given the track record of chaos and given the Executive parties' continuing to act as their own opposition? People need action and delivery more than they need promises and statements.

Mrs O'Neill: I thank the Member for her question. I can assure her that, the whole way through the pandemic, we have been guided by the two principles that I outlined

earlier: keeping the virus transmission under control and keeping capacity in our health service to be able to respond. However, there is no doubt that it is challenging. I have also said repeatedly that it is challenging to be in a five-party Executive in normal times, but to deal with a pandemic in the middle of it all is even more challenging and difficult. We need to work to gain the public's confidence. We need to work to make sure that the public continue to work with us — they have been absolutely amazing in getting us to this point. Every time something was asked of the public, they responded, and I very much welcome that and commend them for that. However, we are not out of the woods yet. We have a way to go.

All I can say to the public is that I will continue to lead and to steer us through these most challenging of times, and that means taking all of those things into account. The message that the public needs to hear from this Chamber this week is that we are working together, we are going to chart our way through this, and we are going to get to the other side. The best way we can do that is to have a first-class system in place to test, trace and isolate cases. I agree with the Member. I do not think that enough was done as regards the Department of Health's preparation. We always knew that winter was coming. That was certain. We did not know when a second wave would come, and I think that it came more quickly than people expected. So there is a whole combination of things, but there is a trust and confidence issue on the part of the public, and I am determined to capture that.

Mr Nesbitt: Earlier today, the First Minister agreed to look at the Women's Policy Group NI's document, 'Covid-19 Feminist Recovery Plan' and the Civil Service's reaction to it, and in particular what the group feels has been the failure to acknowledge the gender pay gap or the fact that 82% of part-time workers are female and therefore the most affected by COVID-19. Will the deputy First Minister join the First Minister in looking again at that document and its recommendations?

Mrs O'Neill: I thank the Member. Yes, I heard that question earlier, and I am more than happy to look at it.

Mr Allister: Mr Speaker, the six pages of this statement would not go far to paper over the gaping chasms in the Executive's approach. The statement contains some great words, if only they were not so empty falling from the lips of the deputy First Minister. There are words like:

"the most powerful tool that we have ... is our own behaviour and ... actions",

and words like:

"To those who are considering going against the public health guidance and regulations, I ask you to think very carefully".

4.15 pm

Deputy First Minister, I think that invites the question: with people still outraged by your behaviour in attending the Storey funeral, how carefully did you think about that? Do you not think that you could claw back some credibility for yourself, in making these exhortations to others, if you were to belatedly apologise not for the undermining of the public message but for your actions in causing the undermining of the public message?

Mrs O'Neill: Thanks to the Member for his repeated question. I think that I have answered that question in the House on many occasions and I am satisfied that I have nothing new to add.

Mr Carroll: I do not really know where to start with this statement. It is embarrassingly lacking. There is little content, little direction, and an attempt to paint a united picture of the period ahead when we are likely to see in the near future a repeat of last week's charade.

Can the deputy First Minister please give a concrete answer as to whether she backs the political decision of living with this virus rather than putting a zero-COVID, strategy in place, which could have results as successful as those in New Zealand and would put our health first?

Mrs O'Neill: The Member will know that we are not New Zealand, we are Ireland, and we are very challenged in dealing with this strategy. We have been clear from the start that we needed an all-island approach. I actually think that we should have had a two-island approach from the outset of the pandemic. I regret that that has not been the case. There has been some cooperation but nowhere near enough.

When we say "coexist" or "find a way to live with", the best way to say it is, "find a way to live through this pandemic" because we have to live through the pandemic. We have to find a way to maximise people's freedoms, lift the restrictions as best we can, when we can, to keep the pressure off the health service and to give people that glimmer of hope. I would say to people not to be over-optimistic, but the fact that we now have a vaccine shows that there is some light and the fact that we can roll out mass testing and that that will bring transmission down by 50% are huge advances. So, there is the wee bit of hope for people in the middle of this.

We have to continue to find a balanced way forward that respects the public health advice, keeps transmission in check, keeps the pressure off the health service, supports people who need to isolate, and that finds cases. Do not just wait until people come forward; we need to find cases and asymptomatic people in the community. Mass testing will help us to do that.

There are a number of things on the horizon that can help us to turn the corner. I look forward to that day, and to working with all of the Executive and Assembly until we find that way forward.

Mr Butler: I thank the Minister for her statement. In her last answer, she used the word "hope". That is a word that was been bandied around here for a number of years. Last week, however, we had people crippled by the fear of contracting COVID and people crippled by the fear of losing their finances, but all of them were crippled by the fact that they could get no answer from the Executive, which was worse than lamentable.

Minister, what confidence can you give to people that lessons have been learned by the Executive, and what has been put in place to ensure that information comes out in a timely manner so that people are not waiting until the last minute to hear the decisions that the Executive come to?

Mrs O'Neill: I have no doubt that your colleague the Health Minister gave you chapter and verse about the Executive meeting. I have no doubt that he also said that I was very supportive of him the whole way through. I have

no doubt that he could not say anything other than that I tried to find consensus the whole way through, and I have no doubt that that would be the statement that he could make to you today if he was sitting beside you.

We will continue to work with the Health Minister and Executive colleagues. We will continue to try to find a way to keep the virus in check, keep the pressure off the health service, and do all the things that I have stated here at length today. That is what we need to do; that is what the Executive need to do; and we all need to work together. We are all in this together, and we have to be as fulsome with the public as we can be and tell them how difficult and challenging these decisions are. The best thing that we can do is to communicate clearly.

Ms Sugden: The deputy First Minister has consistently criticised the use of the Northern Ireland Executive cross-community voting mechanism, and I agree with that criticism. However, that mechanism was legitimately applied in that the current policy and legislation allowed it to happen, and all five Executive parties signed up to it on that basis knowing that it could be applied at some point. Will the deputy First Minister commit to abolishing that mechanism either in law or policy, and, if she does not abolish it, is that an admission that, at some point when politics suit, it will be used again?

Mrs O'Neill: We should never tar everybody with the one brush. One party decided to use the mechanism, which is there to protect minorities; the Member is absolutely right. Two questions arise from that: is it the mechanism itself, which is designed to protect minority rights, which I absolutely fully support, or is it the use of the mechanism? It is the use of the mechanism that is being called into question. It is appalling that it was used. I would not use it. I could have blocked the last decision in the Executive, but I chose not to. This is a public health crisis; it is not about minority rights. The COVID pandemic impacts everybody equally. This conversation to be had is about whether it is the mechanism or the use of the mechanism — it is the abuse of the mechanism that is at the heart of the problem.

Mr Speaker: That concludes questions to the First Minister and deputy First Minister. I invite Members to take their ease before we commence the next item of business, which will be a question for urgent oral answer from Mr Colin McGrath to the Health Minister.

Questions for Urgent Oral Answer

Health

Flu Vaccinations

Mr Speaker: Colin McGrath has given notice of a question for urgent oral answer to the Minister of Health. If Members wish to ask a supplementary question, they should rise continually in their place. The Member who asked the original question will be called automatically for a supplementary.

Mr McGrath asked the Minister of Health how his Department will address the shortage of 200,000 flu vaccinations, which has been described as deeply concerning and frustrating by senior GPs.

Mr Swann: I am glad to have this opportunity to come to the House today to clarify some of the issues regarding this year's flu vaccination programme.

First, let me assure Members and, more importantly, those listening at home, that there is no shortage of ordered vaccines. This year in total, 1,050,300 doses have been procured for the flu vaccination programme. As of last Friday morning, 826,890 doses have been delivered to Northern Ireland. A total of 601,243 doses have been delivered to GPs and trusts. I can confirm that, as of this morning following two further deliveries totalling 192,700 doses, the total vaccines delivered now stands at 1,019,590 doses. Around 30,000 doses of the childhood vaccine are still to be delivered and that is the only order that remains outstanding.

As was outlined by the Public Health Agency last month, uptake has been exceptional with higher numbers of people getting the vaccine than ever before. A temporary pause was placed on some aspects of the seasonal flu vaccination programme but those additional vaccines are now available.

Let me assure Members that there significant quantities of the vaccine available for those over 65. There are approximately 323,000 people over the age of 65 in Northern Ireland. Initially, we aimed for a target uptake of 85%, which equates to 275,000 vaccines. Therefore, we purchased 286,000 vaccines. Last month, I approved the purchase of a further 10,000 vaccines bringing that total to 296,000. The additional 10,000 vaccines arrived in Northern Ireland on Thursday 5 November. Therefore, the reports in the media today that Northern Ireland is almost 200,000 doses short of the flu vaccine for the over-65 age cohort, or that we are unable to complete the vaccination programme, are simply not true. I want to reassure everyone listening that there is no shortage. Further plans are now in place to procure even further quantities of vaccine at a later date, if necessary.

Finally, I would like to thank all of our GPs, practice nurses and Community Pharmacy for their expertise and persistence over recent weeks. This is an incredibly busy and pressurised time for them all, and yet, without them, our flu vaccination programme would simply not succeed.

Mr McGrath: I thank the Minister for coming to the Chamber today. When the news broke this morning, it was

deeply worrying and concerning for people who are facing the perils of COVID and who fear getting the seasonal flu, which may put them into a position where they are more vulnerable to other illnesses. This was scaring and frightening people, so it is welcome that the Minister has been able to come here today, put the record straight and send a clear message to people that they will be able to receive the vaccine that they require.

May I ask two questions? First, can the Minister given an assurance that all people over the age of 65 and those with underlying conditions will be able to access that vaccine in a timely manner before, as is projected, the flu season starts in December? Secondly, does he have a sense of the breakdown in communication that led medics in the sector to make that announcement today?

4.30 pm

Mr Swann: I thank the Member for his questions. Prior to coming to the House, I had a meeting with representatives of the Public Health Agency (PHA) and the Health and Social Care Board so that we could discuss how that communication failure came about. A meeting of all parties last week seems to have led to what I think has been described as inaccurate reporting by the BBC. Its report incorrectly stated that Northern Ireland did not receive its full vaccine quota. One million doses were ordered; the BBC claimed that between 500,000 and 600,000 were delivered. My first answer has assured the House of the number procured, ordered and delivered to Northern Ireland.

The Member mentioned uptake, and I am due to receive a report by the end of this week on the normal uptake of the different flu vaccines. We use different strains for children, the under-65s and the over-65s. The concern seems to be in the over-65 population, and my original answer details how our order equates to an uptake of 85% in that cohort, which is far in advance of what was used this time last year, when we had an uptake of 74·8%. We have ordered additional vaccines. On top of those, we are getting additional vaccines to ensure that those cohorts can be vaccinated. We are working with GPs to ensure that we can get those vaccination programmes and mass vaccination events back up and running in order to ensure that vaccinations are given in a timely fashion.

Mr Buckley: First, I put on record my sincere thanks to the doctors and nurses who have been implementing a very successful flu vaccination programme to date. We have all seen in our community the level of organisation required.

I came to the Chamber with considerable concern about what is going on in the Department and the PHA. This morning's statement from the PHA said that the demand for vaccine has resulted in a "temporary pause" in the supply of vaccine for eligible people under the age of 65 and that additional controls were in place to ensure fair distribution to all GP practices across Northern Ireland. Dr Gerry Waldron, the PHA's head of health protection, said that he regretted that some flu clinics had had to be cancelled. That is in stark contrast to what the Minister is saying in the House today. In that spirit, Minister, does this build confidence in people who are looking towards how a potential COVID-19 vaccination programme would be implemented across Northern Ireland?

Mr Swann: I do not think that it is in contrast, if you listen to what the PHA actually said. There was a pause in the supply of the vaccine. The Member may not be aware that the delivery of flu vaccines comes in two batches; the initial batch is the one that we ordered at the start of the year; the additional batch is the one that we ordered in the summer. Some clinics were paused to allow for the delivery of the second batch. In the initial set-up of the mass flu vaccination programmes, we saw an exceptional uptake. I referred to that when answering a question from the Member's colleague Paula Bradley in the House last week. Some GPs reported that 499 people attended in response to their sending out 500 letters. In the past, the maximum uptake was in the region of 75%.

The Member's assertion was, I think, an attempt to talk down the programme, but the early uptake was exceptional, as was the delivery and coordination between the PHA, GPs, Community Pharmacy and nurses. Now that we have those structures in place to enable us to run vast vaccination outreach programmes, should they be in community halls, church halls or car parks, including underground car parks, where we have been doing in-car vaccination programmes as well, it sets us up with a sound basis for what the COVID vaccination programme will look like once that vaccine becomes available.

Mr Gildernew: I thank the Minister for coming to the Chamber to answer questions. Minister, you have referred to modelling and planning. What specific modelling and preparation did the Department do for the demand and uptake of the flu vaccine this year? When was that completed and by whom?

Mr Swann: I thank the Committee Chair for his questions. The planning that we did this year was for an uptake target, specifically among the over-65 cohort, of 85%. As I said in an earlier answer to Mr McGrath, last year, we saw a 74.8% uptake and, the year prior to that, a 70% uptake. The numbers that we ordered to target an 85% uptake even allowed for a 7% wastage rate, which is normal in a large-scale vaccination programme. Those calculations were done by the PHA. We ordered that additional vaccine over the summer to complement our original order, which was made at the start of the year to allow for production and delivery.

Mr Chambers: Minister, one of the benefits of being part of the United Kingdom is that the four nations have shared resources throughout the pandemic. Whilst I very much welcome today's clarity from the Minister, which again emphasises the need for accuracy in public reporting at this time, will the Minister contact the Department of Health and Social Care in England if, in the days and weeks ahead, he believes that he will require even greater quantities of vaccine to fully meet the needs of Northern Ireland?

Mr Swann: I thank the Member. He makes a valid point. As I said earlier, specifically for the over-65 age group, we had set an 85% uptake target, which is 275,000 people. We approved the purchase of another 10,000 vaccines, which arrived on Thursday 5 November. I can report to the Member and the House that, having contacted Matt Hancock, over the last 24 hours, we have been able to obtain an additional 15,000 vaccines. So, in addition to the vaccines that we had ordered to achieve the 85% target that we set ourselves, we now have more vaccines

on the way, which will be put into a further programme of vaccination.

Ms Bradshaw: I thank the Minister for coming to the Chamber. You talked about the exceptional uptake of the flu vaccine. What lessons are being learnt for the forthcoming roll-out of the coronavirus vaccine programme in both operational issues and communication?

Mr Swann: I thank the Member. Her last point is bang on the money. It is about communication. As I said, I had a conversation this afternoon with the PHA and representatives of the board about how we get right the communication on how the distributions of the vaccines work, especially the COVID vaccines. There are now two COVID vaccines on the market, one of which the UK has pre-ordered. There are logistical challenges regarding how that is managed because it has to be stored at -70°C for a period before it can be stored in normal fridges for the last five days before its use, so there is a large piece of logistical work.

However, it is also about communication to identify the cohorts that will be eligible in the early stages. We must make sure that GPs, Community Pharmacy and all the other aspects have clearly identified those people and that we put in place a process and locations for doing it safely. I talked earlier about some of the fantastic work that GPs and community pharmacies have done in delivering mass vaccination programmes. I do not think that any of us in the House, even this time last year, would have envisaged flu vaccination programmes being completed in underground car parks, but those have proved to be highly effective and deliverable. In most cases, people were able to do it in the comfort of their car. It is about making sure that we get the communication phase right when the COVID vaccine becomes available.

Mrs Cameron: I thank the Health Minister for his attendance. I also welcome the news that the flu vaccine will be made available to those who are most vulnerable. On 12 October, there were 46 care homes with a COVID-19 outbreak. By 12 November, that number had risen to 143. In all that time, hospitality and close-contact services were closed. It makes no sense that, many months into this pandemic, there is no rapid testing or mass testing of staff in key wards or in care homes to complement the vaccines. That should be a daily occurrence for those key healthcare workers. Regardless of what other regions are doing — I have heard that some care settings in England are carrying out daily testing for staff and visitors — I respectfully ask the Minister why he is not testing healthcare staff on a daily basis.

Mr Swann: With respect to the Member, I am aware that this is something that has been raised in a number of press releases from her party, although not connected directly to the flu vaccination programme. What I will say to the Member is that the number of care homes that are currently indicated as having outbreaks is due to our positive and reactive testing programme that we have introduced — something that I know the Member supported. The Commissioner for Older People supported it as well.

The Member spoke of a number of pilot programmes that are currently ongoing in Liverpool and, I think, in a number of care homes in the south-east of England which have been in the media today. One of the things I will say is

that we are fully plugged in to those pilots, because that is what they are. They are actually testing the viability of the testing machines, their protocols and their utilisation to make sure that they use them in the best way to support the residents, the patients and the staff.

With regard to testing hospital workers, which I think was part of the Member's question as well, in line with our current testing protocols, testing is prioritised for all our healthcare workers, and that includes hospital staff who are symptomatic or whose household contacts are symptomatic, to help enable those essential workers to return to work as soon as possible. The position with regard to testing of all hospital staff is kept under active review.

With regard to the new testing technologies that I was talking about, there are emerging plans — sorry, it is the technologies which are emerging. The plans are progressing with a range of local partners and experts for testing those pilots across different settings, including healthcare settings. That will include repeat testing for asymptomatic healthcare staff. The new test for asymptomatic people aims to identify those at risk of spreading the virus, reduce the risk of onward infection and to find positive cases earlier to actually reduce transmission of the virus. Those pilots are something we are watching, and watching with interest, to make sure that the equipment is effective and efficient enough to bring benefit to what we want to do.

Ms Flynn: I know that one of the Members touched on guaranteeing that the over-65s would have access and whether there is enough stock of the flu vaccine, but I wonder whether the Minister can guarantee that everyone over the age of 65 will be able to receive the vaccine before the end of November.

Mr Swann: I thank the Member for her point. As I said earlier, our original estimates were for an 85% uptake target, which equated to 275,000 vaccines. We actually purchased 286,000. We have received an additional 10,000 and, as I said to Mr Chambers, an extra 15,000 has been agreed by the Department of Health and Social Care for part of the Northern Ireland allocation, so we will have in excess of 311,000. Our current population of over-65s sits at 323,000, so there is enough there — not for everyone, but for the vast majority — and far in excess of the percentage uptakes that we have seen in previous years.

Mr McNulty: I thank the Minister for coming to the Chamber today. First, I put on record my thanks to the healthcare staff in GP surgeries, schools and healthcare settings who have administered the vaccine so diligently and proactively so far. I spoke with one GP last week, and she told me how incredibly, exceptionally hard everyone is working. Have all residents in nursing homes been vaccinated, Minister? What has the Chief Medical Officer (CMO) advised will be the impact on the battle against COVID of not having the flu vaccine administered?

Mr Swann: I thank the Member for his questions. One of the points that the CMO has been making in the last number of weeks and months is about how vital it is that nobody should contract flu and COVID at the same time.

Our flu vaccination programme is well ahead of schedule of where we would be in any normal year, but, as everyone in the House, including the Member, knows, this is not a

normal year. I welcome the Member's acknowledgement of the GPs, community nurses and community pharmacies that have taken forward the vaccination programme.

Everyone over 65 is eligible for the flu vaccine, no matter where they are resident.

4.45 pm

Mr Speaker: Before I call the next Member to speak, I ask Members to come to their questions quickly. A number of Members still want to ask questions, so please keep your introductions very brief and to the minimum.

Mr Butler: I very much welcome the clarity that the Minister has given us. It stands in stark contrast to what has been reported up to now. Will the Minister give us a commitment that there will be close monitoring of the development of the additional vaccine by the PHA and the Health and Social Care Board?

Mr Swann: I thank the Members for his question. Following the meeting today, I asked for weekly updates on where we are with the flu vaccination programme, not just on the distribution of the vaccine but on what the percentage uptake has been across all groups. While we are specifically talking about the over-65s today, a number of other groups are also eligible for the flu vaccine, including all pregnant women, all individuals under 65 with current chronic medical conditions, primary-school children and front-line healthcare and social care workers who are employed by a trust. A number of additional groups are eligible for the flu vaccine, and I have asked the PHA and the board to make sure that I receive regular updates on how the remaining part of our flu vaccination programme is progressing.

Mr Carroll: Does the Minister seriously believe that the potential COVID vaccination that is being touted by the media as being available here in December will be available, or was that just a line inserted into an Executive press release last week to save face during the mother of all Stormont shambles?

Mr Swann: I thank the Member for his question. I am here to answer questions about the flu vaccine, but I am happy to talk about the coronavirus vaccine as well. What we saw in the media was an advance statement by a company that it has a vaccine that is 90% effective. That is one of the vaccines that the UK Government have pre-bought, so we will be part of that uptake, as I reported to the House last week. Off the top of my head, our allocation will provide enough vaccine for, I think, 275,000 individuals in Northern Ireland.

There are reports today of another vaccine coming on to the market, which its makers claim to be 95% effective. That is not one of the vaccines that were part of the UK pre-procurement exercise, but I am led to believe that the UK Government are in negotiation with that company to make sure that, if it becomes available safely on the market, they will have access to it. By default, we will get our share as part of the United Kingdom.

It is widely believed that some vaccine will be available by the end of this year, but it should not be perceived as a panacea for everything or for COVID. Any of the experts who have spoken about the efficacy and utilisation of vaccines have indicated that it will be well into next year

before we see the real effect of the vaccines in combating COVID in the community.

Mr Speaker: I ask the next Member who is called to ask a question to relate it to the question for urgent oral answer.

Ms Sugden: Minister, are there any known contraindications of those who have received the seasonal flu vaccine receiving the COVID-19 vaccine? Will patients who have tested positive for COVID-19 make use of the anticipated COVID vaccine? I ask those questions because the answers will help with the management of an expected programme in the winter months.

Mr Swann: One of the points of concern expressed by the GPs that I share is that we need to get the flu vaccination programme out of the way before we can commence the COVID one. There is advice and guidance that there should be at least three weeks between the vaccines being delivered to ensure that both have the maximum effect.

In regard to whether there are any known studies, I am sure that that is ongoing. As we are well aware, neither of the two COVID vaccines that are now reported to be available have gone through the full clinical and safety trials for utilisation in the community, and, until that process is completed, I do not think that they will be used widely in the United Kingdom. That work still has to be done. To back up what the Member said, it is important that any COVID vaccine is safe to use and that we promote it as widely as possible. Those who are eligible to get it should get it. There is no barrier, for want of a better word, and nobody who has contracted COVID in the past or tested positive for COVID will be ineligible for the vaccine.

Mr Frew: The Minister will know — I have corresponded with him about it — about the growing number of vulnerable residents in north Antrim who have been unable to avail themselves of the flu vaccine because they have had to drive into a practice instead of walking in. Can the Minister shed some light on that issue? Is it a growing problem? How does he fix it?

Mr Swann: I thank the Member. He has raised that with me in correspondence. We talked about the protocols and the advances that we have seen in GP surgeries. The drive-ins and the underground car parks are great advances, but our GP colleagues, community pharmacy and our practice nurses have always made available the ability to walk into clinics, should they be in community halls or church halls, so that people can avail themselves of the flu vaccine. What is being done at GP level is that, if people do not make themselves known, other ways of obtaining the vaccine will be made available to them. I think that I have given that answer to the Member in writing as well.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for taking the question. I am surprised to hear him say that the story that was broken by a reputable journalist this morning is not true, because there has been other evidence of difficulties with the roll-out of the vaccine. The Minister mentioned the pauses, and his colleague on the Health Committee told us some weeks ago that there was a delay in the roll-out of the school vaccination programme. There are issues. Confidence in the PHA is not at a premium at the moment given its woeful underestimation of the number of positive COVID cases, so can the Minister explain why he is so confident — he answered a question from my colleague

Órlaithí Flynn — that everyone who needs a vaccine or wants a vaccine will get it in a timely fashion?

Mr Swann: I thank the Member. He made a comment about the PHA: I noted his exchange with PHA officials in the Health Committee a number of weeks ago, and I do not think that his comments were edifying. I do not think that an elected Member of the House should speak to any official in that way, no matter how much they disagree or want to challenge the evidence that they bring or what they say. I do not think that how the Member spoke to the PHA officials who were before the Committee did him any good.

In regard to my comments about the reporting, I actually said that the BBC report had incorrectly stated:

“Northern Ireland did not receive its full vaccine quota - while one million doses were ordered, between 500,000 and 600,000 were delivered.”

That is inaccurate, and I stand over that comment. It is in Hansard as well.

In regard to the uptake, work is ongoing by GP practices, the Health and Social Care Board, Community Pharmacy and the PHA to make sure that we can roll out the second batch of vaccine, which has now been delivered to Northern Ireland. The programme was paused because of the success of the delivery of those mass vaccination programmes, which were delivered by GPs in the first instance. We actually got in front of the delivery of vaccines that we were expecting and the additional ones that we had ordered over the summer. They are now in Northern Ireland and will be distributed to GP practices, as necessary, to meet the demand. I have gone through the percentages, especially in the over-65s, we had ordered enough for an 85% uptake with a 7% wastage rate, but, on top of that, we have received additional vaccines from the Department of Health and Social Care (DHSC) in the UK.

Mr Speaker: I call Steve Aiken. We have one minute.

Dr Aiken: I thank the Minister for his comments so far. I speak as someone who has had the flu vaccine and as a cancer survivor. One of the issues mentioned at my local GP surgery is that quite a few people do not turn up at their allotted time. Will the Minister help me in getting out the message that, if you are allotted a slot for a flu vaccine, you should make every effort to be there for that vital health measure, if you can?

Mr Swann: I thank the Member. The importance of getting the flu vaccine has been well rehearsed, especially, as I say again, as our colleagues across GP practices, practice nurses and Community Pharmacy go to the effort of organising the flu programmes and flu vaccination programmes that we have seen across the country. I encourage everybody to utilise the slots that they are offered, because they are being delivered in a timely and efficient manner to make sure that we not only get the efficient uptake of flu vaccines here in Northern Ireland but make best use of our professionals' time.

Mr Speaker: That concludes this item of business. Will Members take their ease for a moment, please?

COVID-19: Surge Planning

Mr Speaker: Ms Pam Cameron has given notice of a question for urgent oral answer to the Minister of Health. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary.

Mrs Cameron asked the Minister of Health, in light of hospitals across Northern Ireland operating at overcapacity, for his assessment of whether the COVID-19 surge planning strategic framework has worked.

Mr Swann (The Minister of Health): Mr Speaker, with your permission, I will take slightly longer than the two minutes to answer. I believe that this is an important issue.

When I published the surge planning strategic framework on 6 October, I was clear that our health and social care service was likely facing the most challenging period in its history. That prediction is coming to fruition, with our health service under immense and sustained pressure. The surge planning strategic framework includes 19 key actions. I can confirm that 11 have been completed and eight are ongoing. The trusts are managing the pressures that they are facing within their available capacity and in line with their individual surge plans.

The key issue facing our health and social care service is staffing capacity. Let me be clear: our health service is our staff. Our latest published statistics demonstrate the scale of the problem. As of 30 June, this year, we carried more than 5,000 vacancies across the health and social care system. The largest numbers were vacancies in relation to nurses and midwives, with a total of 1,786 across the system. In addition to those vacancies, the system is experiencing a higher than normal rate of absence due to COVID-19. The latest available figures show that almost 1,900 staff are absent across the health and social care sector, ill with COVID-19 or self-isolating. That adds 2.6% to the absence rate across the system.

I have taken action to try to address that issue through the workforce appeal. The response, to date, has been positive, with more than 5,000 applications, of which more than 3,000 are from Health and Social Care (HSC) staff. I have also taken action to commission the critical care plan through the critical care network. That allows for the potential to flex up to 158 critical care beds through the use of our Nightingale facility at Belfast City Hospital. I have also commissioned an additional Nightingale facility on the Whiteabbey Hospital site. That will be an intermediate care facility that will provide up to 100 additional step-down beds. It will be operational on a phased basis in a matter of days.

The insinuation that not enough planning or preparation for future surges was undertaken is not correct; in fact, it is deeply unfair on our clinicians and HSC managers who produced the plans. During the first wave, our HSC system delivered 12,150 new outpatient consultations in April. There were 29,163 in October. In terms of inpatient or day-case procedures, 4,859 were delivered in April, compared with 13,301 in October. Similarly, there were 39,907 outpatient reviews in April compared with 56,071 in October. I could go on. Overall, there was over 73% more activity in October than April. That was because of our surge plans and rebuild plans.

5.00 pm

Behind what may be construed as party political press releases being issued, that is the truth of the matter. It is testament to the tireless dedication of our Health and Social Care staff. I challenge any Member to stand in the shoes of any of the medical directors across any of the trusts for even a single day to see the level of preparations that they had made and, even with all that, the gravity of the decisions that they now have to make every day. Were we ready? Yes. However, I could never have planned for the situation where the scientific and medical advice given to the Executive was blocked. Only when the spread of the virus is minimised can we hope to reduce the COVID-19 pressures on our health service. That is what is really needed, and it is needed now.

Mrs Cameron: I appreciate the opportunity to ask this question for urgent oral answer in the House today. I thank the Health Minister for his response thus far. I fully recognise the continual challenge that is faced in the delivery of services in these difficult times, particularly in maintaining staff levels. I also welcome the imminent opening of the step-down facility — Nightingale 2 — at Whiteabbey.

The Department's critical care surge plan envisaged being able to cater for the needs of 158 COVID and non-COVID patients in the event of a high surge across Northern Ireland. In recent weeks, the total has reached around 140, which is short of the number set out in the frameworks. If those contingency arrangements have not been implemented in full, why are we hearing reports of hospitals operating over capacity? Have health planners failed to meet that target for available critical care beds?

Mr Swann: I thank the Member for her supplementary question. It is important that she does not confuse the two issues of bed numbers and overcapacity, including ICU. Since March, the critical care network has had its surge plan in place. Getting to 158 ICU beds involves the utilisation of the Nightingale facility at the tower. It also involves — this is one of the most stressful points for our ICU nurses and specialists — moving away from the 1:1 care ratio. Moving to our high surge and then our critical surge, which allows us to flex up to those 158 beds, means moving away from that 1:1 ratio. No matter how much I am challenged or criticised about what we have not done over the past two or three months, one thing that we cannot do in two or three months is train an ICU nurse. At the start of the pandemic in February, we identified where we were going to need additional skills. Staff members across our health and social care sector started to upskill and retrain in what would be a very critical part of our action against COVID: the maintenance and utilisation of ICU beds and the challenge that that brings those staff members not just physically but emotionally and mentally. That is why we put in place mental supports for those staff as well.

The Member indicated that our hospitals are operating at overcapacity. Much of that is in regard to what are termed our "general medical" beds, which are there for general medical conditions.

Mr Speaker: I ask the Minister to conclude.

Mr Swann: When we have to utilise more of those beds, that is where we see the pressures on the number of beds across our health and social care system.

Mr Gildernew: I thank the Minister for his answers to those questions. I will observe, given the Minister's last answer, that our health service reached 106% capacity some weeks ago. The Minister is aware that the surge plan is to address a surge in hospital cases and transmission in the community; however there also needs to be a plan to suppress the spread of the virus in the first place. The first people who need that plan are the hard-pressed staff on the ground, and we owe it to them to deliver on that plan. I recognise what the Minister said about the inability to quickly scale up the vacant nursing posts or the ICU nursing, but what we could do and what we need to do, in my opinion, is to increase our testing capacity. We could recruit and train contact tracers at a quicker level. Will the Minister commit now to bringing forward a new health strategy to replace the failing test, trace and protect strategy?

Mr Swann: Regarding the Member's criticism of our test, trace and protect system, when the PHA was in front of the Health Committee, he also used language that, I think, was unfair. Last week, I gave an update to the House during Question Time on our test, trace and protect system. At that point, we had 220 tracers employed over three different employment contracts so that we could flex up and flex down the number of tracers who were working at any time. Test, trace and protect works best when we have a low number of cases, and that is where I agree fully with the Chair of the Health Committee. That needs to be our strategy, not how we increase beds or how we improve test, trace and protect; it is how we reduce the number of people with COVID in our community. That is where the real challenge is.

I will update the Chair. In the week preceding 10 November, of the 3,519 cases that were transferred to test, trace and protect, 3,317 were successfully contacted. That is 94.3%, even with that high level. Of the 4,987 close contacts that were identified, the test, trace and protect system was able to complete 4,898 contacts. That is 98.2% of successful contacts being made from those contacts. That far exceeds what is deemed to be an effective system. Most effective systems are graded at being 80% effective or above. Even with the high numbers coming into our test, trace and protect system, it was still achieving high levels of successful percentage outworkings.

In the past, the Member has asked in this place about the protections and the support mechanisms that are put in place for anybody who tests positive. I welcome the announcement today by the Minister for Communities, who is from the Member's party, that she has increased the payment rate for those who are seeking COVID support. That is done through the Department for Communities. As I have said in the past, the response to COVID and test, trace, protect and isolate is a cross-Executive effort, not solely a matter for Health.

Mr McGrath: Managing mental health is contained in the surge plans. It is also Anti-Bullying Week, and I have my odd socks on today to highlight that fact. Given that bullying is a significant factor in youth mental health issues, can the Minister detail what work is being done to deal with the legacy of long waiting lists to get appointments to be able to manage counselling and other psychological services and how disrupted that has been as a result of COVID?

Mr Swann: I thank the Member, especially for his mention of Anti-Bullying Week. I think that the House can send out a strong message that bullying should not be tolerated anywhere. I have never condoned or supported bullying, and, being the height that I am, I can assure you that I have often been in receipt of it. Never mind that, I have been in receipt of it in the past few days, as attempts were made to shift me from my position. Having been in receipt of many a bullying incident in my younger days, I can assure you that it is hard to shift from that mentality. Young people who are on the receiving end of bullying incidents in the early stages of their life carry those mental challenges through into their adult lives.

On 19 May, I published my Department's mental health action plan. That includes the dedicated COVID-19 mental health response plan, which provided immediate action across seven of the themes to support mental health and emotional well-being in the face of the pandemic.

There have, however, been some changes to how services have been delivered, and, unfortunately, many of those face-to-face meetings have changed to accommodate remote working, which includes phone calls and video communication. So, while we approach that service utilising different tools, the problem still maintains. When we get through the COVID pandemic — I believe that we will get through it — there will be a challenge for our mental health systems, which we are already factoring in. That is why it was critical that we put in place in the Department's mental health action plan back in May that specific response plan to COVID-19 because we all know that that is what will face us towards the end of the year.

Mr Chambers: A few weeks ago, the Health Committee received some evidence on nursing homes from a senior official from the Royal College of Nursing. She was asked for her opinion on moving staff testing from two weeks to a one-week regime. She made the point that it would increase the bureaucratic burden on nursing homes and nurses. Also, there was the problem of nurses having to travel in their own time to get the testing done. She finished by questioning how beneficial the move would be, and she thought that it was not achievable. This morning, we read a headline story in one of the newspapers that Sir Jeffrey Donaldson, who serves in another House, was calling for testing to be done on a daily basis for staff —

Mr Speaker: Will the Member come to the question, please?

Mr Chambers: — and, indeed, at the start of every shift. Does the Minister have any views on the practical benefits of such a regime?

Mr Swann: I did not see the headline, but, in response to a supplementary question that was asked during the earlier question for urgent oral answer on mass testing, I said that my Department's expert advisory group on testing is fully linked into the national mass testing programme, which is being led by the Department of Health and Social Care. We will utilise and work with colleagues across the United Kingdom to make sure that any advances that we use when mass testing becomes available are fully utilised to suppress the further spread of COVID-19.

Those plans are progressing, and we are working with a range of local partners and experts on testing pilots across different settings. Those will include universities, meat

factories and healthcare facilities, along with repeat testing of asymptomatic healthcare staff and employees.

I await a response from the expert advisory group on testing. I had indicated that we would bring a paper to the Executive on that shortly, so I am not sure if Sir Jeffrey had received advance notice that I intended to bring that work forward to the Executive. Maybe he was asking for it to be brought forward knowing that it was coming.

Ms Bradshaw: Does the Minister agree that the reintroduction of shielding could play a part in reducing pressure on our health service and provide an extra layer of protection for our clinically vulnerable?

Mr Swann: The Member raised that last week during Question Time, and I informed her that the Chief Medical Officer was bringing together the shielding advisory group.

That group has met, and I am awaiting the outworkings of its report. A piece of work that it has completed is comparing what is currently in our advice to those who are extremely clinically vulnerable with what advice was given to those in England who were advised to shield when it went into its advanced stage of lockdown, in order to see what the difference is and what additional advice we need to bring forward. That work is ongoing, and I am looking forward to the Chief Medical Officer updating the guidance based on the advice coming out of the shielding advisory group.

5.15 pm

Mr Buckley: I understand the pressures facing both the Minister and the Department, but I take issue with his comments that for anybody to raise those issues and concerns in the Chamber is to be political. We do so out of real concern for patients, front-line staff and healthcare workers.

I am not the only one with concerns. Today, Dr Gabriel Scally, a professor of public health and planning and a member of the independent Scientific Advisory Group for Emergencies (SAGE) committee, stated:

“There is no plan, there is no strategy, there is no transparency.”

Probably most concerning of all, he implied that, if a public health expert got five days in the Department, they would take it by the scruff.

Mr Speaker: I ask —.

Mr Buckley: Minister, is it the case that the public and, indeed, front-line healthcare workers are having to bear the cost of a failure by a Department to manage and meet its objectives and to implement a detailed surge plan. In the light of Dr Scally’s comments, will the Minister invite an external public health expert to conduct a five-day review of the Department’s plan and offer a prognosis?

Mr Swann: Perhaps the findings of such an expert would be in awe. One of the first things that they may question is the utilisation on the Executive of a cross-community mechanism —

Mr Buckley: That is not the question, Minister.

Mr Swann: — on voting down —.

Mr Buckley: That is not the question.

Mr Swann: Sorry? Let me finish.

Mr Speaker: Order. I ask the Minister and the Member to address their remarks through the Chair.

Mr Swann: Apologies, Mr Speaker, but I will not take a lecture on what the Department should bring forward in surge plans, when I brought recommendations to the Executive over a week ago that we should extend our current regulations and restrictions for another fortnight — another two weeks — so that we could take some of the pressures that we are talking about today off our health service and our healthcare workers. For the Member to try to insinuate that it is a failure of mine or of my Department’s when, if his party colleagues had perhaps supported me and my Department —

A Member: Hear, hear.

Mr Swann: — on the Executive, we might not be in the position in which we are currently.

If I were to bring in a public health professional, I think that one of the things that they would do would be to point out the failure on the Executive to support the recommendations from the Chief Medical Officer, the Chief Scientific Adviser and the Department of Health. Instead, those recommendations were voted down on a cross-community basis, through a cross-community vote that was brought against a Unionist Minister.

Mr Speaker: Justin McNulty is not in his place.

Ms S Bradley: Based on that answer, Minister, do you agree with me that the fundamental external factors that directly affect how efficiently any surge plan can work rely not just on the public playing their part and listening to the Chief Medical Officer but on the Executive hearing that message, acting on it and thus safeguarding everybody.

Mr Swann: I thank the Member for her point. Mr Speaker, I apologise for the temperament in which my previous answer was delivered. It is not usual for me in this House, but it frustrating when I hear accusations levelled against the healthcare staff in my Department and the advice that the Department is giving.

What I will say to the Member is that it will take a coordinated, unified Executive response to drive down the rate of community transmission of COVID in Northern Ireland. One thing that we cannot factor into any of the surge plans presented by my Department or the trusts themselves — all six trusts — is the failure of some on the Executive to listen to the medical and public health advice that is brought forward.

Mr Allister: Unaccustomed as I am to pouring oil on troubled waters, may I divert the subject somewhat? Back in 2016, there was a nationwide simulation done to prepare for a pandemic. What lessons did the Minister’s Department learn and action from that, or was nothing done about it?

Mr Swann: I thank the Member for his question. He refers, of course, to Exercise Cygnus, which was brought forward in 2016. The outworkings of that tabletop exercise are now published on the Department’s website. There is a detailed breakdown of the recommendations and their outworkings as they were carried out by the Department. They were carried out by the Department when this place was not sitting or in being. They are available on the Department’s website. I can forward the link to the Member for his information.

Ms Flynn: Minister, today the Department announced some changes to how emergency and urgent care is going to be delivered. That will obviously affect many areas and patients. The Phone First pilot is being trialled in the Causeway Hospital. Will the Minister outline if that pilot is part of the wider transformation process or is it solely part of the COVID-19 surge response?

Mr Swann: I thank the Member for her question. She will be aware, as are many Members, that one of the things that was commissioned pre-COVID was a review of urgent and emergency care and how it could be delivered and improved across Northern Ireland. The publication of the 'No More Silos' report was expedited and published by my Department a couple of weeks ago. One of the things that is in it is Phone First, as an option. The pilot will start tomorrow in the Causeway Hospital to see how it operates. Anybody seeking support from an emergency department can phone first to make sure that they can have quick and timely access to the provision that they need.

It is a pilot. It one of the 10 recommendations in 'No More Silos'. If it is successful, the intention is that it will be rolled out across all our emergency departments. We will take this time and this pilot to see what needs to be or can be improved and what does not work.

One of the things that we have seen though the network of clinicians, GPs and those in primary and secondary care who have brought forward the majority of the work and recommendations in this report is that we must see primary and secondary care working side by side. One of the things coming out of COVID is real joined-up work and the breaking down of silos between primary and secondary care. I want to make sure that we can maintain that, post-pandemic.

Mr Speaker: If the remaining Members who wish to ask a question are brief, we might get them all in.

Mr Carroll: Minister, I spoke recently to ICU nursing staff, who are doing incredible work but feel overworked, undervalued and underpaid. Some of those workers have increased stress levels, which you alluded to. Some have left the NHS because —

Mr Speaker: I remind the Member that I have just asked Members to just go to their question, please.

Mr Carroll: They did not sign up for the current situation. What is the Minister's assessment of nursing capacity in ICUs? We owe nurses a huge debt of gratitude, but do we have enough of them?

Mr Swann: I thank the Member because I know that he has raised a number of issues specifically in regard to ICU nurses and the banding and pay grades. Our Chief Nursing Officer is currently reflecting on that to see what can and should be done and how and when to do it.

A lot of the work in the health service is strenuous and stressful no matter where it is, but ICUs are one of the most strenuous and stressful places at the moment. Staff there are under advanced and extreme pressures because of the number of patients that they are working with. That was the additional strain that I referred to earlier in the debate. We are looking at care ratios which are not normal practice. They are being supported by other healthcare workers and other professional workers but there is stress. There is the expertise of those ICU nurses. They are a group of ICU nurses, anaesthetists, theatre nurses

out of that original 1,600 that we are short of. They are a group that were specifically targeted and that we asked for in our workforce appeal. They came back and helped us out.

That is where we are seeing and experiencing the majority of the strain. That is why, during the first wave, we made sure that we had psychological and mental health support for our healthcare workers. We know not only in society is that going to be a need, but that it is a need in our current workforce. We want to make sure that they are being provided with all the support they need.

Mr Beggs: Earlier, reference was made to hospitals working at 106%, and that can have implications for ambulance handover. My question is: does the Minister recognise that there is a need for the Executive to come together to ensure that our Ambulance Service, and our entire health service, can operate and treat whoever arrives at our accident and emergency units, irrespective of their needs?

Mr Swann: What the Member highlights is the desire of everybody working across the health and social care system — our nurses, our doctors, our porters, our administrative teams, community pharmacies, GPs, and people in the Department — to make sure that we have a service that can deliver for everyone when they need it and where they need it.

This is a strenuous time across the entirety of our service. Many proposed reviews, from Bengoa to Compton, have been put in place. The transformation process has started and continues in and across our health and social care system, although not at the pace that we need it to go. As I have said before, we are trying to run three health services: our current health service, a transformational health service, and a COVID health service. We are seeing the percentage occupancy of beds because, unlike the first wave when we downturned the majority of our procedures, this time our health service is trying to keep as many procedures and services going. They are really pushing the limits so that we can deliver to the people of Northern Ireland the healthcare that they want and deserve. That is why the House should be indebted to the entirety of our healthcare family across Northern Ireland.

Mr Speaker: That concludes this item of business. I ask Members to take their ease for a moment.

Members, remember your social distancing.

COVID-19 Business Support Scheme

Mr Speaker: Stewart Dickson has given notice of a question for urgent oral answer to the Minister for the Economy.

I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary.

5.30 pm

Mr Dickson asked the Minister for the Economy when part B of the COVID-19 business support scheme will open to support businesses in the direct supply chain of other businesses required to close or cease trading.

Mrs Dodds (The Minister for the Economy): In responding to this question, it is worth clarifying that there are two schemes currently in operation. It is unfortunate that some Members of the House have deliberately, or otherwise, conflated the two and have thereby created confusion among many of the people who are seeking support.

The local restriction support scheme is run by the Department of Finance. It was designed to provide support to businesses that are mandated to close and that are operating from premises, so it makes up the vast majority of the support that is available. I know that Members of the House will, of course, be keen to hear the details of the progress of that scheme when the Finance Minister is next in the Chamber.

My Department has put in place a scheme to provide support to those who are not covered by the Department of Finance's scheme. Part A of the COVID business restriction support scheme is for those that are mandated to close, but that are not recorded in the rates database. Therefore, it is a much smaller scheme. It was important to get part A up and running as it is directed at individuals with very small businesses and who are unlikely to have cash reserves. By the end of this week, more than 1,000 small businesses will have received payments amounting to more than £3 million.

Part B is for companies that make up the supply chain of businesses that are mandated to close. It is my expectation that part B will open on Wednesday, and I have asked Invest NI ensure that it has the dedicated and necessary resources to make that happen and to respond as quickly as possible. However, again, to be clear to the House — and I am sure all Members in the House will agree — as custodians of taxpayers' money it is imperative that we have the necessary controls in place to reduce, insofar as it is possible, the risk of fraud and error around the various schemes that Departments are asked to bring forward.

Mr Dickson: Thank you, Minister, for coming to the House. We really are going to have to stop meeting like this, but we are not going to stop meeting like this until I get answers to questions on behalf of those people who —.

Mr Speaker: On that note, will you come to a question? I would just like to —.

Mr Dickson: I will come to a question. Minister, on 20 May of this year —.

Mr Speaker: Mr Dickson, can you just sit down for a second? Before we move into this session, I urge Members to please move quickly to their question. That is because Members in the last session were not able to get into the queue because people were taking too long to introduce their question. Go ahead, Stewart.

Mr Dickson: Thank you, Mr Speaker. Minister, on 20 May, you told the Economy Committee that you wanted to ensure that as much money and support would be extended to as many people as possible. Well, Minister, we are still waiting for many people to be included. There are a group of people who will be described as "excluded", yet some £0.5 billion of Barnett consequentials remains to be spent. The Finance Minister indicated to the House that he is open to bids on that, so when will you finally make a bid in order to allow people to protect their businesses and to stop them from falling over?

Mrs Dodds: I thank the Member for his question. Of course, the Member is very well aware that I have, on any number of occasions, asked the Executive to make decisions in relation to this matter. Since decisions are exceptionally difficult to make on this issue, I have today received a submission about support for those who have been recently self-employed and sole company directors, and I hope to sign it off this evening. Of course, that will then go to the Executive and it will be for the Executive and the Finance Minister to decide whether to support those proposals.

Mr Middleton: I thank the Minister for her answers so far. The Minister will no doubt agree that grants are important, but grants alone will not make up for the loss of earnings for those businesses that have been forced to shut or that are severely impacted by the Executive's restrictions. Does the Minister agree that the best support and help that we can give to those businesses is to allow them to open safely with the proper guidance in place?

Mrs Dodds: Yes, I agree. I am on record as saying, many times in the House, that the best support that we can give to businesses is to allow those businesses to open. I am also on record, Mr Speaker — if I may have your permission to speak briefly — as saying that last week was not the Executive's finest hour. However, having come to a compromise solution last week, which in essence rolls over the restrictions for two weeks, bar close-contact services, which the Health Minister says provides 0.05% to the R rate, and the opening of coffee shops. Other than that, the restrictions are rolled over for the next two weeks, yet the Health Minister again, on television on Sunday, not in the House, said that he would be asking for further restrictions. Today, I have spoken to a number of people in the hospitality sector who are extremely annoyed and disappointed that the rules of this game keep changing all the time. I urge the Health Minister to indicate to the Chamber and, indeed, to the hospitality sector what he wants the sector to do in order to open safely so that we avoid a repeat of last week. If he cannot tell us that they can open safely, what is he saying to the 65,000 people whose jobs depend on tourism and hospitality?

Dr Aiken: On a point of order, Mr Speaker.

Mr Speaker: I cannot take a point of order during a question for urgent oral answer.

Mr O'Dowd: Minister, what would you say to the businesswoman in my constituency who said to me during

the week that, if the Economy Minister spent less time doing the Health Minister's work and more time doing the Economy Minister's work, her business may have a future? Will you get the money out the door and to the businesses that require it?

Mrs Dodds: The Member would need to clarify for me whether he was talking to a businesswoman with a rateable premises. If that business owner had a rateable premises, of course, that would be for the Finance Minister to look at. I launched the scheme that we have running whenever we saw the parameters of the Finance scheme. We will of course get the money out as quickly as possible.

However, in answer to the main thrust of the Member's question, I do not see a contradiction between a healthy community and a healthy economy. If we allow that economy to go to rack and ruin and unemployment to grow, we will increase mental health problems and death. Poverty brings incredibly negative health outcomes for people across Northern Ireland. It is a tricky and difficult balance, and I think that you will see the agonies that people genuinely went through last week to try to get that balance. Therefore, I think that we now need to look at how we have a functioning economy and a health service that can service the needs of all patients.

Ms McLaughlin: The terminology that the Minister used to suggest that this is a "game" in any shape, form or fashion is regrettable.

Many businesses in my constituency are small and family-owned, with perhaps two or three members of the same family working in them. To date, they are in their seventh week of having absolutely no support through the part A scheme. Based on the experience with the part A scheme — I welcome the fact that we now have a timeline for part B — can the Minister guarantee that part B grants will be put out very quickly? Can she guarantee that they will be paid before Christmas?

Mrs Dodds: Again, I ask the Member to clarify whether the businesses that she talks about have a rate base. If they employ two or three people, it suggests that they have a rate base. If they have been waiting for seven weeks, it suggests that they are part of the original localised restrictions support scheme that is run by the Department of Finance. If that is the case, I advise the Member to address her questions to the Minister of Finance, as the Minister responsible for operating the scheme.

As I have said and will continue to repeat in the Chamber, part A of the scheme is for those businesses that do not have premises and those that operate on a mobile basis, such as a driving instructor who maybe operates with some ads on Facebook and his mobile telephone number and makes appointments. We are currently working our way through about 2,500 applications to the scheme. By the end of this week, we will have paid out over £3 million through that scheme. We will endeavour to get the rest of the money out as quickly as possible, with as much assurance as we can have, so that the House and I can be satisfied that taxpayers' money is being spent appropriately.

Part B of the scheme is, of course, for businesses that have a number of customers but part of their supply chain is impacted by the restrictions. The Member and the House will understand why we wanted to directly target, first of all, those people who had no income whatsoever.

That is what we have done. Part B will, we hope, be out on Wednesday. Of course, we will pay out as quickly as we can, given the assurances that are required in order to make sure that taxpayers' money is being well spent.

Mr Stewart: I thank the Minister for her answers so far. You rightly say that the businesses that apply for the scheme are ones that have limited cash flow, and that is a serious problem for them, especially given the conditions that they face. I had a phone call just before we came in here from a lady who rents a chair in a salon. After three weeks with no updates by email or from your Department about her application, she received an email today asking for her accountant's details. She does not have an accountant; she cannot afford one. How has it taken three weeks to get to that point? When will they get their money? How is it that, given the accreditation that driving instructors have from the Department to say that they exist, not one in Northern Ireland had received their money as of Friday? Will people who have been asked to extend automatically get a payment, or will they have to reapply?

Mrs Dodds: The particular issue of the extension is one that we as an Executive will have to make a decision on.

However, I would suggest that, since part B is not in operation, it can be extended automatically. Part A will be a more difficult conundrum to deal with, but we should be able to overcome that reasonably quickly. I do not see any particular problems with it.

I do not want to get into an individual case. There is a helpline, and there are people in Invest NI manning the telephones every day in order to iron out those problems. I ask your constituent to contact them to make sure that the issues that she is raising are properly raised with those who administer the scheme and who will point her in the right direction.

Mr Muir: The Minister referred to this as a "game". I profoundly disagree with her: it is a horrendous nightmare. The people of Northern Ireland are looking to this place and to the Executive to come together to safeguard lives and livelihoods, and it is incumbent upon us all to do that.

In relation to part B, will that cover supply chains such as recruitment agencies and extend beyond what the traditional reference to food and produce?

Mrs Dodds: Part B — this is readily available on the NI Business Info site — will apply if the business supplies goods to a business named in the regulations. That includes businesses that supply goods directly to a business named and those that supply via a wholesaler or intermediary. If it is a food business, those food businesses must be licensed and registered by the local council. It can also apply to businesses whose services are provided directly to a business named in the regulations or those that supply a subcontractor. It also can apply to a business that does not supply goods or services to businesses named in the regulations but that is dependent on those businesses being open in order to operate; for example, businesses in the events sector. This is a fairly wide-ranging scheme; it is not intended to exclude. It is intended to be as inclusive as possible, hence the different categories of businesses that we have included, but they must be tied to the local restrictions that were announced on 16 October. That is the main part of it.

Mr Dunne: I thank the Minister for her answers today. I understand that the Finance Minister, Conor Murphy, has £500 million, as has been mentioned, in COVID funding for the various Departments.

Will the Minister for the Economy, once again, highlight the bids that she has made and intends to make in relation to further support for businesses? Will she assure the House that that money will be available before the end of the financial year?

5.45 pm

Mrs Dodds: I thank the Member for his question. Before I answer, Mr Speaker, with your permission, I wish to address a point that Mr Muir raised. I do not consider this a game. Actually, I know so many people who are extremely stressed and anxious, people who perhaps are facing unemployment and people who do not know where to turn to get Christmas over. This is not a game.

I have made a number of bids for additional funding from the Finance Minister, and I will continue to do so. Last week, I wrote to him to ask him to consider extending the 12 months' rates relief to the manufacturing sector. Manufacturing generates about £6.4 billion to the economy and accounts for about 11% of all employees in the economy. While we have the funding to do so, even though we have an unparalleled derating scheme for manufacturing in Northern Ireland — unparalleled throughout the United Kingdom — I think that, in these very difficult circumstances, it would be an easy win for manufacturing and something that we could do relatively simply.

I am also, as I have said, finalising and hope to get Executive approval for a scheme for those who have been recently self-employed. I have been looking at a scheme for tourism support for large tourism businesses that did not fall into the £51,000 bracket in the previous rates schemes and a scheme for bed & breakfast providers. I have been looking at support for some licensed premises that have been continuously closed over the period of restrictions, and I feel that there could be some additional support, through an extension of the hardship scheme, to include companies with more employees than those covered by the previous hardship scheme.

I have made significant bids, and they will all be assessed in the coming days.

Dr Archibald: I thank the Minister for her response, for giving the details of the timeline and for her update on part A of the scheme and what is intended to be paid by the end of this week. However, I am sure the Minister will understand why people were concerned, given that payments under part A are a fortnight late and part B has not opened, and given the financial difficulties and pressures that people and businesses are facing.

Earlier today, the joint First Minister made a statement and outlined additional support being made available for businesses. Will the Minister outline what form that will take and how quickly it will be paid out?

Mrs Dodds: I thank the Member for her question, but I would ask her to clarify whether she is talking about the scheme run by the Department of Finance or the scheme run by the Department for the Economy, which is much newer and has moved reasonably well, given its

complex nature. If it is a business in the north-west, as my colleague on the other side of the House has indicated, waiting seven weeks, then it almost certainly relates to the localised restrictions support scheme.

We need to be very clear about the schemes that we are talking about and not conflate the two. Of course, that is easy to do on social media or for a quick sound bite, but for people who actually require support, that is not the best way forward, and I take that very seriously. I have devised a number of schemes for people, right across Northern Ireland, and we try to get money out as quickly as possible with as much assurance as possible, and that is very important.

I have given an indication of the different schemes and the additional supports that I am working on. The Executive will, probably on Thursday, take decisions around further and additional supports, and I am open to looking at any ideas that Executive colleagues bring forward. The Member will know that the Finance Minister has asked for further bids in relation to the £500 million that he is holding, and I have indicated some of those bids that we are currently working on.

Mr O'Toole: Minister, last week your Department published a research paper on the expected economic impact of the four-week closure. It suggested £120 million directly and up to £400 million indirectly. It also states:

"This figure is assuming a swift reopening and 'bounce-back' once restrictions are lifted".

How can that be the case when we still have hundreds of new cases per day, and the highest infection rates in these islands? Can I ask you to go back to your officials and ask them to test the assumptions that they are making in that paper? Could you also, please, give us a numerical update on precisely how much money has been granted under Part A of the Department's scheme?

Mrs Dodds: The paper that the Member refers to is, like much of the work that we are doing, is modelling around the impacts on the economy. It had as its premise that restrictions would be lifted and people allowed to trade in a freer manner.

The compromise solution that the Executive came to last week will see all the restrictions continue bar the one for close-contact services, which the Health Minister indicates adds about 0.05 to the R rate, and the opening of coffee shops. If we are to have a full bounce-back of the economy and not increase that £400 million number, we will have to allow our economy to operate.

I accept that these are very difficult situations for us to be in. I talk on a regular basis to the Health Minister. I accept his sincerity in what he is putting forward, but two things have to happen: we have to know the further restrictions that the Health Minister wants to bring, and the proposals from Health on how we break the cycle of lockdowns. These are incredibly difficult, unpredictable and new circumstances for us all, and the anxieties of last week were a demonstration of that.

Dr Aiken: I thank the Minister very much for her comments. In her dossier that my previous friend from South Belfast alluded to, one of her officials — I do not think that she would have let this go out if she was a Minister herself, but maybe she would — it states:

“Therefore, it should be noted that the economic and health situation is highly fluid and uncertain and that any estimates are only provided in good faith, to the best of our knowledge. For that reason, the estimates below are intentionally not provided with precision attached”.

Minister, does that refer to your entire approach to helping the excluded of Northern Ireland, and when you say that you are going to get information out on Wednesday, can you give a specific guarantee that that information will come out on Wednesday, and, if it does not, will you consider your position, as you should do?

Mrs Dodds: The paper that was produced last week on modelling the impacts on the economy adopts exactly the same premise as modelling on health impacts that his colleague the Health Minister produces. They are models; they are not precise instruments, just as those from the Health Department around health predictions are modelling. I commend the Member for his persistence but ask him to at least read the paper and the premise on which it is based. *[Interruption.]* I am unsure which section of society the Member is referring to. The Executive will get a paper from me on Thursday on those who term themselves as excluded. That paper is ready and will be signed off. *[Interruption.]*

Mr Speaker: Order.

Dr Aiken: My apologies, Mr Speaker.

Mr Speaker: Mr Aiken, please behave yourself. Minister, please continue.

Mrs Dodds: Thank you, Mr Speaker. No amount of shouting at me in this Chamber will change my mind on how important these issues are and how important it is to respond to people in difficult circumstances.

The Member can shout all he wants in that respect.

On Thursday, the Executive will consider a paper on those who call themselves excluded. Of course, it will be for the Executive to decide what to do on that. There will also be further payments, as I said, by the end of this week under part A, and the expectation is that part B will start on Wednesday. These are important things, and I know that the Member, as Chair of the Finance Committee, would want that money to go out with assurance and probity around it, although his recent statements might not suggest that.

Ms Sugden: I wish to pick up on a point that Mr Stewart made about accountant verification. That in itself has its own cost, and constituents tell me that they have to pay their accountants to sign off forms. I ask the Minister to consider that, particularly for the scheme that she is bringing forward on Wednesday. Also, will the Minister confirm that businesses, further to the new restrictions from Friday past, will get the various business support schemes, whether they are partially closing or fully closing for the two weeks ahead?

Mrs Dodds: Yes, it is fully intended that those businesses will receive those financial supports. It is unfair and improper to ask businesses to close and not to support them. We will endeavour to do that.

Many Members to whom I speak, either individually or in the Chamber, will know that one of the real difficulties in

schemes such as this is the verification of applications. Accountants' letters were one way in which we could do that in the absence of HMRC cooperation. I understand that that is difficult for some people, but we must have assurances around taxpayers' money that is being used for the schemes. I hope that that does not put people off from applying. People have told me that they have phoned the Invest NI helpline and have been helped considerably about how to get these things moving. I would advise your constituents to do that and to keep in contact.

Mr Speaker: I call Trevor Clarke. I will try to call one more Member after you, so take one minute, please.

Mr Clarke: Thank you, Mr Speaker. I thank the Minister for the way in which she outlined her concerns for the businesses that have been affected so dramatically by the virus. Given the very difficult position that the Minister found herself in last week, and the counter view on what the Executive should do — I believe that the right thing was done — did any of the other parties that are now concerned about how an extended lockdown will affect those businesses express the same concerns as she has expressed all along about such businesses?

Mrs Dodds: Most Members in here, whether or not they agree with me politically, will not underestimate my grave concerns for businesses that have been told to close, for people who may lose their jobs and for people who, even under a furlough scheme, face having 80% of their salary in the run-up to Christmas. These are incredibly difficult circumstances. The Executive last week, ungainly as the situation might have been, reflected the difficult, tricky balance of issues. It is really important that we have a health service that can function, but it is equally important that we have an economy that can function. An economy that is in poor shape will produce poor health outcomes, more difficulties for communities and individuals, and even death. That weighs heavily on our minds.

Mr Speaker: I call Linda Dillon for the final question — very quickly, please.

Ms Dillon: When the Minister came up with this paper about the excluded, who call themselves “excluded” because they have been excluded since March — these people have not been waiting for a couple of weeks — did she engage with them to ensure that the paper meets their needs?

Mrs Dodds: As many Members know, I have engaged with a wide range of people, including those people who call themselves excluded, over a long time. The issues will not change.

Mr Speaker: Members, that concludes this item of business. Thank you.

6.00 pm

Assembly Business

Mr Speaker: I have received notification from the members of the Business Committee of a motion to extend the sitting past 7.00 pm under Standing Order 10(3A).

Mr O'Dowd: I beg to move

That, in accordance with Standing Order 10(3A), the sitting on Monday 16 November 2020 be extended to no later than 11.00pm.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 16 November 2020 be extended to no later than 11.00pm.

Mr Speaker: I ask Members to take their ease for a few moments while we change the Chair.

On resuming (Mr Deputy Speaker [Mr McGlone] in the Chair) —

Executive Committee Business

Criminal Justice (Committal Reform) Bill: Second Stage

Mr Deputy Speaker (Mr McGlone): We now return to the debate on the Criminal Justice (Committal Reform) Bill: Second Stage. I call Sinéad Bradley.

Ms S Bradley: Thank you, Mr Deputy Speaker. At the outset, the SDLP acknowledges the reasoning presented surrounding the need for a reformation in the committal process and the objectives presented by the Bill. With mounting political agreements and an independent report spanning a significant time period, all indicating the need to engage in reform, it is regrettable that this matter has been delayed until now. However, we are here now. The proposals contained within the Bill present us with an opportunity to take action on any reform necessary.

There is no doubt that the committal process has its problems and a review is welcome. A reduction in the costly process may be achievable, but the opportunities to support the wellbeing of alleged victims and witnesses are amongst the strongest arguments for proposing reform.

It should be noted that a fair system that reaches justice in a timely manner is in the best interests of all parties. The inclusion of certain offences in the direct committal process, upon early inspection, certainly appears to be a clean and efficient way of reducing the delay that can be experienced under the committal process, as does the proposal to further simplify the process itself. I note the single list of serious offences to which direct committal will apply. Also important is that additional clarity will be given that any other offence that the Magistrates' Court considers to be related to the qualifying offence will also be directly transferred to the Crown Court at the same time.

On the basis of these proposals, it seems reasonable to conclude that the demands on the Magistrates' Court and the committal process could be significantly lightened. However, the additional powers proposed, arguably necessarily, may have the effect of cancelling out or reducing any such efficiencies. The aim of transferring cases to the Crown Court more quickly and shortening the time taken to complete these cases will, in the view of the SDLP, depend heavily on the redistribution of resources. Without a clear business case for the number of cases projected to flow through the proposed new system, the SDLP is concerned that the desired effect of reducing the length of the committal process could lead to new pressure and delay in the Crown Court. Should that be the case, the objective of swifter outcomes could be compromised. We therefore will engage with the Minister and the Department to seek assurance that these proposals are deliverable.

In principle, the SDLP welcomes the Bill and its objectives and looks forward to engaging in the process of scrutiny and building the legislation to ensure that it delivers on all its outlined objectives.

Mr Dickson: I welcome the Bill's Second Stage. I begin by commending the Minister for continuing the programme of reform started by our Alliance colleague David Ford

when he was Justice Minister. Our justice system is much improved from 2010. As ever, however, there is much to do to bring it into the 21st century by speeding up justice, improving victims' experience of the system and ensuring value for money for the taxpayer. The COVID-19 pandemic has had a profound impact on all of our lives and put pressure on Departments, but we must not lose sight of the long term. I would therefore like to thank the Minister of Justice's officials for the work that they have done to bring this legislation before us.

Committal reform has been on the agenda for quite some time. In fact, I recall that the abolition of oral evidence at committals was part of the Justice Bill (Northern Ireland) 2015 before it was amended, as was direct committal through differing mechanisms. This Bill brings together a number of recommendations and actions from the Fresh Start Agreement, the Gillen review, the Northern Ireland Audit Office and Criminal Justice Inspection. It will help to speed up justice and improve victims' experience of the system. I welcome that such an evidence-based approach has been taken to the Bill and to understanding what the need is and what our actions should be. Many, not least the Northern Ireland Audit Office, have pointed out that criminal cases in Northern Ireland take significantly longer than those in a similar system in England and Wales. The delays represent additional cost for defendants and victims, and committal reform will be a major step forward in addressing this. It is also worth noting that the committal process was abolished in England and Wales a number of years ago. It took time but, by May 2013, committal proceedings to determine whether there was sufficient evidence had ended. It is vital that we get on with the task here as well.

The first three clauses are quite straightforward, finally implementing the much-needed abolition of oral evidence in the committal process. Clause 1 provides for the abolition of preliminary investigations, which involve the calling of witnesses, oral evidence and associated cross-examination.

These can have a particularly traumatic impact on victims of crime and require them to give evidence more than once more during the progression of the case. However, hearings can also be lengthy, lasting a couple of days, as we see with delays in arranging the attendance of witnesses in the Magistrates' Court. This slows down our justice system, adds cost and potentially creates a traumatic experience for those who are cross-examined, all for little tangible gain.

Clause 2 repeals elements of the Magistrates' Courts (Northern Ireland) Order 1981 to abolish mixed committals and evidence under oath at preliminary inquiries. This brings forward another part of the recommendations of the Fresh Start panel for tackling paramilitarism and/or organised crime, and it is to be welcomed. Clause 3 tidies up minor appeals and amendments. Clause 4 is perhaps the most complex element of the Bill, bringing the necessary legislative changes to amend the 2015 Act to provide for direct committal for a range of offences triable only on indictment.

At this point, it is worth looking more specifically at the case for committal reform in Northern Ireland and the range of reports and recommendations which have called for it. First, there was a Fresh Start commitment to bring forward legislation to reform the committal system and remove the need for oral evidence to help tackle organised

and paramilitary crime. In 2016, the Fresh Start panel published a specific recommendation for the Department of Justice to:

"bring forward draft legislation to further reform committal proceedings to remove the need for oral evidence before trial".

This was under the aim of "Promoting lawfulness", which the panel agreed could be done:

"in a way that respects the rights of both victims and the accused."

Of course, the intervening period of Assembly hiatus has put this off. I would like to, again, thank the Minister for her speed and efficiency in bringing it forward and for her commitment to such reform. I recall, in fact, that we were here over five years ago trying to remove oral evidence at committal as part of the passage of the Criminal Justice Bill. However, this was altered to continue the practice where the courts thought that it was in the interests of justice.

In 2018, the Criminal Justice Inspection Northern Ireland's 'Without Witness' report recommended that:

"rape, serious sexual offences and child abuse offences be added to the list of specified offences under the Justice Act (Northern Ireland) 2015",

so as to allow for direct committal.

Then, the Gillen Review's 'Report into the law and procedures in serious sexual offences' called for similar reform to the system. Specifically, Mr Gillen called for direct committal arrangements to be made for serious sexual offences. These would have the effect of speeding up justice, reducing costs but, most importantly, reducing the potential for additional stressful and traumatic experiences that committal hearings can cause for victims. Reform is clearly needed to ensure that victims have a better experience of the justice system than they currently have. Committal causes impacts for the victims of crime, the slowing down of committal proceedings, and the slowing down of justice. However, it is also important that we consider the costs associated with this system.

In 2018, the Audit Office published 'Speeding up justice: avoidable delay in the criminal justice system'. This report highlighted a number of challenges facing our justice system. One of the most notable was the committal process. The report commented that the committal process is:

"widely considered as providing minimal value whilst imposing onerous demands upon victims and witnesses."

It noted the progress made in the 2015 Act to remove the process, and ultimately made the recommendation that:

"The Department should establish an action plan and timetable for the eradication of the committal process."

This Bill represents a step forward in that regard.

Finally, a commitment in 'New Decade, New Approach' states that:

"The Executive will deliver committal reform to help speed up the criminal justice system, benefiting victims and witnesses."

Again, it is welcome that the Minister is taking action on this New Decade, New Approach commitment, as we are all still waiting for progress on many other aspects and in many different areas in the Executive.

I recall that the 2015 Justice Act contained provision for direct committal in certain circumstances for guilty pleas. However, following engagement and identifying the complexities and risks inherent in this, the system will be simplified to be based on the case. That is a sensible and more workable way forward. Nonetheless, the Bill allows for magistrates to speed up the process in certain circumstances where there is an indication that the defendant wishes to plead guilty by ordering the necessary reports for the Crown Court.

6.15 pm

Of course, when we are reforming our justice system we must always consider the balance between the fundamental right of the defendant to a fair trial and the rights of victims and witnesses. This Bill achieves that. The eventual end of the committal proceedings, including pre-trial oral evidence, has been seen in England and Wales as not having a negative impact on the delivery of justice. In fact, the justice system moves more swiftly there. We must also remember that delays to justice have implications for defendants and their right to a fair trial in a reasonable period, as outlined by article 6 of the European Convention on Human Rights. My understanding is that the provision will not apply to cases already in progress, nor, indeed, retrospectively, so there will be no unexpected changes for those progressing through the system at the moment.

In closing, I welcome this legislation, which builds upon previous legislation brought forward by former Minister Ford. It takes a clear step towards reforming a part of our justice system that is antiquated and that does not deliver for the defendant, the victim or the taxpayer. It will speed up our justice system. It will ensure that the rights of all are respected and, in doing so, maintain and build vital confidence in the system and in how it will deliver for the people of Northern Ireland.

Dr Aiken: I apologise for our justice spokesman's not being here today, but I support the Bill. The UUP acknowledges the need for the changes and for this Bill. It is regrettable that this has been so long delayed, but we welcome at long last the reform of our justice system that is much needed. Streamlining and improving efficiency is needed, for justice delayed is indeed justice denied. The judiciary, the victims and the whole process of the justice service need to support these changes, and we need to also make sure that we have suitable resources and the ability to support the changes that have to go through our court system, which is in need of reform. The Ulster Unionist Party supports the changes.

Mr Dunne: I welcome the opportunity to speak today, as a member of the Justice Committee, on the Second Stage of the Criminal Justice (Committal Reform) Bill. There has

been a significant amount of work done on this Bill within the Department, and that should be acknowledged. This Bill represents a real opportunity to speed up the justice process, make the justice system more fit for purpose and further support victims and witnesses. There is a strong case for reforming the committal process, and there is a body of evidence from external organisations both within the criminal justice system and outside it. The Gillen report and the Northern Ireland Office report of 2018 both carry recommendations which would, if implemented, significantly reform the current committal process.

This Bill seeks to achieve a number of key outcomes. One of the most significant outworkings of the Bill will be to remove the need for victims and witnesses to give oral evidence twice, first at the committal hearing in the Magistrates' Court and then again at the Crown Court. Giving oral evidence can be very daunting and traumatic for victims and witnesses who may have suffered horrifically, and can often only add to the pain for an already distressed victim.

This will also cut down on duplication and help to streamline the process for the Courts and Tribunals Service, as well as the criminal justice agencies, and, most importantly, improve the experience for the victims of crime in their pursuit of justice. The Bill will also ultimately result in more cases getting to the Crown Court faster than is currently the case. Magistrates' Courts conduct a very significant amount of business, and, often, Magistrates' Court lists are overflowing. However, it is important that we see an integrated approach to these reforms that mitigates the pressures on Crown Courts and ensures a managed, balance transaction approach. We do not want to just see the balance shifted from one court to another. The plan for a phased roll-out is a sensible approach that allows for flexibility and the tools to rebalance resources prudently. Although committal hearings are used to test evidence and determine if cases should proceed, it is very unusual for cases to be dismissed at that early stage, yet significant time and resources, including court time, are required, adding unnecessary costs and time to proceedings. Committal hearings can also often be subject to adjournments and delays for a number of reasons, which are often outside the control of victims and witnesses and which often add to their pain and frustration. We can learn lessons from other jurisdictions and ensure that any reforms are tailored and focused on making our justice system more efficient and effective. It is also important that there is a degree of flexibility with such a significant reform. That is why I believe that the use of orders in the Bill, which would allow other offences to be added, are an important tool.

The ongoing COVID-19 pandemic has presented unique challenges for victims of crime, with some court business conducted virtually during the lockdown and ongoing periods of restrictions. Even today, there are significant pressures on court business and virtual measures can sometimes limit full engagement and participation in the justice system and have an adverse effect on getting justice and, ultimately, support for victims. It is always wiser to consider ways of improving our justice system in a way that benefits victims and witnesses, with the aim of reducing offending and, ultimately, delivering safer communities.

I am content to support the general aims of the Bill, and I think that it has the potential to deliver leaner and more effective justice processes for victims of crime, who should always be the number one priority for the Department.

Ms Dolan: I welcome the opportunity to speak on the Second Stage of the Bill. Reforming the committal process and speeding up criminal justice were commitments that were made in the Fresh Start and the New Decade, New Approach agreements. Speeding up justice is a priority for Sinn Féin and, although the Bill will play a part in doing that, it is clear that there are many other problems in the wider justice system that will not be resolved under the Bill. Therefore, there is a responsibility to fix the system as a whole.

The COVID-19 pandemic has added further complications, with a high number of cases having to be cancelled because of restrictions earlier in the year. Therefore, the Department has a responsibility to ensure that any remaining lists are dealt with swiftly.

We are aware of a pilot project that was carried out in Belfast recently, which involved fast-tracking serious sexual-offence cases involving child witnesses under the age of 13. We understand that that was carried out without the need for additional resources and that the pilot was successful. That is an example of the whole justice system pulling in the same direction to improve outcomes for victims and witnesses in an innovative way and is the type of thing that should be implemented and encouraged.

When discussing the Gillen review in 2018, the assistant director of the PPS said:

“We very much understand that the rigour and robustness of the system can be difficult from a victim’s perspective, and this is particularly true of those who are a victim of a sexual crime.”

She also emphasised the need for collaboration between criminal justice organisations. Such collaboration has been seen in a number of other projects that have been taken forward in recent years, including the Working Together project, which required enhanced early engagement between the PPS and PSNI and other criminal justice organisations at key points to improve the quality and timeliness of the investigative stages, as well as improving case files and disclosure. Better cooperation between those organisations is vital if we are to see the improvements to the speed of case progression that is required.

There is also the issue of increasing the jurisdiction of the Magistrates’ Court, which, in 2017, the Lord Chief Justice identified as having a number of benefits, including speedier case progression, the better use of the professional skills of judges and alignment with other proposed reforms, such as problem-solving courts. I ask the Minister whether her Department has done any scoping work on that issue and whether she intends to take it forward.

One of the most important ways of speeding up justice will be the further roll-out of problem-solving justice initiatives. We have now seen a number of successful pilot schemes and initiatives, such as the use of enhanced combination orders. There is a wide range of innovative and expansive thinking options out there, which, taken together, will deliver the radical changes to the criminal

justice system that are required if we are to support victims and witnesses. That work needs to be a priority for the Department and other organisations that are involved in the justice system.

Mr Frew: I rise to speak on the Bill. First of all, I welcome the fact that we have legislation coming through the Assembly. That is what the Building and Chamber were designed for. We are legislators. Is it not great to have a late-night sitting, and the atmosphere that it brings, when we could be at home or anywhere else? This is where we are, and this is why we are here.

This is the business end for us as legislators. I am delighted that we can get our teeth into Bills. I thank the Minister for that. Of course, legislation is a bit like buses: you wait for a long time for one Bill to come along and, then, a number of them do. I can only impress upon the Minister to keep them coming. No matter how many there are, let us see legislative change for good.

I think that we all realise how long the Bill has been in the system and has taken to get to this point. I welcome that. I welcome the fact that some good can come out of it. It is only Second Stage. I cannot wait for the Bill to get to the Committee, where we can get into the nuts and bolts of what it is designed to do. It is clear that when one looks back at the catalogue — and it is a catalogue — of reports, there are some from all arts and parts; not only are there reports from the judicial system but from experts who have reported on the justice system of late.

Recommendation 3 from the Northern Ireland Audit Office’s 2018 report on speeding up justice states that:

“The Department should establish an action plan and timetable for the eradication of the committal process.”

Even recommendation 110, I think that it is, of the much-valued Gillen report states that:

“The Department of Justice should make provision for the direct transfer of serious sexual offences to the Crown Court, bypassing the committal process”.

There are even all the political agreements, which I will not go into because they bore me as much as they do everybody else in the public. Then, there is the Intelligence and Security Committee report on Northern Ireland-related terrorism, published in October 2020, which states that:

“we have found that systemic delays in the Northern Irish judicial process appear to be resulting in cases taking months, or even years” —

of course, we all know that it is years —

“to come to trial the use of oral committal hearings ... and an absence of rules covering criminal case management do seem to be ... factors.”

Of course, anybody who has had any experience on the Justice Committee will know that it is a problem that has dogged the Committee, the Minister

, the Department and the judicial system for a long time. Therefore, I believe that we are taking a positive step forward in the right direction.

It is a very small Bill. There is not much to it. Most of what it contains relates to abolition of preliminary investigations

and the committal process. That brings me to some of the problems that we might see. We have the benefit

of hindsight with regard to England and Wales. Of course, they abolished committal proceedings quite some time ago. I think that it was the Crime and Disorder Act 1998 that did away with committal. Therefore, they have had a lot of time. Something that they realised about that — it was in a National Audit Office report — was that, while abolishing committal hearings had reduced waste in the system, getting rid of those hearings had added little value because that had, instead, added to pressure on Crown Courts, where a backlog of cases gathered more quickly.

We cannot have a bottleneck and for people to wait just as long, albeit it would do away with a horrendous stage of the court proceedings for the people who are involved. If outcomes take the same length of time, we will have failed. That is a sobering picture.

Ms Dillon: I thank the Member for taking an intervention. Does he agree that we must ask the Minister to provide assurances on how that will be prevented from happening?

Mr Frew: I hope that the Minister heard that. Yes: I support that intervention and key question. The Committee will want to look at that issue.

There is no point abolishing a stage of a hearing process, horrendous as it is, if we still have the same outcome and it will not assist. We know and are told time and time again by all the experts that justice delayed is justice denied. We will keep repeating that and we have done for years, but we have not seen any change, so here we have an opportunity for real change.

6.30 pm

I note Mr Allister's earlier commentary, and that is why I cannot wait to get the Bill into the Committee Stage. I am sure, given the Member's interest and expertise in this, that he will contribute to the Justice Committee's scrutiny, and I welcome and encourage that from the Member, as I am sure the Minister does. She is nodding her head. The more people we can get to scrutinise the Bill, the better. It is the same as with any Bill in the House.

We will want to scrutinise that issue to make sure that the changes that we are trying to make will bring real reform, real meaning and real positivity.

I thank the officials for coming to the Committee to give us a briefing before the Second Stage. One of the questions I asked was: how will it affect crimes and offences that are carried out by suspected terrorists but are not terrorist-related? With that comes the fear, the presence and the spectre of the fist and, in many cases, worse. We know that there is real fear out there in the population, not only among alleged victims but among the families of alleged victims. We need to ensure that we cover all bases and that, as much as possible, we try to protect the people involved from the gangster, the terrorist and the gunman. That is very important. It is highlighted in some of the intelligence-led reports, and some of the organisations have commented on that over the years. It is very important that we cover and protect those people.

It is not only about the alleged victims and their families but the perpetrators — or the alleged perpetrators, before I get told off. It is quite right that every single one of us should expect swift justice, even the perpetrators. That is hard to

say, considering some of the horrendous crimes that have taken place, but everyone deserves quick, speedy justice outcomes. When you read all the reports, you will know that, especially for young people, delayed justice, if it is years in the making, can lead to a lack of responsibility from the perpetrator and that person not linking their crime with their punishment. We need to grapple with that. We need to make sure that that is quicker, slicker and more effective. We should remember that it is not just about punishing people but about rehabilitation, and we will have no chance of rehabilitating if the perpetrator cannot link the offence that they have committed with the punishment that they have been given. That is very important.

I will move on to costs. How will this save money and how much money will it save? That is a hard question to answer, because it changes and is so fluid over the years and, of course, it all depends on the rate of crime and everything else, but we need to see meaningful change in the area of saving money.

Let us not get away from the impact that this might have. Members of the Justice Committee are close to the courts. We should probably be closer, but we are close enough to the courts to know how they work. Many Members will have experienced court proceedings over the years and during their lives, and it is a daunting prospect. Even when you know you are right, if you are involved in a case, the buildings and the process can be alien to everyday life. Unless you are a trained barrister, solicitor or judge, it is alien to you and it is not your place of work, so it is daunting. It should not be the case that an alleged victim is asked to give evidence, and to give evidence again, or that a witness is asked to give evidence, and then to give it again in a different setting. We do not need that. It has been proven in other jurisdictions in the United Kingdom that it is not required. We need to cut away the layers that are not needed and speed up justice. That is the point that I make now. Passing the Criminal Justice (Committal Reform) Bill is the start, not the end, of the journey. It is important that we encourage and increase efficiency, even in our Crown Court proceedings. We must ensure that there is no bottleneck as a result of losing this layer, and make sure that our court proceedings are much more efficient than they are currently. That is vitally important.

I also want to touch on the utilisation of our estate — our court buildings and every art and part of those buildings. It is vital that they are utilised and maximised completely and utterly. If we do not have court proceedings, we should maximise the use of that building by using it for DLA and personal independence payment (PIP) appeals. That is what we do in courtroom 3 in Ballymena, and it works very well. We have not had any appeals this side of lockdown, which is wrong, because there is no reason for that, but the buildings and the court setting have to be utilised better. Over the years, they have not been well utilised.

All of those issues are in the mix. Even though the Bill is only five clauses long, the Committee will take its time. It will scrutinise it as only the Justice Committee can. I have been very impressed with the Justice Committee's work on the Domestic Violence and Family Proceedings Bill. We have done an enormous piece of work — a very good piece of work — and we will bear that out tomorrow. I have no doubt that we will do the same with the Criminal Justice (Committal Reform) Bill, because I have faith in the Committee members to scrutinise diligently and get

to the kernel of the issues and the point of the Bill. We will probably make it better, as we did with the Domestic Violence Bill.

I support the Bill's Second Stage and look forward to its Committee Stage. I would welcome commentary and comments from all Members at the Committee Stage.

Ms Rogan: I welcome the Criminal Justice (Committal Reform) Bill. It arose from the New Decade, New Approach deal in January, as part of the reform to direct committal proceedings. It will mean that rape and serious sexual offences are to be added to the list of specific offences under the 2015 Justice Act and, therefore, allow such offences to bypass the committal process and be directly committed to the Crown Court. That was a key recommendation of the Gillen review into the law and procedures in serious sexual offence cases. Recent figures show that the major delays in the justice system disproportionately affect those cases which involve serious sexual offences. It is, therefore, vitally important that such offences will be directly committed under the Bill.

I want to take some time to speak about the Gillen review. The recent Department of Justice figures show that, on average, it took 698 days to complete serious sexual offence trials in 2018 and 2019, which was up from 470 days in 2015 and 2016. The Gillen review stated that the current system:

“causes delay, prolongs the trauma on victims”

— or alleged victims —

“and potentially leads to their withdrawal from the case.”

It also stated that expanding the number of offences subject to direct committal to include sexual offences would reduce the anxiety for victims and should reduce delay in the case progression. Although the Bill, if passed, will go some way to rectifying that problem, it must be noted that behind every statistic is an individual. The victims who are at the heart of this have been subjected to some of the most horrific crimes. Victims have been let down by the system for too long, because too much time has been taken to deal with the case, or there has been a failure to deliver an acceptable outcome. Although the number of serious sexual offence crimes being reported is increasing, the conviction rate remains unacceptably low. The Bill will be an important way in which to support victims, but it is not the only solution; it is merely one piece of a wider problem that must be addressed. To that end, it is welcome that, during the summer, the Department of Justice published the Gillen review implementation plan, which Department of Justice officials briefed the Justice Committee on recently. It includes time frames for processing the recommendations. I welcome the Minister's intention to legislate for a number of Gillen recommendations as part of the Justice (Miscellaneous Provisions) Bill later in this mandate. I encourage the Minister to ensure that, even though a high number of Bills will be processed during the remainder of this mandate, the miscellaneous provisions Bill completes its passage during this mandate.

It is vitally important that the other recommendations of the Gillen review that fall under the jurisdiction of the Department of Justice are made a priority so that the system can finally begin to treat victims with the respect,

dignity, efficiency and competency that they deserve. Although tackling delay in the justice system is an absolute priority, we can do better in how we treat victims, including vulnerable and/or young witnesses. Gillen made two specific recommendations relating to the successful Barnahus system, which the Children's Commissioner described as:

“as close to an ideal system as we have seen”.

It is innovative, it is successful, and it is the type of radical reform that we need to see if we are to truly develop a justice system that looks after the best interests of victims and witnesses.

Ms Bradshaw: I agree with Mr Frew: it is great to see this Bill proceeding through the Assembly. We were all elected as legislators to bring in policy changes and new laws to make our constituents' lives better.

As the Minister mentioned, the principles of the Bill are not new. It is, of course, as she explained, designed to speed up the justice system, which, in many cases, is operating at only half the speed of those in the rest of the UK, and, ultimately, to improve the operation of the criminal justice system. We could probably do with a bit of speed being injected into the political system, too. The principles of the Bill are not new, and previous Ministers have attempted to legislate to implement them, but, as ever in this place, delays have been the outcome. We already have the Justice Act, but its directly relevant provisions have not commenced. What we are doing here was done, for the most part, in England and Wales as long ago as 2001 and was agreed in the Fresh Start Agreement action plan. My colleague Stewart Dickson outlined some of the background of why we have fallen so far behind, so I will not repeat it. We are now following on from what Criminal Justice Inspection, the Northern Ireland Audit Office and 'New Decade, New Approach' all advocated.

One advantage of the delay is that more offences are now included for direct committal. Those include serious assault, serious driving offences, sexual assault, aggravated burglary, human trafficking and firearms possession with intent. It is more essential than ever to get on with the Bill because it complements other legislation that is currently proceeding through the House or is currently proposed. That is because the Bill is about not just speed, as important as that is, but reducing stress on victims and potential victims. The Bill will improve the quality of evidence and will relieve stress by ensuring that evidence is given only once. Indeed, it is the abolition of oral evidence at the committal hearing, which is, primarily, dealt with in clauses 1 to 3, that will follow most swiftly after the passage of the Bill. That is also important following the Gillen review into serious sexual offences. Although that review was specifically about sexual offences, it called for a holistic approach. The cases added for direct committal extend well beyond rape and sexual assault, so the principle that victims should not be further victimised by the length or nature of evidence that they have to provide surely extends beyond them, too. Clause 4(8) is notable in that regard.

I also draw attention to clause 4(4), which enables the direct committal of a case to trial by an order of the court or through regulations of the Department that define which cases must be so committed.

This will help to enable the ultimate goal, which is the eventual abolition of committal hearings altogether. I look forward to this Bill now proceeding swiftly to speed up our justice system and improve the quality of evidence presented in it.

6.45 pm

Miss Woods: I welcome the opportunity to speak on this Second Stage debate, and I welcome the Minister back to the Chamber. As many Members have alluded to, committal reform has been discussed for many years and has featured in a number of reports pertaining to the justice system in Northern Ireland, notably the Gillen review, the Audit Office report and the 2016 Northern Ireland Executive action plan on tackling paramilitary activity and organised crime, which recommended that the Department remove the need for victims and witnesses to provide oral evidence before a trial and abolish committal proceedings in respect of offences most frequently linked to so-called paramilitary groups. There was also the Intelligence Committee report that Mr Frew mentioned.

Also, in 2018, Jonathan Hall QC provided an independent review of terrorism legislation across the UK, and he highlighted a finding that one of the reasons why difficulties are encountered in Northern Ireland in bringing successful terrorism prosecutions could be because of the aggressive adversarial court processes, with all of the defendants requesting old-style committals during which every point is fought over. I am also aware that this formed part of the debate in 2014 with the Justice Act (Northern Ireland) 2015, where, at Second Stage, proposals to reform committal proceedings were generally supported. So, this is not a new issue, but I, unlike many other Members here, was not part of that process. Therefore, I initially extend an invitation to, in particular, Mr Allister, who was vocal on this earlier today, to speak with me on this matter and outline his position and his experience with this in practice to me and to the Justice Committee.

As has already been discussed, the primary purpose of the Bill appears to be improving justice procedures by reforming the committal stage of cases moving through the court system. The Department's overall aim is to eradicate the traditional committal process entirely through rolling out direct committal. Fundamentally, it is to make the experience of victims and witnesses better, removing unnecessary steps and improving the speed of cases throughout the justice system. The committal proceedings as they stand have been described as a redundant, unnecessary and traumatising addition to the justice process for victims, and we know that there are fundamental problems that must be addressed.

Sir John Gillen, in his review of serious sexual offences, recommended that current proceedings should be discontinued, stating that they:

“are often listed as a mixed committal, which then turns into a conventional preliminary enquiry hearing on the morning of the matter, after the complainant has suffered the stress and worry of a court appearance, only to be told that they are not required. This is quite unnecessary and that practice should be strongly deprecated, given the additional stress and delay this process is causing.”

He stated:

“that there is no justification for continuing with the present system of committals in serious sexual offences”

I am glad to see this being part of the Bill and the additional offences added to the list of direct committal. I also note other Members' commentary on the delays in the system for sexual offences along with the conviction rates, and I agree that it must be addressed. So, there is much more to do as well as this Bill.

With preliminary enquiries, the situation is even more traumatic for victims and witnesses, as they are called to give evidence in what is experienced by them as an actual trial, leaving them hostage to a system that claims to be intent on ensuring that victims of crime will have to give evidence only when it is necessary. So, do we actually need a dress rehearsal of the case or are there other safeguards in the system that could prevent this? The oral committal system can add an additional layer of evidence, given that it has been recognised by the Department of Justice and those working in the criminal justice arena as unnecessary, not least because of the physical and emotional toll that giving evidence at this stage has on those who have already had to live with the after-effects of criminal activity. This has most loudly been advocated by groups and organisations such as Victim Support, and I look forward to engaging with them further on this. Perhaps the Minister can outline in her closing remarks what recent engagement she and her Department have had with organisations such as Victim Support, which I know was incredibly active on this issue even when the Assembly was down for some years.

Committal hearings add to the already significant delays and mammoth costs of our justice system, but, unfortunately, the Department was not able to provide any assessment of the costs of these proposed changes to the Committee during the oral evidence session. I note that, in 2012, when the Justice Committee was presented with the consultation on early guilty pleas and committal reform, the Department had not conducted detailed costings on abolishing the committal process altogether. I hope that that information and the other effects of the Bill will be provided at the earliest possible stage to the Committee.

I welcome information, from a purely financial perspective, on how much the current system costs and any projections of what those reforms would save and where the finances would be redirected to in the courts process.

I would also appreciate information on what lessons have been learned from other countries that have implemented committal reform, such as Scotland and England, as well as lessons from Australia on the different approaches taken there. In Canada, too, this has come up in much discussion, and recent issues have been raised with committal proceedings around the country's extradition laws. Have any studies and research been done to make sure that this legislation will do what it says on the tin, that is, remove undue delay?

In 2012, the Justice Committee was also told that part of the issue with abolishing committal in its entirety was that so many consequential changes would be required if it were uprooted and got rid of entirely. I am aware that it will be done in a staged process through this Bill, but the Committee was told that there would be a queue of cases waiting to get to the Crown Court, and there would be a

fear that if the rest of the system were too slow, the Crown Court would end up becoming a remand court.

So, where are we now? Eight years later, have we got the necessary changes in the court system that mean that there is no queue? What front-loading has occurred to prepare for the changes? What safeguards are in place already? Do we need to go further? Is a trial sufficient to safeguard the rights of the defendant and scrutinise evidence? If it is — and, surely, that has been suggested in Gillen with regard to sexual offences, as well as reforms to proceedings elsewhere in the UK and Ireland — this Bill needs to address that. We must go beyond this Bill to do our best to sort out the speed of justice.

Overall, I welcome the introduction of the Bill and look forward to scrutinising it as part of the Committee to get the best possible justice system for victims.

Mr Allister: The removal of a citizen's liberty through incarceration is the most severe step that the state can take against any citizen. Therefore, over centuries, we have built up a hedge of protections against injustice resulting from that situation so that we are sure that before the state dares to remove the liberty of any citizen, be he the most odious terrorist charged with the most odious terrorist crimes, be he charged with the most sickening of sex abuse crimes or be he charged with theft or robbery or anything else, that it is sure that it has a process that is foolproof, as far as it can be.

We built up a number of matters to hedge that about. The ultimate one is that no one can be convicted of any crime without proof beyond all reasonable doubt. I trust that none of us would want to tinker with that or change that. That is a bulwark, but, as part of the hedging about of protections for citizens over the centuries and decades, we have established a committal process to ensure that, before a case goes for trial, there is at least a prima facie case against the accused. That is the difference.

In committal, the test is not whether there is proof beyond all reasonable doubt. The test is whether there is prima facie evidence that the person who is charged committed the offences with which he is charged. Only if there is prima facie evidence is that person committed for trial.

Anyone can see the vast difference in the scale of what is required. What is required at committal stage is very modest. It is to show only a prima facie case. It is quite different from what is required for conviction.

What are we looking at therefore at committal stage? What we are looking at in 95% of committal cases is the papers in the case. How do the papers evolve? Are they sworn statements? No. Are they statements that have been sifted and tested by any interrogation? No. Papers at committal are witness statements taken, almost invariably, by a police officer. They may reflect the actual words of the witness; they may not. They are the words framed by the police officer to convey what the witness is saying.

The statement is then signed by the witness. It is not sworn; it is signed. What this House is therefore being invited to do is to say that it is OK with us to put people on trial, for perhaps the most serious of crimes or the least of crimes, in the Crown Court, without the evidence against them ever being sifted or tested or sworn. That is the effect of abolishing committal proceedings, because most committal proceedings involve the production of what is

called a bundle of preliminary enquiry (PE) papers, which the magistrate reads. Based on those papers, he decides whether there is a prima facie case. He is applying a judicial process before someone is sent for trial.

This Bill wants to remove that. This Bill wants ultimately to remove that from every single crime that ever goes to the Crown Court. This Bill wants ultimately to create the circumstances in which the state can do the greatest possible injury to citizens, namely to deprive them of their liberty. This House wants to create a situation in which someone can be put on trial for whatever it is, without those papers ever passing through any judicial sift or ever being sworn to be the truth. It is just enough that it says it there in black and white. I do not think that that is wise. I do not think that it is sound. I do not think that it is in the interests generally of society.

I have to say that the process does not cause delay in the criminal justice system. The regular committal, which is over 95% of all committals, is a paper exercise that does not cause the delay that is pretended in this House today. What of the other 4-5%? They come either through what is called a preliminary investigation (PI) or, more likely, through a mixed committal. That is to say, at its initiative, the defence can ask for all the evidence to be called. It would be very unlikely that you would do that. You do not really want to hear from the mapper or whomever. Or it can ask for key evidence to be called. Why would it do that? I can tell you. In my experience, I do not think that I have ever read a set of committal papers that would not leave you believing, "This probably is the truth", and yet, when you get a witness in the box, you can discover that it is anything but the truth.

Ms Dillon: Will the Member give way?

Mr Allister: In a moment. You can discover that it is fabrication. You can discover that there were motives that produced the fabrication. That is why a defence counsel or solicitor would say, "We know that to be fabricated. We know the motive of that person. We know the frailties of that evidence. To save the need the need for a trial, we are therefore going to try to expose that at this point by asking for a mixed committal or a PI".

And if they succeed, what happens? They save the public purse the cost of a trial. In 2014, when we last debated this, in that year 18 preliminary investigations/committals resulted in no committals. That meant that there did not have to be tens of thousands of pounds spent on 18 trials. That is only a drop in a very big ocean but it needs to be taken account of.

7.00 pm

Ms Dillon: I thank the Member for taking the intervention. I agree with Rachel Woods. In scrutinising this Bill we will listen to many witnesses. I would be happy to meet the Member to hear his side of the argument, along with my colleague on the Committee and anybody else who wants to be part of that conversation, because we do want to make the best law and we want to ensure that these issues are dealt with. I would like to hear some alternatives as to how we make this process less difficult for those alleged victims.

Mr Allister: If the Member continues to listen I hope that I will be able to assist.

Why have we got a committal process? Think of it. I have tried to deal with that. We have a committal process as a sift. Let me remind the House that in the Continental system, for example, committal is done by the magistrate presiding, interrogating the witness and deciding whether or not they are believable and then they go to trial. We have a much more modest system here. It simply requires the statements to be sifted in 95% of the cases and for the magistrate to be satisfied that there is something here, that it is prima facie and needs to be tested by a jury, and so they are committed.

You have the very few cases where the defence say, "We would like to challenge the evidence at this stage". Very often, the defence strategically decides not to, because they want to keep their powder dry, so to speak. Every time you call your witness and show your hand in your cross-examination they are more ready for you the next time, if there is a next time, so very often the defence will keep their powder dry and agree to a committal on the papers and not ask for it. However, in cases where it is crying out for challenge I do not see why this House would want to remove that.

We had this debate in 2015 and this House, with the votes of Sinn Féin, the SDLP and the Ulster Unionists, if I remember correctly, preserved the right for oral hearings at committal, not on a blanket basis — we removed that — but in the interests of justice. What this House arrived at as a compromise in 2015 was that if the magistrate presiding is persuaded that in the interests of justice he should hear some oral evidence, then he hears it. What this House in 2020 is being asked to do is to liquidate the interests of justice, to take away from this process the opportunity for the interests of justice to be served.

I could understand this House's stance if this was a choice between everyone can have a PI or a mixed committal and it is an absolute right, or nobody has it. I can understand that, but when the choice is between this House having reached a settled view in 2015 that those who can persuade a magistrate that is in the interests of justice that evidence is heard, then they can have a committal.

Really, we are saying — there is no dodging of this for this House, and there will be no dodging of this for the Committee — that the question that you are being asked in this Bill is, "Do you want to remove the protection that says that committal happens, and only happens, if it is in the interests of justice?" If your answer is, "I don't care about the interests of justice; I just want to remove it", you will vote this Bill through, lock, stock and barrel. However, if you do care about the interests of justice, you will ask yourself what is wrong with a magistrate having to be persuaded that oral evidence can be called if it is in the interests of justice. What do the courts exist for, if not the interests of justice? I find it quite surprising that we want to arrive at a situation where mere statements — no sifting, no rigour, no testing — are enough to send one to trial. Indeed, we want to do more than that. We do not even want to have a process; we just want to send them for trial.

I was astounded when I read the explanatory and financial memorandum. I hope that all Members have read it, because we discover in it that, for this proposal, the House is being asked to rely on a consultation from 2012 — eight years ago. Is that good enough for this House? A Minister is bringing a proposal with a backup document that relies on a consultation from eight years ago. It recites

what the great and the good think and what some very knowledgeable politicians think and Fresh Starts and New Decades and all sorts of things. However, the obvious gap is that, not once, in this document is it indicated that the solicitors' organisation, the Law Society, was ever asked for its opinion or that the Bar Council was ever asked for its opinion. It is so selective that it seems to be interested only in views that might agree with it. What sort of a tawdry document is it to accompany a Bill that eschews consultation, other than that which suited in 2012; which eschews the democratic decision of this elected House in 2015?

Members are, of course, fully entitled to change their mind, but I have reminded you what some of you voted for in 2015. Have the fundamentals changed? Are the principles different? Are your principles different from what they were in 2015? Do you now think that it should be an easier process? Do you think that article 6 of the European Convention, which still applies, now allows shortcuts in the process of justice? That is what you are being asked to legislate for.

Paragraph 30 of this document goes on to say:

"After revisiting the 2012 consultation within the context of the current criminal justice arrangements, the Department remains convinced that the proposals brought forward in 2012 represent the most appropriate approach to delivering the recommendation."

So much for the Assembly. There is something of the arrogant about that. The Assembly debates and decides, it has its Committee Stage, it takes amendments and takes a view, but the Department has produced a document that relies on a consultation from 2012 and says, "We are still convinced that that is the best, and we don't bother to ask those who might take a contrary view". I do not think that that is how we should make legislation in this House. Two thousand and fifteen was an honourable compromise. It removed the wholesale right to committal, but it preserved it in those circumstances where it was in the interests of justice. I do not think that that is something that is open to abuse. What you are saying is that if that is abused, there are magistrates in this country who have a wrong view of what is in the interests of justice.

Is that what you are saying? If a magistrates decides that it is in the interests of justice to hear some oral evidence then who are we, in this House, to go behind that to say "Oh no, we know better. We do not like this notion of the interests of justice so we are going to exterminate that from the Bill". Of course, it is clear, in paragraph 17 of this document, that the ultimate aim is to liquidate committals altogether. So, everyone is returned; there is no sworn evidence, tested evidence or sifted evidence, just return them. Whoever said it is right, that will create an inevitable logjam in our Crown Court. It will just push it down the pipe, as far as that is concerned. Of course, as the game plan is for no committals, you have to get rid of the opportunity for oral evidence in clauses 1 and through clauses 1, 2 and 3. Then the Department wants to give itself the power by order to extend the list of offences. Maybe it is in here, but it was not clear to me whether that has to be done by affirmative resolution, negative resolution, any resolution or whether it is just an arbitrary

power for the Department. I think that the Committee needs to look at that.

There is something else that it wants to take out; in the 2015 Act we made a provision that there was a right to call evidence at the application — in what was the old no Bill process. So, when you get to the Crown Court and the lawyers for the defence think that there is not the evidence to stack that particular charge up — it is more likely to be out of a number of charges — and, therefore, they want to call some evidence — it is going to be defence evidence — to help to knock that out. Again, the 2015 Bill said that you could do that if it is in the interests of justice, whereas the 2020 Bill says “you cannot do it; forget about the interests of justice, you cannot do it”. So, Members, that is the critical question in this Bill: are you prepared — each and every one of you — to take a step which removes something which is premised on the interests of justice from our legislation? If you are then vote this Bill through, but if you are not then think again. Thank you.

Mr Deputy Speaker (Mr McGlone): I call on the Minister of Justice, Mrs Naomi Long, to conclude and wind on the debate on the Second Stage of the Bill.

Mrs Long: Thank you, Mr Deputy Speaker. I am pleased to be able to wind on the debate today. This is another significant piece of legislation from the Department. Although it is a relatively short Bill with only six clauses and one schedule, the changes that it proposes will deliver a much needed and long awaited reform of the criminal justice process in reducing delay and improving the experience of victims and witnesses.

I thank all of the Members today for their constructive engagement, and for the useful discussion on the elements of the Bill. As the Bill moves through its stages in the Assembly, I hope that we can continue in this spirit to ensure that this important piece of legislation reaches the statute book as soon as possible, and that we can start to deliver these much needed changes in reality.

I appreciate that much of the content of the Bill is technical in nature. However, in summary, the Criminal Justice (Committal Reform) Bill seeks to, first, expand the use of direct committal to a wider range of offences, and to bring more offences more quickly to the Crown Court. Secondly, it will remove the need for oral evidence before trial. Finally, it will smooth the operational outworkings of direct committal. In doing so, it will help to deliver on the commitments from the New Decade, New Approach deal, Fresh Start, the Gillen review of serious sexual offences and a number of other scrutiny reports by Criminal Justice Inspection Northern Ireland and the Northern Ireland Audit Office. However, most importantly, it will help us to fulfil our responsibilities to victims, witnesses and defendants for fair and speedy justice.

7.15 pm

I turn now to some of the issues raised during the debate. The Chairman of the Committee, Paul Givan, mentioned in his remarks that this became an Assembly Bill when it came before the House. Mr Speaker, as you will be aware, no such thing exists. It remains an Executive Bill, albeit Justice-led, and the Assembly and Committee process is an important one, which I respect on principle and in practice, because it allows it to improve the Bill. However, where that is most likely to succeed is where the

Committee approaches its duties with equal emphasis on the scrutiny and on the cooperation and support for the Minister.

Furthermore, my responsibility and that of the Executive parties is set out in guidance note 2 when it comes to Executive Bills. As a former Minister, the Member will be fully aware that the guidance note states that Ministers should obtain Executive agreement at key stages of the legislative process. Paragraph 4(d) specifically refers to amendments to the Bill involving policy changes, not technical or presentational amendments, by the Minister or by the Committee or a private Member, which the Minister intends to accept. Where it is proposed to resist amendments from a Committee or private Member, the sponsoring Minister should write to ministerial colleagues explaining the reasons for that approach and reminding them of the need to support the Executive’s previously agreed policy.

That in no way diminishes my respect for the role of the legislature, but it simply reflects the fact that it is incumbent on the Executive and on me, as a Minister, to seek to ensure that proposed amendments either from a private Member or a Committee are competent and do not deliver outcomes that may have unintended consequences, such as obligations on a Department that, due to resource or capacity, cannot be delivered, or the creation of additional financial liabilities that the Executive, as a whole, may have to bear.

It is not true to say that it simply becomes no longer an Executive Bill. As members of a five-party coalition, it is incumbent on Members to be cooperative, as I will be with the Committee, as it goes through the stages of the Bill.

The Deputy Chair of the Committee asked some questions.

Mr Givan: I appreciate the Minister’s giving way and her outlining her role in the Executive. Does the Minister accept that it is the Assembly that is the final authority on legislation, not the Executive? The Assembly passes law, not the Executive.

Mrs Long: Yes, that is correct, Mr Speaker, and I am well aware of that. My duty is to bring forward legislation on the basis of agreement at the Executive. I gently remind the Member that we are part of a five-party coalition, not a 10-Minister one.

I want to address the questions raised by Linda Dillon. First, I will outline the expected outcomes. It is impossible to put a specific figure on it, but I expect that cases will reach committal more quickly than at present and, consequently, arrive at the Crown Court at an earlier stage. If the Bill achieves both the abolition of PIs and mixed committals and the direct transfer of all indictable-only cases, it will mean that victims and witnesses will not be required to attend the Magistrates’ Court at all to give evidence. That will reduce stress and worry, and it will also save on the costs of having victims and witnesses taking time out of their schedules to attend court. It will also save time in the Magistrates’ Court. Whilst the number of PIs and mixed committals is relatively small, in some cases, they can take days or even weeks to complete.

Linda also asked about the level of engagement that there had been with victims groups, and that was echoed in the queries from Rachel Woods. Victims groups are supportive

of the current proposals in the Bill. They were consulted during the original proposals around the 2015 Act, but they have been further consulted. Victim Support NI has been invited to work alongside the Department as part of the committal reform programme of work. Our most recent engagement with them was in the last month.

Sinéad Bradley raised a number of points and was broadly supportive of what we were trying to do in the Bill. However, she asked how much it would cost and whether we had the funding to deliver. The Department of Finance approved a business case for £1.3 million in November 2017 for the capital cost associated with the IT changes required to implement direct committal. That expenditure is largely complete, and any remaining costs will be met from existing capital budgets. The main aim of direct committal is to transfer cases to the Crown Court more quickly than at present and, therefore, shorten the overall time that it takes to complete the cases. In effect, there will be a rebalancing of resources: less work will be done in the lower-court tier — the Magistrates' Court — but more work will be done in the higher-court tier — the Crown Court.

A business case that is being prepared will capture the relative rebalancing of costs and resources between criminal justice organisations. It is not expected that the changes will have a negative impact on costs, including legal aid costs, and should therefore be affordable. On that basis, any resulting costs will be prioritised by my Department in future budget periods.

Stewart Dickson and Steve Aiken both made very supportive speeches about what we are hoping to do, and I have to commend both of them for their support and particularly Mr Aiken for his brevity and succinctness.

Gordon Dunne, whilst broadly supportive, queried whether direct committal will just shift delay from the Magistrates' Court to the Crown Court. That point was also made by his colleague Paul Frew, Linda Dillon and others during the debate. The aim of direct committal is to move cases to the Crown Court at an earlier stage in the criminal justice system, which is expected to result in shorter overall end-to-end case times. Whilst it is possible that some cases will spend longer in the Crown Court, that will be offset by cases spending less time in the Magistrates' Courts. Transferring those cases to the Crown Court at an earlier stage will also allow the trial judge to have oversight of the case from an earlier point. That will help the court, with the assistance of the prosecution and defence, to identify the key issues in each case, resulting in a more efficient and quicker process. It will also help to ensure that cases are in the appropriate venue to take pleas at the earliest opportunity and to deal with exceptional circumstances such as issues of capacity. A key part of working to implement direct committal will focus on the rebalancing of resources between the two court venues.

Jemma Dolan also raised the issue of problem-solving justice. As she will be aware, last month, we presented a problem-solving justice five-year strategic plan to the Justice Committee that set out how we plan to roll out problem-solving justice, subject to affordability. It is a very important way of dealing with offending behaviour and makes a valid contribution to speeding up access to justice, which I believe is hugely important.

In Paul Frew's contribution to the debate, he was thrilled and delighted to be detained so long whilst legislating.

Whilst perhaps we are not all quite so thrilled to be here at this point in the evening, I am nevertheless glad that I was able to bring some joy to his life today. However, on a more serious point, I agree entirely with him that this is, indeed, what the Chamber is for: legislation. For three years, we had no Assembly, and people questioned what the value of the Assembly might be. Perhaps, over the last week, they have questioned that again.

However, it is our job and our primary responsibility to legislate, and it is good that we are debating real laws and real changes, so I very much welcome his enthusiasm for getting on with the legislative programme. I assure him that I will keep him busy, if I can.

Mr Frew also asked how the Bill would impact on terrorist-related offences. As he will be aware, those are not a particular cadre of offences that are easily identified. What it will do, though, is deal with some of the more serious offences that normally go through the Crown Court. When we move to abolish committal reform and the committal process entirely, obviously, those more serious Crown Court offences will go automatically to the Crown Court. So, whilst it is not specific, a significant number of paramilitary-related and terrorist-related offenders would go through that mechanism. That is how it meets the Fresh Start recommendations.

Mr Frew raised two other issues about bottlenecks and speed. This is not the only improvement that we are making to speed up justice, although it is a very important one. The priority for me and the Criminal Justice Board is to see that we have a more effective and efficient justice system. In 2019-2020, the median time taken to complete cases fell to 149 days. That is an 11% reduction on the previous year. We need to do more, and this will make a contribution to that, but it is fair to say that it is not the only tool in our armoury.

Mr Frew also raised the enhanced jurisdiction of Magistrates' Courts. Committal is a complex issue, and roll-out is intended to be on a staged basis. We will consider the jurisdiction of the Magistrates' Court in parallel with that roll-out, and should we decide that changes need to be made in that regard, we will require additional primary legislation. Emma Rogan asked about Executive approval and when we will be in a position to deal with the miscellaneous provisions Bill, which will bring forward the next tranche of Gillen recommendations. I am hoping that tomorrow we will get Executive approval for the drafting of inclusions to the miscellaneous provisions Bill, and it will then go to the Office of the Legislative Counsel for further, detailed drafting. We are hopeful that that will happen, if not tomorrow, certainly in the very near future. It is a priority for me, and it is absolutely crucial that what was intended by John Gillen is rolled out, not just in the Department of Justice but across every Department in the Executive, because I believe that many of the issues that he highlighted relate not only to the delivery of justice but to the change of culture that is required to deal with serious sexual offending at a much earlier stage to make people safer, which, I think, is something that we all desire.

Paula Bradshaw raised a very important point about achieving best evidence. We talked a lot about the stress and anxiety that victims and witnesses can be under when they have to give their evidence twice. However, there is also an issue about that stress and anxiety preventing

them from giving their best evidence in court, and that, in itself, can lead to miscarriages of justice.

It can also create difficulties if victims and witnesses, having gone through the committal process, then feel unable to go ahead and give their evidence in the Crown Court. That is why, in some cases, we have high attrition rates for some offenses, where victims, by dint of delay and fear of giving evidence in open court, end up pulling out of the process completely. That is not in anyone's interest. We need to make it as simple as possible for people to give their best evidence. Mr Allister is correct; that also includes defendants. They, too, have the right to give their best evidence. However, in this case, the stress seems to be mainly transferred to those who are waiting to be witnesses or to the alleged victims of these crimes, and it has a serious impact.

Rachel Woods was broadly supportive of the Bill, and I think that I addressed some her questions as we were going through the issue.

Then we heard from Mr Allister, who was not supportive of the Bill. That is not surprising, because he was not supportive of the Bill on the last occasion it came forward, and Mr Allister is not known for changing his mind.

Mr Allister: Then convince me.

Mrs Long: I will do my best.

I understand the points that are made. I do not, in any way, dismiss the validity of them. I think that it is important that we listen to those points, but we must also weigh them against the evidence that we have from other justice inspectorates' reports, from other sectors, from the Criminal Justice Board and from others who are invested in the system and are concerned about victims' rights.

Ms Dillon: I thank the Minister for taking an intervention. Does she agree that those independent reports must be given, not all the weight, but greater weight than reports from those who might have a vested interest in the process?

Mrs Long: I absolutely agree with that. I had a rather lighthearted conversation with Mr Allister outside, where I suggested that some of those people may wish to have multiple hearings in court because some of their payments will depend on it. However, he countered, just as justifiably, that if they are successful in getting the case against the person in court dismissed, they lose out on the payments for the Crown Court case. None of these things are about vested interests alone. That is important. We need to listen to the experience of those in the defence business as well as those in the prosecution business, and I think that is important.

That is why we approached the Law Society and the Bar Council, which were not comfortable with the previous recommendations. We briefed them both on the committal reform proposals and invited them to join a stakeholder group at the point where we start to roll the reforms out. In general, there is broad support for reforming committal, but the Law Society and the Bar Council have expressed reservations in the past, and I acknowledge that.

I have already dealt with Mr Allister's earlier intervention on the length of time that cases take. One of the issues that he raised today is an important one that we should address, and it is this: does abolishing oral evidence as

part of the traditional committal process affect the rights of the accused?

That is an important point because the accused also have rights within the system. One is innocent until one is proven guilty, and it is important that we do not prejudice the outcome of any case or trial.

7.30 pm

Overall, these proposals provide a fair balance between the rights of the defendants and the rights of victims and witnesses. They will tackle delay in the criminal justice system and ensure that an accused can receive a fair trial within a reasonable period, and that, too, is required by article 6 of the ECHR.

There are sufficient safeguards in place through the no bill, as it used to be called, application process to allow the defendant to challenge the evidence at an early stage in Crown Court if the defence genuinely feels that the available evidence is insufficient to disclose a case for trial.

The Department is satisfied that the rights of an accused to know the case against them, and to call and cross-examine witnesses, are secured at the trial stage of the criminal proceedings. It is telling that now there is nowhere in the UK that has a committal process in the way that we have in Northern Ireland.

The other issue that Mr Allister raised, and, again, it is a valid one, was about the powers he is concerned that the Justice Department is taking onto itself to be able to add offences to the schedule at will. I want to reassure people that we put that in not in order that we will be able to roll out the committal reform process without coming back to the Chamber. We expect that there will be two further points at which primary legislation will be required for this to be able to proceed, so we expect that the Committee and others will have the opportunity to look at it.

The reason we are allowing for additional offences to be added by affirmative resolution is because we may create additional offences over the next couple of years that would fall into the same category of offence as those that we are putting on the schedule now. Rather than having to wait until the next tranche of the roll out, we will be able, by affirmative resolution of the House, to add those. I am thinking, for example, of some of the more serious cases around stalking and the more serious end of offences that we will be dealing with.

It would be by way of an affirmative order, and it would give people the opportunity to scrutinise and have a say in what happens. It is not about trying to take power for the Department; it is about trying to ensure that we are responsive in the justice system and have looked ahead and scoped out what may be necessary over the next weeks and months.

In conclusion, — and everybody bar Paul Frew will be delighted that I have said "in conclusion" — *[Laughter]* I am encouraged by many of the comments and issues that have been raised. I, like all of you, am eager to take forward these changes, and I want to see a timely passage of the Bill through the Assembly.

We have seen already the detailed scrutiny that the Committee has done, and I will be able to elucidate more on that tomorrow for the Domestic Abuse and Family

Proceedings Bill. I hope to work in the same spirit of collaboration and cooperation with the Committee to deliver the best possible Bill for the people of Northern Ireland.

I am asking again, however, for your support in keeping the Bill focussed on its current provisions in relation to the reform of committal proceedings. The Bill has been carefully designed to provide the necessary clarity to practitioners within the criminal justice organisations, to whom it will fall to implement these complex changes.

I ask Members who have material policy and legislative amendments to delay those until a future legislative vehicle in order that this legislation can be enacted as soon as possible, and with as little disruption to the criminal justice system as possible.

I thank everyone who contributed to what was a useful and constructive discussion, and one that will continue. I commend the Bill to the House for approval, and wish the Committee well in its scrutiny of the Bill. I and my officials stand ready to assist it in any way that we can.

Mr Allister: On a point of order. Miss Dillon, in her last intervention, seemed to infer that I had some sort of vested interest in these matters. I make it plain that I am now a non-practising barrister. I have no vested interests, financial or otherwise, in any of these matters, and I would like Miss Dillon to consider withdrawing that suggestion.

Mr Deputy Speaker (Mr McGlone): I thank the Member for that, and that is firmly on the record. I did not hear her specifically mention you by name, but that categorisation is firmly on the record, unless you wish to make a point of order, Linda.

Question put and agreed to.

Resolved:

That the Second Stage of the Criminal Justice (Committal Reform) Bill [NIA 11/17-22] be agreed.

Mr Deputy Speaker (Mr McGlone): That concludes the Second Stage of the Criminal Justice (Committal Reform) Bill. The Bill stands referred to the Committee for Justice.

Members should take their ease while we change the Chair.

(Mr Speaker in the Chair)

Private Members' Business

Ammonia Levels in Northern Ireland

Ms Bailey: I beg to move

That this Assembly notes with concern the scale and complexity of the ammonia problem in Northern Ireland; further notes that critical loads of nitrogen deposition at which ecological damage occurs have been exceeded at 98% of Northern Ireland's special areas of conservation, in some cases by 300% or more; recognises the need to halt further overloading of critical thresholds; notes Northern Ireland's legal obligations under article 6 of the EU habitats directive; and calls on the Minister for Infrastructure to conduct an urgent review of approved planning applications for ammonia-emitting projects that are within 7.5 kilometres of a Natura 2000 site; and further calls on the Minister to implement a moratorium on planning approvals for any project that proposes to increase discharges of ammonia into the environment until such time as a report is produced by the Department for Infrastructure that determines whether article 6 of the EU habitats directive is being complied with in Northern Ireland.

Mr Speaker: The Business Committee has agreed to allow up to one and a half hours for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List.

Ms Bailey: Members will be aware of the current scale of the ammonia crisis in Northern Ireland and its impact on human health and the environment. Health-wise, ammonia pollution is linked to lung damage, heart disease, diabetes, problems with memory and thinking, cognitive decline, respiratory issues, higher death rates and lower birth rates. Members do not need to be reminded that we are in a pandemic. COVID-19 is a virus that affects the lungs, heart and respiratory system. We know that ammonia pollution can have a significant impact on the rates of serious illness and death from COVID. This is not something that we should be taking lightly.

Some Members will also be aware of the scale of the ecological crisis in Northern Ireland. The number of breeding sows has gone by 24% to almost 48,000, broiler chickens up 41% to almost 17,000,000 and hens up 89% to almost 4,000,000; whilst the number of wetland birds has fallen by 19% and the freshwater bird population by 42%.

95% of our lakes now fail water framework directive quality standards. 78% of our shellfish water bodies now fail water quality standards for E. coli. It is not a pretty picture, but I would argue that it is no accident either.

The policy of agriculture intensification that has been pursued by the Executive through its Going for Growth strategy since 2013, has resulted in pollution that sits in our air, soil and our water. Nature, and our communities are paying the price. How did we get to this point? Amongst other issues, with indifference and inaction across several Government Departments, we are seeing

systemic planning failures that omit legal environmental considerations from planning application processes.

The Green party have been examining, in depth, how the planning system works and where it does not work. Through our research, we have found that habitats regulations assessments, which are a legal requirement for projects within a certain radius of protected habitats, are sometimes not being carried out.

I will use the example of anaerobic digester (AD) plants which produce vast quantities of ammonia. The Green party mapped each of the 79 active AD plants in Northern Ireland and we found that 49 of them should have had that assessment carried out. To date, we have only found one instance and evidence in that one case of this actually being done.

We wrote to all 11 councils. So far, we have received five responses. From those responses, we know that 34 of their AD plants have no planning approval, yet they are getting public subsidies. This has been stated in the recent Northern Ireland Audit Office report.

I cannot say it any more plainly: this is unlawful and it contravenes our legal obligations under the habitats directive. These assessments are systemically not being conducted and potentially illegal projects are systemically going ahead.

When we do assess the impact of ammonia on protected habitats, existing ammonia levels at that site are not taken into account. We now have situations where sites exceed critical levels of ammonia by over 300%, year-on-year-on-year. The fact is, that this is actual planning policy and that is astounding. Current confusion around the system has left farmers unable to upgrade or replace existing sheds, even where the building of more modern sheds would result in the falling of ammonia levels because, under planning, these are considered to be new developments.

The overall picture is of a broken planning system that enables the non-stop intensification of our agri-food sector, rapid and extensive species decline and irreparable damage to protected habitats, not to mention 500-600 premature deaths in Northern Ireland every year.

Let me be clear, this is not the fault nor the responsibility of the farming community. This is the result of deliberate and informed Government policy to expand, grow and intensify, in the full knowledge of the facts around environmental and health impacts. They cannot say that they did not know, because they did. As demonstrated, time and time again through answers to written and oral questions, ammonia seminars and the Department's own planning policy documents, the information is there and they have known it for a long time.

The facts tell us that ammonia pollution is causing mass species extinction, harming public health and ending lives early. The Executive's Going for Growth strategy has resulted in, on one hand, the creation of Northern Ireland plc, and we have seen big companies such as Moy Park, Thompsons and Dunbia smash through the annual £1 billion sales target, with directors paid salaries as high as £2.6 million. Good for them. However, we also see the Northern Ireland Environment Agency, the very government body charged with protecting our environment, signing prosperity agreements with these same corporations, which have direct links to the Agri-Food

Strategy Board and the drawing up of the Going for Growth strategy. I would like to know where else in the world the environmental protection authority would sign prosperity agreements with some of its biggest polluters.

7.45 pm

On the other hand, we see an industry that has become increasingly hostile to those working within it: the key workers who have shown just how vital food production is to our economy and our people. Rural poverty is at an all-time high, with one in four farming families living in poverty. As the costs of production have gone up, farmgate prices have been driven down so that farmers are operating at a loss or barely breaking even.

Mr Beggs: Will the Member give way?

Ms Bailey: Yes.

Mr Beggs: The Member has highlighted planning failures with regard to anaerobic digesters. If only a very specific grouping is causing the problem, why is she suggesting a moratorium on all planning applications?

Ms Bailey: I thank the Member for his intervention, and I will explain as I go through. I thought that I had made clear that AD plants were operating even without planning permission. There are problems in the system. However, we also have a situation where the number of full-time and part-time farmers is dropping year-on-year, which indicates that, for many, it is no longer possible to make a living in the industry. I would like to quote what one farmer told me:

"A friend of mine told me, just after the death of a farmer who fell through the roof of a rundown farm building, that, if it hadn't been for COVID-19, they would be attending their eleventh funeral since 2000 of farmers he knew across Northern Ireland who had died falling through farm shed roofs while up trying to repair them themselves".

Traditionally, when times were good for farmers, they called in professional builders to replace or repair their buildings. We always say that a cash-strapped industry is never a safe industry.

Further down the production line, the COVID-19 crisis has exposed just how precarious jobs in the industry are. We have seen outbreaks of coronavirus among meat factory workers, many of whom are on poor contracts and unable to self-isolate or take sick leave. We have seen employers flouting the 2-metre social-distancing rule and putting public health and workers' lives at risk for profit. Poverty pay and exploitative contracts are endemic in the sector. You do not have to be a genius to realise that the way in which we do business, and this Executive policy of relentless intensification at all costs, simply does not work for most people. Instead of ensuring the prosperity of some of the most powerful businesses in this sector, we should be focused on ensuring the prosperity and well-being of its workers.

In conclusion, we know that we have a deeply flawed planning regime and a deliberate government policy to disregard environmental law and regulation. That is what has led us to the situation that we face. The scale of this is overwhelming — it is beyond alarming. This pollution is in our waterways, our air and our soil. It is in our rural communities. How long will we allow this to continue? We

know that planning is flawed and that the policy that we have in place to assess ammonia emissions is obstructive to farmers. It has not been legally proofed and is, more than likely, not compliant with our legal obligations. We know that good planning could help to fix this. We need to stop, establish exactly where we are and put good practice in place. We need an urgent review of the planning system and of approved planning applications for ammonia-emitting projects within 7.5 kilometres of the habitats protected under EU law.

Mr Speaker: The Member's time is up.

Ms Bailey: We need a moratorium to allow us to assess the situation.

Mr Speaker: The Member's time is up.

Mr McGuigan: I beg to move the following amendment

Leave out all after '300 per cent or more,' and insert:

'recognises the need to reduce further overloading of critical thresholds; acknowledges that emissions do not recognise borders; and calls on the Minister for Infrastructure to conduct a review of the planning application process to ensure planners have all the appropriate guidance on ammonia and are led by science and data to mitigate ammonia emissions; and further calls on the Minister for Infrastructure to consult fully with the farming and agri-food industry and the Minister of Agriculture, Environment and Rural Affairs on this review to ensure that the impact on the farming and agri-food industry is fully understood.'

Mr Speaker: The proposer of the amendment will have 10 minutes to propose and 10 minutes to wind. All other Members who are called to speak will have five minutes.

Mr McGuigan: I share many of the concerns articulated by Clare Bailey on the environmental impact of ammonia. In a unary world, I could agree with her about the solution; we do not live in a unary world, however. In this instance, while agreeing with the problem, I feel that a more nuanced and rounded solution is necessary.

The motion asks for this problem to be dealt with by the Infrastructure Minister through a moratorium on planning. I have some sympathy with the Infrastructure Minister having to be with us tonight because, from my point of view, this is a motion and debate which requires the Agriculture, Environment and Rural Affairs Minister to be with us. A moratorium on planning is not going to solve the problem. Not only will it not solve the problem, it could exacerbate it in some cases. If, for example, a farmer wishes to redevelop or replace an existing building that would allow for a reduction of his or her farm's ammonia output, a planning moratorium would not allow that to happen and, therefore, no reduction would occur.

Sinn Féin is committed to protecting our environment. We are committed to a climate change Act. We are committed to the reduction of greenhouse gases. We are committed to clean air and health water. We want to see a green new deal, and we want to see a just transition in progressing all of this. A just transition is a framework of measures that Governments and organisations must take to secure workers' rights and livelihoods as economies transition to ones based on sustainable forms of production. Just transition in no way seeks to slow or deter this transition. It is an environmentally positive principle that encourages

radical steps towards halting climate change, but also acknowledges that the only way that those steps will be successful is if we can bring people in carbon-heavy industries with us, and assure workers that they will not find themselves unemployed as a result of a shift to, for example, renewable energy.

Agriculture, in this instance, should not be given special dispensation. However, we need to recognise the wider negative impact on this sector, which is so vital to the economy in the North, should a planning moratorium be introduced. It is important to also highlight that our food and drink sector is key to the economy and employment here, with sales of over £5.1 billion. There are too many unknowns for the Assembly to support a moratorium on planning. The solution to addressing our ammonia problem can be found only by working with and not against our farmers. Remember that, in most cases, farmers are the custodians of our countryside and natural environment. Recognition needs to be given to farmers who are currently reducing their ammonia output. Any solution must include leadership from DAERA and be driven by its Minister. This is a cross-departmental issue. Given that the original motion that the Green Party submitted was aimed at the AERA Minister, I think that the Green Party also recognises this fact.

At this point, I should declare that, as an MLA representing a rural constituency, I have been involved, on many occasions over the years, in planning applications on both sides of this argument on behalf of constituents. Ammonia is a form of nitrogen and can lead to the creation and release of greenhouse gas emissions such as nitrous oxide. We need to reduce our nitrogen levels; there are no arguments there. A key driver of ammonia emissions is when urine and faeces mix. This is primarily an issue of the production of livestock and management of slurry. Livestock production is recognised as a key factor in the extent of ammonia admissions. Some 96% of our ammonia emissions come from agriculture. I recognise the critical ammonia levels here in the North and the impact that they are having on biodiversity. The North's ammonia levels are particularly high in comparison to those of our neighbours. None of this is in dispute, so we need to be very serious about addressing the problem. Moreover, we need to do it sooner rather than later. We live on an island where emissions do not recognise borders. Ammonia needs to be considered as a long-range pollutant because of the island's atmospheric and topographical conditions.

Anne O'Reilly from DAERA, who facilitated a recent workshop on ammonia emissions, stated that:

"There is also an ongoing need to improve the modelling covering the South of Ireland, as nitrogen emissions are transboundary and emissions originating in the South are not modelled to the same level of detail as those in the North".

Teagasc, a research organisation for agriculture in the South, stated:

"It is vital that both the North and South maximise efforts to reduce ammonia emissions, if these efforts are not co-ordinated emission reduction efforts in one country may be shadowed by emissions from the other."

Mr Allister: Will the Member give way?

Mr McGuigan: Yes.

Mr Allister: Does the Member share any surprise that, when it comes to this issue, there is very little talk about ammonia sequestration? Planting trees is, according to the Centre for Ecology and Hydrology, a very efficient way to sequester ammonia. Why do we not have a strategy? The Agriculture Minister has promised an ammonia strategy, and he is supposed to have a tree planting policy. Should those not be gelled together to deal with the issue rather than talk about moratoriums, which put people out of business?

Mr McGuigan: I welcome the Member's intervention and agree that the issue at stake is the lack of an ammonia strategy coming from the Minister. We need to see that soon, and I will be making remarks later on in relation to that.

Not only do we need a cross-departmental solution, and even, as the Member's intervention shows, solutions crossing within Departments, but we also need an all-Ireland approach to properly tackle this issue and reduce emissions. In recognising that agriculture is the key producer of ammonia, we need to ensure that agriculture is the key driver for reduction of ammonia. I think that our farmers are up for that; however, they need help. Education is key, investment is important and support is vital. There are solutions that will reduce ammonia production and actually make farming here not only more environmentally friendly but also more efficient for the farmers. We need to see the implementation of these solutions accelerated.

We can be optimistic that our ammonia reduction strategies will bring improvements to our protected sites. According to the Agri-Food and Biosciences Institute (AFBI), a 25% reduction in ammonia achieves significant improvements in the nitrogen disposition of all the North's protected sites. We are keenly waiting for the Minister of Agriculture, Environment and Rural Affairs to bring before the Assembly his action plan on ammonia. It is required urgently. We have been advised by departmental officials that this draft ammonia plan will be published soon and that it will, hopefully, be an important road map to reducing ammonia emissions here in the North.

We all agree that we need to improve our environment and have a sustainable and prosperous agri-food sector. As I have said already, we need to see financial investment in order to help with this. I welcome the Agriculture Minister's recent announcement of £7.5 million for tier 1 of the farm business improvement scheme supporting the sustainability of farm businesses, a scheme which will support the purchase of equipment and machinery that costs between £5,000 and £30,000. I urge farmers to apply to this scheme. Sinn Féin is also concerned for low-income farmers who cannot afford to buy this low-emission slurry-spreading equipment. The Department must fulfil its statutory equality commitments and ensure equality of opportunity, as well as mitigations for those farmers who will be negatively impacted. It is important to flag up that whatever measures are outlined will have ramifications for hill farmers, whose farm income is already low and whose farmland is currently disadvantaged. Nevertheless, we should be optimistic. There are a lot of measures to reduce ammonia, and AFBI scientists have stated that there could be significant improvements at designated sites in five to

10 years through the implementation of ammonia reduction measures. We need to get on with this.

Miss McIlveen: I oppose the motion. Everyone in this Chamber obviously recognises that more needs to be done to tackle ammonia emissions and protect our environment. This is an issue that is readily accepted by the agriculture sector, which is responsible for more than 90% of ammonia emissions. However, the motion asks for three very specific actions: a review of every planning permission for ammonia-emitting projects within 7.5 kilometres of a Natura 2000 site; a moratorium on planning approvals for all ammonia-emitting projects; and the production by the Department for Infrastructure of a report on whether or not Northern Ireland has complied with article 6 of the habitats directive. From the outset, I must make it clear that I oppose this motion not out of a lack of desire to tackle the issue but, rather, a recognition that the steps being proposed by Ms Bailey and Ms Woods are inappropriate. Unfortunately, my party's amendment, which might have allowed for a more practical and workable approach to the issue to be discussed, was not selected for this debate.

The first requested action relates to the review. There are a number of problems with this request.

It is not time-specific and requests all approvals from any time. A vast range of activities emit ammonia, so that would involve a huge number of approvals. The review also has no scope. If the aim is to revoke or modify approvals, that can only happen if developments have not been completed, which would make the process pointless. It would also require huge resources to assess whether developments have been completed. Is it to assess whether the correct assessments have been carried out? Planning officials will readily acknowledge that they are not experts in environmental law, but they defer to the relevant statutory experts in their appraisal of proposals, which are the NIEA and Shared Environmental Services, bodies that, of course, are outside the remit of the Department for Infrastructure.

8.00 pm

Such a review is, ultimately, a toothless, ineffective and, dare I say it, costly fishing expedition, which does not deal with the problem at hand. It certainly would not be able to assess whether Northern Ireland is in breach of its regulations or obligations under the habitats directive.

The request for a moratorium would apply to all such planning applications, not just those within 7.5 km of protected areas. That, again, is open-ended, essentially, until the Department produces a report, which I will deal with shortly. The impact of such a moratorium on Northern Ireland's fragile economy could be enormous. The motion presumes that the planning process is the means by which a solution can be sought to those problems, but I suggest that it is not. A moratorium would grind the system to a halt. It would have a potentially detrimental impact on major infrastructure projects, roads upgrades and homebuilding schemes, which could have a further devastating impact on the Northern Ireland economy, on top of the devastation that is being caused by the global pandemic. It would undermine projects that all Executive parties have signed up to and the key objectives of the Executive. Therefore, any party that is part of the Executive should not and cannot support it.

Finally, on the report, the Department for Infrastructure is not best placed to determine whether Northern Ireland is complying with its article 6 obligations. With the focus on the planning process, the implication is that tightening the planning process can address the issue in some way. Planners will and do follow the experts. The vast majority of ammonia emissions come from activities that fall outside the scope of the planners and, indeed, the remit of the Department for Infrastructure. As an aside on the habitats directive, developing a process and creating certain obligations have not proven to be effective tools in addressing environmental damage to protected sites. The midterm review of the directive that was carried out by the EU noted a very slight improvement in the number of species in habitats in protected areas, but, by and large, previously noted negative trends continued across the EU and there was a recognition that the EU would not meet its 2020 targets.

There is huge scope for member states in their approach to national conservation measures. Although the European Court has an iron fist in its case law, the European Commission uses a velvet glove in its dealings with member states. Put simply, we can comply with the minimum standards of the directive but still fail its objectives. There is a need to act and for an effective and sustainable plan to address our very real issues, but, unfortunately, the motion is not the way to achieve it.

Mr McGlone: A résumé of the issues that have arisen in the debate include water quality management, habitats, agricultural development, agricultural diversification and poverty in agriculture. Frankly, the wrong Minister is here to be held accountable for those issues and to respond to the debate. Nevertheless, the SDLP welcomes the opportunity to note its concern about the scale of ammonia emissions in Northern Ireland. The party will support the amendment and that will become clear as I speak further.

Although ammonia emissions are not unique to us, by any means, they are a particular problem here. As with other environmentally damaging factors, we do not have specific targets for reducing ammonia emissions and our efforts are expected to contribute to the UK target for reducing ammonia emissions by 16% by 2030. The particular problem with ammonia emissions here is that we are responsible for 12% of the UK total, but we have only 3% of the population and 6% of the land area. The proportion of sites here that exceed the critical level of ammonia concentration is, however, higher than in England, Scotland and Wales. Ammonia emissions were also 19% higher in 2018 than they were in 2010. That is higher than the previous peak that was recorded in 1996. Ninety-six per cent of Northern Ireland's ammonia emissions come from agricultural activity, with all livestock sectors being responsible for most of that figure; largely from manure and slurry management and fertiliser spreading.

Since 2019, those have been regulated under the nutrients action programme, with a derogation available for some grassland farms. However, the current level of ammonia emissions is a barrier to achieving sustainable agricultural development and meeting our shared climate and biodiversity targets. In addition to the ecological damage as a result of ammonia emissions, which has been noted in the motion, the majority of priority habitats and species are now at an unfavourable conservation status. There has been significant and continued loss of biodiversity

since the 1970s. In particular, we have witnessed that in the evidence from the past 20 years. It is clear that a big problem with discharges into the environment is imminent.

That having been said, we welcome the work that has been done by the Department of Agriculture, Environment and Rural Affairs since July 2016 to address the issue of ammonia emissions. We also welcome the efforts by farmers to reduce those levels, which they are responsible for through modernising their farm practices and facilities. One particular concern of mine about the motion that has been proposed by the Green Party is that, in effect, by reopening planning applications, aside from the considerable stress and resource implications that would have for the Department and councils, which, as we know from the figures, have enough difficulties, we would put pressures on farms and farm businesses. I am concerned that uncertainty would be created about their futures, and that their financiers would have that uncertainty about their futures. That is of great importance to me.

The Agriculture Minister has described the strategy on ammonia reduction which has been brought forward by the Department as a comprehensive approach to ammonia, and has repeatedly stated his intention to publish those proposals for consultation soon. It may be that the three-year absence of an Executive has contributed to delay in producing the draft ammonia strategy, but any action by the Infrastructure Minister should clearly be taken in coordination with that strategy and must be complementary to it. I have already mentioned some issues in respect of planning. It is currently the case that DAERA is the statutory consultee on those planning applications. It is the Department that is legally obliged to consider the impact of ammonia emissions and subsequent nitrogen depositions that a proposed building development or development of that nature would have on the environment. Any moratorium could have the unintended consequence of preventing the updating of facilities on a farm and thereby preventing the reduction of ammonia emissions.

It is clear that action is needed to reduce ammonia emissions to prevent further biodiversity loss and help to repair the ecosystem. Such action is essential for the sustainable development of the agriculture industry and improving public health. However, responsibility for that area does lie with the Minister for Agriculture, Environment and Rural Affairs. It is to be hoped that the motion and debate will prompt the Minister to publish his proposals and draft ammonia strategy sooner rather than later.

Mr Beggs: First, I would like to declare that I have a small agricultural holding, which is let, and that my parents have a relatively small family farm; more of a grate-and-wheelbarrow than large-feeder-wagon operation, I have to say. I rise on behalf of the Ulster Unionist Party to indicate its support for the amendment standing in the name of Philip McGuigan, Declan McAleer and others. The motion suggests a nuclear option. Earlier, the proposer justified it because a major flaw has happened with AD units, as has been indicated in the Audit Office report. I am surprised that, if that is where the problem is, the motion does not focus on that area. Its proposal would affect every farm in Northern Ireland, would affect the entire rural community, and may actually have an perverse effect on ammonia levels.

A moratorium on planning approvals for projects that would increase ammonia emissions would be counterproductive. In the long term, would more imported

beef be bought that has been produced with lower welfare standards and, perhaps, even higher ammonia emissions? Would cows be fed a high-protein diet, where we would have no control over that?

That would be wrong. It may even involve cutting down more rainforests to feed such a system. We need to be very careful that we do not create perverse outcomes.

Clearly, there is need for a review of the planning system. I note that that is mentioned in the amendment, but a similar view perhaps needs to go in a different direction.

Let me illustrate how the planning system, which is supposed to be improving the environment, has gone wrong, in my opinion, and why I could not support the main motion. First, as others have indicated, the replacement of existing livestock sheds is being treated by shared environmental services and NIEA as new developments. Even if a new building will improve welfare standards and reduce emissions, it may well be rejected. That is crazy. If we want to reduce ammonia emissions, we should allow farmers to —.

Mr McGlone: Will the Member give way?

Mr Beggs: I certainly will.

Mr McGlone: I thank the Member for making that point. Will the Member accept that that can even happen in cases where the livestock numbers are being reduced and therefore so is the contribution that they are making to extra ammonia in the atmosphere?

Mr Speaker: The Member has an additional minute.

Mr Beggs: I am not at all surprised to learn that. We need to be very careful that government and politicians do not propose policies that have the opposite effect to what is intended. We need to be very careful to think them through so that we bring about improvements to the environment as well as to the well-being of our farmers.

Shared environmental services also, on its own, imposed guidance that is much stricter than that of the Northern Ireland Environment Agency. How was that allowed to happen? What happened? Of course, eventually, it was overturned by a court. The Ulster Farmers' Union took that body to court and it backed down at that stage. It is a nonsense that a body can almost, of its own right, change policy and effect significant costs on the farming community. In fact, that policy was resulting in virtually no planning applications being permitted.

We have an overly bureaucratic planning process. Whilst the regulations may be appropriate for larger applications — I do not know how they missed out the AD units because they are major, multimillion-pound applications — they are often disproportionate. What am I talking about? I am aware of a constituent who wanted to build a shed for six cows and six calves. He put his application in and then discovered that he had to have his ammonia assessment. He did not have a clue about it, as most would not, and started to find out how to get that completed. He was quoted almost £2,000 to get an ammonia assessment done for six cows and calves. He will probably have to sell one of his cows and calves to get his ammonia assessment done. Clearly, there is a disproportionate

scale of assessment required, and it needs to be downscaled, depending on the size of the application. We need to avoid consultants where possible so that undue costs are not added for hard-working families who toil long hours, often for little reward.

I will turn now to the 7.5-kilometres rule. I recently learned that farmers in Islandmagee, when completing their ammonia assessment, have to reference the Maidens lighthouse ecosystem, which is many miles offshore. Are we for real? How is a farm in Islandmagee going to have an impact on the Maidens lighthouse? I actually did not believe it when I first heard it until it was verified to me, but that is what our current system requires.

We clearly do need to improve biodiversity, but we must make sure that, when we bring proposals, they actually reduce emissions and start to work. There is much to be commended in 'Making Ammonia Visible', the 2007 report of the expert working group led by John Gilliland. We need to communicate with and educate our farmers and encourage mitigation, such as the trailing hose or trailing shoe, which can reduce ammonia emissions by 30% and 70% respectively. It is possible to improve air quality and water quality and reduce ammonia emissions and improve farm efficiency. Let us take everybody with us and give them the knowledge, the information and the financial support to enable them to do so. I support the amendment.

8.15 pm

Mr Blair: Other Members have pointed out, and it is worth repeating, that Northern Ireland ammonia levels rose by around 20% in 2010, compared with around 5% in the rest of the UK, and, more crucially, 98% of designated special areas of conservation are exceeding critical levels of pollutants. That can seriously impact such protected sites as peatlands. Additionally, ammonia emissions can cause the depletion of our treasured natural landscape and lead to marked reductions in plant biodiversity. There is no doubt that action is required to address the issue. In the context of that reality, I understand the principle of the motion, but we need to schedule and plan the suggested changes to make the motion practical for those most impacted. The motion, if successfully followed through, would introduce change, with immediacy — there is no doubt about that — but with no consultation with, or preparation for, those most seriously impacted.

As has been mentioned, it comes as no surprise that the planning moratorium, essentially, that is being held with the Infrastructure Minister present will have a deliberate focus on agriculture matters. That is because we have to consider the potential severe and immediate impacts on our crucial agriculture sector — those who contribute such a proportionally high amount to our economy, and who are responsible for putting food on our tables. If the motion and its outworkings were to succeed, farmers who have plans to upgrade existing facilities could, potentially, face a backlog of farm planning applications in Northern Ireland caused by questions, perhaps, understandably, about their environmental impact. That is a problem not unknown to those in the sector who faced a similar backlog in recent times when around 166 applications were stuck in the system as officials tried to agree how to assess them for ammonia emissions. On that occasion, ministerial intervention was required. That reinforces the need for consultation and careful consideration before we confront

that sector, without warning, with restrictive measures, especially when they are already facing uncertainties and potential problems surrounding the EU exit process and all of the issues involved in that.

Effective measures to reduce emissions of ammonia into the atmosphere have already been trialled. A range of methods through which it is possible to reduce emissions of ammonia by at least 50% have been developed and field-tested. They include mitigation strategies such as separation of sensitive receptors from local sources and the use of shelter belts to enhance dispersion through increasing turbulence and capture of ammonia close to source. Those actions are already taking place in the agriculture sector, and valuable work is being done by such organisations as the Nature Friendly Farming Network and the Dairy Council Northern Ireland. As has been mentioned, the Department is also working on an ammonia action plan. We await and urge further progress on that.

Northern Ireland Environment Agency figures, and other analysis, show that ammonia emission levels from local agricultural sources are a problem. I do not seek to deny that. I suggest that we set frameworks, structures and goals with the sector. It is essential that we support our agriculture industry and make necessary changes to tackle ammonia emissions, with the industry on board.

The ammonia problem is not exclusively, or generally, caused by traditional family farming on a small scale, but, mostly, by larger developments and intensive processes, such as large-scale pig farms — something that I know a bit about in my constituency. We might, therefore, seek to look at scale as well as practice. I cannot support the motion, but I will support the amendment, which offers schedule and structure to buy more time to consult properly with the industry. On behalf of the Alliance Party, I support the amendment.

Mr Irwin: I declare an interest as a partner in a farm business. I rise to oppose the motion. Although the motion highlights an ongoing issue facing the wider agriculture industry in Northern Ireland, it does not in any way assist the industry with its contents, but halts development through the idea of an unwelcome moratorium. That is not the way in which to deal with this issue, as, for a variety of reasons, it would be detrimental to agriculture.

As we fully realise, farming in Northern Ireland is, by no small measure, crucial to the economy here. We are talking about an agri-food sector with a value of almost £5 billion, and it supports in the region of up to 100,000 jobs in Northern Ireland. Those are not insignificant figures, and they point vividly to the importance of the industry to the economy and, by default, the well-being of everyone in Northern Ireland. We are in the midst of a pandemic that has required unprecedented financial support to be given to many sectors of our economy, including agri-food production. A motion that seeks to halt important progress on farms is most unwelcome. Farming in this day and age is certainly much more complementary to the environment, with farmers spending much of their day-to-day lives working the land and producing the food that we all enjoy. The effort that is expended on caring for the countryside is very clear for all to see as you drive around this great Province. The way in which our countryside is maintained is down, in the main, to the hard, tough graft of our farming community.

The motion that has been brought to the House today by the Green Party gives the impression that simply halting the approval of very necessary measures for the welfare of animals will have a direct impact on ammonia emissions. That is simply not the case. As has been my previous position on these types of matters, which are now regularly brought before the House, the issue is about balance. That is something that the farming industry tries to seek at all times. There is a balance to be struck between curtailing the level of unavoidable emissions and the need for farming to continue to be sustainable and for food security and supply to be met domestically. Both of those issues require ongoing and significant investment. We are in a global market for food. We cannot continue to push the idea that we can put significant and costly restraints on any industry in Northern Ireland while ignoring the fact that the obvious increases in production costs would make goods more expensive. That would all be unravelled by the importation of goods from countries with vastly inferior standards and commitments around emissions and food safety. That is the reality of the proposal before us today. Although I support the need for Northern Ireland to play its part in reducing global emissions, we are, globally, on account of all the statistics, one of the lowest emitters. That, of course, does not mean that we should sit back and do nothing. Indeed, legislatively, that is not possible, given the commitments that we are working towards already. Farmers are behind those efforts.

The motion focuses on planning applications and calls for the halting of approvals despite the fact that all planning applications in that instance must already comply with strict criteria on ammonia. That, in itself, has been a source of significant concern for farmers who may wish to erect only a structure on their farm to replace an old, worn shed, for example; that is treated as a new development by shared environmental services and the Northern Ireland Environment Agency. I have represented a number of farmers who have been waiting for many months on progress on their farm development and improvement. That very issue is the cause of the delay.

Given the lengthy delays that have been experienced by farmers who have entered the planning system for various projects on their farms, it is very clear that there is a need for a fresh look at the system. However, a moratorium is not the way forward for agriculture in Northern Ireland. It would place the sector at an unfair disadvantage compared to, for instance, the Republic of Ireland. I would very much like to see a joined-up approach from the Minister for Infrastructure and the AERA Minister to try to address the issues around ammonia and reach a consensus that is practical and economical for our agricultural and food industry and which continues to recognise the importance of protecting the natural environment.

Mr Boylan: I welcome the opportunity to speak on this debate. We have this one slightly back to front. I have some sympathy for the Minister in that regard; maybe he will comment on that. We are going through the review of the Planning Act. There may be something in there that we will be able to do in terms of working across the Departments. Sometimes, the Departments operate in silos.

Most of my remarks will be about ammonia and supporting the rural community. Obviously, I represent a large rural constituency. People tend to forget about the contribution

that the rural community makes to the economy; as some Members have mentioned, it is up to £5 billion. Most of my remarks will be about farming and ammonia, which is the basis of the motion. We need our farmers to farm in an environmentally sustainable way. Our planning system must work with DAERA to identify a process for verifying emissions that helps farmers to develop their farms in a more sustainable, greener and efficient manner.

Ammonia needs to be considered as a long-range pollutant because of the island's atmospheric and topographical conditions. There are challenges to accurately establish levels of atmospheric ammonia and to test the validation of the model ammonia emissions. The 'Making Ammonia Visible' report recognised that challenge and made the following recommendation 1b:

"Establish an enhanced regime for the monitoring of atmospheric ammonia and nitrogen deposition across the North on a daily basis, with the simultaneous recording of the weather, so that the results are sufficiently detailed to define the causes."

Modelling is an evolving process, and it is acknowledged that there are deficiencies in prevailing models. The Inventory of Ammonia Emissions from UK Agriculture notes the following on modelling of emission factors for cattle housing:

"It is recognised that slatted-floor slurry systems also exist for dairy and beef systems, particularly in Northern Ireland and Scotland, and that the current slurry housing system EF is not representative of these systems. Emission measurements being undertaken on such systems in the Republic of Ireland may provide useful data from which the UK can derive a system-specific EF."

The modelling of emissions needs to be on an all-island basis, as ammonia does not recognise borders.

The need to address ammonia will present challenges to our current food strategy, Going for Growth. In any potential future food strategy, particularly the word "growth" is a key objective of any such strategy. This was recognised in a report produced by Teagasc, which is the Agriculture and Food Development Authority in the South. It has future scenarios for Irish agriculture and implications for gas and ammonia emissions.

The bottom line is that scenarios that involve increased levels of agricultural activity in the future will require either one or all of the following: a wide-scale deployment of available mitigation actions, moderation of the level of ambition for emissions reduction within the sector and a re-examination of the growth ambitions for the sector. We need to understand what impacts this will have on the agrifood sector. Our food and drink industry is worth £5.1 billion, as was said earlier in the debate.

It is important to recognise the complexity of ammonia emissions from agriculture. The creation and amount of ammonia emissions are influenced by a multitude of factors. DAERA hosted three online events on ammonia emissions on what will be expected from our farmers to meet international targets. Low-emission slurry-spreading technology will reduce ammonia emission quite significantly, but other measures are required in tandem. Other mitigation measures include the grazing season for cattle to be extended by two weeks, lowering the crude

protein in diets of all livestock, covering 30% of above-ground slurry stores and a 100% switch from straight to protected urea.

Mr Speaker: Will the Member conclude his remarks?

Mr Boylan: Farmers know that change is coming, but they will need financial support to make that change.

Mr Harvey: I rise in support of the amendment to the motion tabled by the Green Party. Whilst the motion deals with an important issue, it fails to strike the right balance. In fact, it fails to strike any meaningful balance between ammonia reduction on the one hand and protection of future sustainability of the agri-food sector in the other. The motion seeks to place a ban, albeit in part, upon activities that would overload critical thresholds in relation to the production of ammonia within specific geographic locations. The outworkings of such a proposal would be a direct attack not just on sustainable food production but on other Executive priorities, something I could not support.

First, we must acknowledge that ammonia production is a fact of life.

Its production, both naturally and from man-made sources, cannot be eradicated. As such, the net zero position adopted by the Green Party on the proposed moratorium is neither proportionate nor pragmatic.

8.30 pm

In Northern Ireland, approximately 94% of ammonia emissions come from agriculture. I am sure that this Assembly does not need reminding how vital the agriculture sector is for Northern Ireland's economy, environment and people. Northern Ireland farmers and growers are a central part of rural economies and communities, providing secure jobs and driving growth in food production and diversified industries, such as renewable energy and tourism. Indeed, throughout the COVID-19 pandemic, farmers have played a vital role in feeding the nation, and we all gained a greater appreciation for our local produce.

Some 70,000 livelihoods depend on the agri-food industry, which is worth £5 billion to the Northern Ireland economy. Those jobs also support many more in ancillary industries, such as transport, animal health supplies, construction and many more. It is no exaggeration to state that the local economy relies on our food production, which is known for its quality across the world. It is therefore vital that, instead of placing unworkable burdens on the sector around ammonia reduction, we must work with the industry on this issue and support it in what is already being done to tackle it.

Local research around the Making Ammonia Visible strategy is already providing Northern Ireland with relevant science to help tackle ammonia emissions on farms and inform the best course of action for the industry. As the Ulster Farmers' Union has stated, it was the industry's lobbying that resulted in an additional 28 ammonia monitoring stations being established in 2019 across Northern Ireland to help measure and understand the impact of ammonia emissions. I believe that credit must be given for the willingness being shown by those in the sector to engage and be proactive on the issue.

The Department is also aware of its obligations in the habitats directive, and recent actions have attested to

that. Some £7.5 million of the farm business investment scheme has been allocated to capital investments. That will reduce ammonia emissions. Research into soil health and the outworkings of the green growth strategy will also address ammonia. I am aware that the Minister's Department is working on a dedicated ammonia strategy, and I welcome that. A discussion paper for consultation would be beneficial to formally engage with stakeholders and interested parties prior to such a strategy. The UK Government are currently engaged in a live consultation process on ammonia for England.

The motion also touches on the planning process. In many cases, delays with planning approval are hampering the ability of farms to reinvest and replace new buildings, thus reducing emissions. Contrary to blocking planning and construction, we should be encouraging the development of more energy efficient and environmentally friendly buildings.

The motion could have far-reaching consequences for major infrastructure projects, and its call for a review of approved planning applications may not only be totally unworkable but is unlikely to be even legally possible. For those reasons and others, I support the amendment.

Ms McLaughlin: I support the amendment, as I believe that we need to have a cross-departmental solution to reducing ammonia levels. I do not believe that a moratorium on planning will solve the current problem and, indeed, it could do more harm than good.

We currently find ourselves on a very dangerous path with ammonia pollution. Northern Ireland is going in the wrong direction. Where the three nations of Britain are cutting their ammonia emissions, here emissions have increased over recent years. DAERA has admitted that ammonia emissions increased by 20% from 2010 to 2018. As has been noted by other Members this evening, ammonia pollution is known to have a damaging impact on both biodiversity and human health.

Since it is a major issue in my constituency of Foyle, I would like to focus on the key role that ammonia plays in the formation of PM 2.5. By speeding up atmospheric reactions of sulphur dioxide and nitrogen dioxide, ammonia leads to larger concentrations of those very damaging, minute particles. Prolonged exposure is associated with increased mortality from lung and heart disease and is also linked to conditions such as dementia. It is therefore hugely concerning that Derry has been identified by the World Health Organization (WHO) as exceeding safe levels of PM2.5. Across Northern Ireland as a whole, research by the British Heart Foundation (BHF) projects that poor air quality leads to 500 premature deaths each year.

It is also estimated that millions could be saved on healthcare costs if we were to reduce air pollution. Prevention is better than cure, both for human and economic cost. We need action that supports air quality and agriculture, but I have to tell the Assembly that I have received representations arguing that agriculture policy has gone in the wrong direction: specifically, that the Going for Growth strategy has promoted farming methods that have caused increases in ammonia emissions. We need to listen to the science, just as we need to be led by the science when it comes to the COVID health crisis.

Agriculture accounts for 94% of total ammonia emissions, yet Minister Poots recently dealt with a backlog of farming applications by increasing the ammonia levels at which applications could be passed. That is certainly not to demonise the farming community: far from it. I have far too many family members involved in farming here in Northern Ireland, and they would not be too long in letting me know that I was not doing my job properly on their behalf. Farmers are the backbone of our local economy. Allowing such levels, however, raises the need to engage constructively with the sector to reduce emissions. DAERA recently opened tranche 3 of the farm business investment scheme, which will primarily fund ammonia reduction equipment. I am told that the farmers have been largely receptive to it. That is a welcome step, but it can be only one part of a long-term strategy that must also include a clean air strategy that sets legally binding limits on air pollution, with targeted interventions to address the sources. It is also imperative that DAERA publish its ammonia action plan as a matter of urgency.

Our poor quality of air in Northern Ireland is not only a result of high ammonia emissions. Our air is seriously damaged by the relationship between ammonia emissions and other polluting emissions. Those include nitrogen oxides from road traffic emissions, especially from diesel vehicles, and particles from residential burning of solid fuels, particularly the burning of smoky coal, which, amazingly, is still permitted in Northern Ireland.

My colleague Minister Mallon has set out her determination to support the switch from diesel and petrol engines to electric and hydrogen vehicles. Even the British Government are taking increasingly strong action in that regard, as we heard over the weekend. It is time for Minister Poots to show the same level of commitment and to prove that he is not just the Minister of Agriculture but equally the Minister of the Environment. At present, he is simply allowing an environmental —

Mr Speaker: Will the Member conclude her remarks, please?

Ms McLaughlin: — and public health disaster to unfold before our very eyes, and we certainly do not need another one.

Ms Mallon (The Minister for Infrastructure): First, I thank Clare Bailey and Rachel Woods for tabling the motion. I have listened with interest to the comments made and issues raised by Members. I appreciate and share all Members' concerns about the scale and complexity of the ammonia problem in Northern Ireland and the need to protect human health and our natural environment.

This is a complex issue, and the situation presents a significant challenge to finding a way to reduce the impacts of this air pollutant while supporting a profitable and sustainable agri-food sector, which is a point that the vast number of Members made. As planning Minister, I want to assure Members that I will do all that I can to ensure that our planning policies are evidence-informed and that our planning system works effectively.

I know that Ms Bailey is passionate about this matter, however, it is important to clarify that policy and statutory responsibility for this area lies with DAERA and that responsibility for determining the vast majority of ammonia-emitting planning applications lies with council planning authorities. Therefore, while my Department

is responsible for planning policy, we rely on DAERA, which has the expertise and policy lead when it comes to assessing the impact on our wildlife and our natural ecosystems.

A number of Members referred to compliance with EU requirements. I am aware of the importance for all competent authorities, including planning authorities, to comply with EU requirements. This means carrying out appropriate assessments under the habitats regulations to assess the potential impacts of development on the environment, particularly in relation to European Natura 2000 sites, such as special areas of conservation (SACs) and special protection areas (SPAs). DAERA, as the statutory nature conservation body and consultee to the planning system has an important role to play in ensuring that planning decisions and permit authorisations are well-informed and compliant with European environmental law.

Planning has, at its core, a central focus on delivering sustainable development. That requires the consideration and balancing of environmental, societal and economic interests. My interest, as Minister for Infrastructure, is the health and efficiency of the planning system. I expect DAERA to provide the correct advice, as a statutory consultee to the planning system, and I expect councils in their role as local planning authorities to take that advice into consideration in determining planning applications made to them.

I am aware that DAERA is planning to go out to public consultation in the near future in relation to a proposed ammonia strategy which will include a review of its operational protocol. It is important that that happens quickly. It is my hope that it will further assist DAERA in fulfilling its roles as a statutory nature conservation body in providing advice to competent authorities who are undertaking the habitats regulations assessment required by article 6 of the habitats directive. I know that DAERA has been working with stakeholders to develop this strategy, which aims to deliver tangible and sustained reductions in ammonia. Hopefully it will help reduce the pressure on sensitive sites while facilitating the sustainable development of a prosperous agri-food industry.

I understand that the strategy is likely to incorporate a series of ammonia-reduction measures designed for implementation on farms here and that it will also focus on habitat protection and management to reduce the impacts on nature. I strongly welcome the work in hand to produce this strategy and have already made clear to Minister Poots my readiness to work with him to help deliver the progress that we all want to see in this area. Given his statutory responsibilities in this area I have already written to him on this important matter.

It is important that this new strategy provides clarity and certainty in terms of how the ammonia situation can be addressed effectively. It should also enable greater certainty for planning and allow councils to determine planning applications with confidence. In the interim, it is important that planning authorities and DAERA continue to engage on individual planning applications to keep the system moving and to ensure that environmental obligations and requirements are met.

In relation to the call in the motion to review approved planning applications for ammonia-emitting projects, this

would not be appropriate for my Department, particularly while DAERA is working on the ammonia strategy.

I am content with the current planning policy position, as set out in the strategic planning policy statement (SPPS) for Northern Ireland. That makes it clear that planning permission should only be granted to those projects that will not have an adverse effect on protected sites, such as our special areas of conservation and areas of special scientific interest (ASSIs).

Mr Deputy Speaker (Mr Beggs): Will the Minister give way?

Ms Mallon: I will.

Mr Beggs: Will the explain why new developments which would replace old buildings, thereby reducing emissions and improving the well-being of such sensitive areas, are being refused?

Ms Mallon: As the Member will know, those applications are determined by councils, as the planning authorities. One of the issues here is that Shared Environmental Services is providing information and responses on planning applications, which is very much relation on more up-to-date information and modelling.

8.45 pm

Difficulties are coming into play as tensions grow between those responses and those from DAERA, which is operating on a more outdated operations protocol.

Mr Allister: Will the Minister give way?

Ms Mallon: I will.

Mr Allister: Will the Minister explain to the House to whom the Shared Environmental Service is accountable? In a number of cases that I have been involved with in my constituency, it has taken quite a belligerent attitude. When you push it, it says, "We are waiting on DAERA to give us some guidance". Is the Shared Environmental Service accountable to DAERA, to councils or to the Minister's Department?

Ms Mallon: The Member will know that my Department has an oversight role. He will also know that there is a two-tier planning system. He will also know how the Shared Environmental Service operates. However, I come back to the point: DAERA is a statutory consultee in this process; it provides responses and is using data that is not as up to date as that of the Shared Environmental Service. That is the difficulty. That is why I have written to Minister Poots, urging him to bring forward an ammonia strategy — an updated ammonia strategy — so that we can resolve some of those tensions and, as I said earlier, keep our planning system moving.

I note the proposed amendment to the motion calling on my Department to review the planning application process in consultation with the farming and agri-food industry and the DAERA Minister to ensure that planners have access to all the appropriate guidance on ammonia. As I have indicated, DAERA has policy responsibility for the impacts of ammonia; it also acts as the statutory consultee on this issue in the planning application process. Given DAERA's area of responsibility in relation to farming and agri-food, which a number of Members highlighted, I would fully expect those sectors to be closely engaged in that work

as it progresses. I am satisfied that planning policy, and the planning application process, remains fit for purpose. It should work effectively in considering the impacts of ammonia emissions, informed by advice from DAERA as the statutory consultee on nature conservation.

I have listened intently to Members, and I assure them that my officials will continue to engage with DAERA officials on this, and on any other measures, to address the ammonia issue at a strategic level.

I want to turn to some of the points that Members raised that I did not address in my opening remarks. Ms Bailey said that the Department for Infrastructure planning policy was not fit for purpose. I suspect that perhaps she was referring to DAERA's operational protocol. Ms Bailey also made a number of points in relation to the Northern Ireland Environment Agency. However, that falls outside my departmental responsibility. Nevertheless, I want to assure her that the strategic planning policy was agreed by the then Executive and is considered appropriate and fit for purpose. It makes it clear that planning permission should be granted only to projects that do not have adverse effects on Natura 2000 sites. Ms Bailey also said that anaerobic digesters are operating without planning permission. That is a matter for the local council planning authorities to investigate, in line with their planning enforcement powers.

Mr McQuigan said that he had great sympathy for the Infrastructure Minister. I hope that that is not the first and last time that I hear a Sinn Féin Member say that, as I have taken those comments close to my heart. He said that he recognised, as did many Members, the scale of the problem and that it required a more nuanced solution. He said that a moratorium would not solve the problem. In fact, it might even exacerbate it by preventing the upgrading work of farmers to adopt more environmentally friendly practices. He said that he was very much in favour of a climate action Bill, the green new deal, and I very much agree with him. He also made the point that there are too many unknowns to agree a moratorium and emphasised the importance of working with farmers and of coordination across the island. I agree with him on those points.

Ms McIlveen worked methodically through the three asks in the motion. She made it clear that she could not support the motion, not because she does not recognise the scale of the problem but because she believes that a more pragmatic solution would be beneficial. She made the point that a moratorium would grind the system to a halt, with detrimental impacts on strategic infrastructure projects across Northern Ireland.

Patsy McGlone said that we were discussing, through the motion, water quality, agricultural diversification, the Northern Ireland Environment Agency, and agricultural poverty. He suggested that it might have been more appropriate for the DAERA Minister to have been with you this evening to respond to the points that were made.

He made the point that we have had a three-year absence of the Executive and that, perhaps, this has played a contributory role to the delay in the publication of a new ammonia strategy. He highlighted that this was clearly the responsibility of DAERA, and that he hoped that we would see an updated ammonia strategy sooner rather than later.

Mr Beggs described the moratorium option as the nuclear option, and he said that it would affect every farm in Northern Ireland and the entire rural community, and that he believed that it would be counterproductive in its impact in the longer term.

Mr Blair also recognised the scale of the problem, but he highlighted the importance of consulting with those who would be affected in identifying and implementing a solution. He framed the approach as one of frameworks, structures and goals, and of working closely with the agricultural sector.

Mr Irwin also described the moratorium as almost a nuclear option, and he said that it would be detrimental to the agricultural community, which is crucial to our economy and supporting up to 100,000 jobs. In his view, a better way forward is one that is in balance. However, he emphasised that this does not mean sitting back and doing nothing. He called for a joined-up approach across Government and I very much agree with that approach.

Mr Boylan raised the issue of the Planning Act, the review of the Planning Act and the role that that might play. As I have said previously, planning permission should only be granted to projects which do not have adverse effects on their areas of special scientific interest and so forth. As I said in response to the comments that were made by Mr Allister, I think that the difficulty here is the outdated operational protocol that is being utilised by DAERA. The difficulty here, with regard to the some 19 applications that are stalled, is the tension between the responses that are coming from DAERA and those in the Shared Environmental Services, which is using much more up-to-date modelling work. That is why I am very keen to see the updated ammonia strategy being brought forward by my colleague Mr Poots.

Mr Harvey said that the solution that was being proposed under the motion was not proportionate or pragmatic. He emphasised the importance of food production to our economy. He also highlighted some of the proprietary work that has been undertaken by DAERA on updating the ammonia strategy and, again, he talked about delays in the planning process. Again, I make the point that those delays are very much around the tension in the responses from the Shared Environmental Services and DAERA, but I hope that that can be addressed.

Ms McLaughlin talked about the fact that Northern Ireland is going in the wrong direction, with our rising ammonia emissions, compared to other places across these islands, and she highlighted that this was a particular issue in her constituency. She highlighted the impact on human health, as well as the environmental impact. She talked about the need for a long-term strategy and also emphasised the role of a clean air strategy as part of the solution.

I thank all of the Members who have contributed to the debate. I suggest, perhaps, that the Green Party has brought this motion out of frustration, and that is why it has very much been addressed at the Infrastructure Minister. However, the important issue here is to ensure that DAERA's new ammonia strategy and the review of its operational protocol is brought forward as quickly as possible to provide certainty and clarity for all stakeholders in the planning system, and to ensure that planning applications are not delayed. That is why I have written

to the DAERA Minister to urge this, and I will continue to engage with him on this important matter.

Mr Speaker: I call Declan McAleer to wind on the amendment. The Member has five minutes.

Mr McAleer: I thank the Minister for her response to the motion. Indeed, she recognises the frustrations of the Green Party in bringing forward this amendment. However, I think, if I do a summary around the Chamber, that most Members here recognise that this sort of a blanket ban or moratorium on planning would be detrimental, not just to our farming community but to the wider economy.

With regard to winding up, I do not want to repeat what other people have said because a lot of stuff has been covered here. However, I believe that farmers are up for actually this, and they are up for this for a number of reasons. Farmers are environmentalists. The North, according to the land parcel identification system in DAERA, is made up of a jigsaw of 750,000 fields, which are individual parcels of land, and our farmers maintain those green fields — our emerald island and our green and pleasant land — in the way that they are, which is as carbon sinks and with the natural beauty that we have. You see that in our postcards that you see all around the world. The other reason is that it is not efficient. That is because ammonia is nitrogen and nitrogen blowing off your fields onto other habitats is not very efficient; it is better off in the fields and within the grass to make the grass grow instead of making its way in the wind to other habitats.

Again, that highlights the importance of the cross-border issue. Teagasc made the point that progress will be undermined if one jurisdiction here on the island is making good progress in reducing emissions and the other is not. In areas such as County Fermanagh, where Rosemary, my colleague on the Agriculture Committee, is from, the ammonia might get there by coming across from the South of Ireland on the south-westerly breezes. Indeed, that might happen from North to South as well.

Farmers are environmentalists. They are up for it. It is not efficient for nitrogen to blow off land in that way. The ecological damage that is caused by nitrogen leakage is costly and that is not sustainable.

We supported the views of the expert working group. It said that the way to deliver a strategy is to avoid putting more nitrogen into our production system and to try to retain the nitrogen that is in the production system and not to have it being released into the atmosphere and going across borders and on to ecological sites.

West of the Bann, virtually everywhere is within 7.5 kilometres of a Natura 2000 site. Two thirds of those sites are in counties Derry, Tyrone and Fermanagh. If the proposal was implemented, we would see a moratorium on not only everything to do with agriculture but to do with everything. All soil systems that have nitrogen in them have the potential to create ammonia. We see a blanket ban, effectively, on farming and all types of development. Living in the west, as we do, we do not have a motorway or a railway. The last train left Fermanagh in 1957; the last train left Omagh in 1965; and they never came back. The motorway stopped when it hit the Bann for some reason. We do not have motorways, we do not have trains, and we do not have broadband. Are we going to impose more scrutiny to try to block future development and thwart the Executive's plans as well? That is not going to happen.

There has been progress. I know from the figures that have been quoted today that it does not look like that, but farmers are doing their best. A lot of work is being done through AFBI and Teagasc in the South, looking at the animals' diets and genetics. The farm business improvement scheme is out there at the minute. We are at tranche 3 of tier 1. It is targeted towards ammonia-reducing equipment, and there is a good uptake.

My point is that this type of a blanket ban would be crazy, given the impact on the environment and the economy. We must also remember that farmers are our food producers. During the current pandemic, they are designated as key workers. It does not matter whether you live in a rural area or an urban one; you still go down to your local shop for your milk, bacon, eggs and sausages. Those do not grow on trees; they have to be produced by farmers. Our farmers, as food producers, are key workers. I know farmers. I am from a rural area. I live beside a bog. We all appreciate the importance of maintaining such sites and the biodiversity connected to them, but we must also be mindful that it is important that we support our rural economy and our food security and supply.

Mr Speaker: I call Clare Bailey to conclude and make a winding-up speech on the motion. The Member has 10 minutes.

Ms Bailey: I thank everybody who spoke on the motion and the amendment. It has been an interesting debate. There seems to be a consensus that we need to have a system in place that provides clarity for farmers and that enables them to farm sustainably while being economically viable. There also seems to be a consensus that we have a problem but, over the years, have done little to nothing to fix that problem, which we have created. In order to tackle the ammonia crisis, everything possible needs to be done to encourage and develop good practice. We must, at the very least, ensure that we are complying with our legal obligations in Northern Ireland. I would like Members present to really consider the nature of the policy of agriculture intensification and the expansion being pursued by the Executive and to ask themselves whether they are ready to stand by the threat to public health, the destruction of our biodiversity and the cost to human lives and well-being that comes with that.

9.00 pm

Mr Carroll: I thank the Member for giving way. I want to put on record my support for her party's motion. Does she agree with me that, whilst the Executive parties might have been at each other's throats last week over other issues, they seem to have each other's backs tonight on this issue?

Ms Bailey: That is an interesting one. I thank the Member for his intervention. We will see how it goes.

We have the data, the research and the science. We have all the information that we could possibly need, but what we need to do is act. A moratorium does not need to be a long, drawn-out measure. That is very clear. If we are to get to grips with the harm that we have created and allowed to happen, we need to stop, draw breath and assess where we are. That is called creating a baseline, from which we can start to make things better. That is possible, and it can be quick, but it needs political will, so, on the Member's intervention, let us see.

A number of issues were raised, although I probably do not have time to go into all of them. One of the issues was why the Infrastructure Minister is here instead of the AERA Minister. I was happy to hear others address that. This is a cross-cutting issue, and we cannot deal with it properly if we continue to act in silos. Like any action on climate change, pollution and the biodiversity crisis, this has to be seen as a whole. We know that the problem exists and that we created it, but we have not taken action to address it. We therefore need to try something different and introduce other avenues. That is why we put a focus on planning and not DAERA.

Why a moratorium? A moratorium is needed because we need to see whether we are meeting our existing legal commitments. The debate has, again, been shaped around this being about farmers versus the environment. That is an absolute false narrative. Farmers did not create the problem. Our Executive did, and they did so through economic incentives. We need to reverse that. That has also been pointed out by the sector itself. The Ulster Farmers' Union wrote to every MLA ahead of this debate. Even it has pointed that, while ammonia emissions from farms can be reduced, that can add additional costs to farm businesses, and a balanced way forward is needed to ensure a sustainable future for family farms. That raises a question about why farm businesses are being expected to foot the bill for the harm caused by Executive strategies.

There were other issues and concerns about the impact on farmers. Farmers are asking for help, but we have had an inadequate response so far. DAERA and the Environment Agency have reports, meetings and discussions with the sectors. They wring their hands when they tell us in Committee that they are very aware of the problem and that they know they are not doing enough. What are they going to do? How long will we sit back, hand-wring and rub our chins? We need to commit to reforming our system to get ahead of the problem.

I now come to the amendment. I know that most here have expressed support for the motion as amended, but what the amendment serves to do, compared with the motion, is replace the call for a moratorium — we have to ensure legal compliance, and we know from the Department and its agencies that they are unsure whether their policies are legally compliant — with the call “to conduct a review” so that planners:

“have all the appropriate guidance on ammonia and are led by science and data”.

I would like to reiterate, first, that the problem here is not just that planners do not seem to be aware of the guidance and their legal obligations, in many instances from the start, but that the guidance itself is deeply, deeply flawed, and the Minister has recognised that. It is not appropriate, has not been legally proofed and is open to being legally challenged. Guidance must be led not just by science and data but also by compliance with our laws.

The amendment also calls for a consultation with the farming and agri-food industry and the Agriculture Minister to understand the impact on the farming and agri-food sector. I most certainly welcome such a consultation and point out that the effects of ammonia are not experienced solely by those in the industry. Ammonia is a public health issue. It is an environmental issue too, and we would invite

consultation with rural groups, medical professionals and environmental NGOs, as well as the wider public.

Lastly, and most starkly, the amendment removes the mention of the need to be compliant with the law, and that is important for how we do business. It removes mention of the need to avoid further worsening the crisis. For me, that is perplexing, given that we all acknowledge the problem. For that reason, coupled with a lack of action to date from the Department, despite knowing the problem, we looked at how to do this differently, through tightening the planning system.

In July, the House debated and voted in support of a motion acknowledging the climate and biodiversity crisis. I know that Sinn Féin actively acknowledges the urgent need to include biodiversity in climate actions, but that will require far-reaching and radical actions to create the solutions. UUP representatives have openly and publicly spoken about the growing need for, and the duty of, lawmakers to step up urgently and be aspirational in policymaking. Well, we are the lawmakers.

The SDLP stated in its 2019 manifesto that:

“protecting the environment is not an expensive political hobby horse. It is a moral, economic and health imperative... That demands a tough new look at planning policy to create a new approach to development that respects and nurtures local habitats.”

Those are all big ideas and big words, indeed. Yet, it is hard to view them as anything but disingenuous when they are not backed up by action.

Do I need to remind you all of the cross-party Climate Change Bill signed by most parties in the Chamber, which puts legal obligations to address climate change and biodiversity loss?

Mr McGuigan: Will the Member give way?

Ms Bailey: Yes.

Mr McGuigan: Does the Member acknowledge that in the Climate Change Bill there are targets to 2045 and that key to the Bill is, as I outlined, a just transition in that we bring all sections of society along with us?

Ms Bailey: I thank the Member and I agree absolutely with him, which is why, if we go into any consultation process, we should do so not just with industry but with wider sectors, the public and local communities as well.

Environmentally, it seems that we all know how to talk the talk, but walking the walk seems to be a different matter. Members are being presented today with the opportunity to step up and support tangible action and to say, “Enough is enough”. I invite you all to seriously consider how much destruction of wildlife and damage to human health you are prepared to stand over, because this one, simple issue has been going on for nearly a decade, and we have done nothing.

Question, That the amendment be made, put and agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes with concern the scale and complexity of the ammonia problem in Northern

Ireland; further notes that critical loads of nitrogen deposition at which ecological damage occurs have been exceeded at 98% of Northern Ireland's special areas of conservation, in some cases by 300% or more; recognises the need to reduce further overloading of critical thresholds; acknowledges that emissions do not recognise borders; and calls on the Minister for Infrastructure to conduct a review of the planning application process to ensure planners have all the appropriate guidance on ammonia and are led by science and data to mitigate ammonia emissions; and further calls on the Minister for Infrastructure to consult fully with the farming and agri-food industry and the Minister of Agriculture, Environment and Rural Affairs on this review to ensure that the impact on the farming and agri-food industry is fully understood.

Mr Speaker: I thank all the Members who contributed to the debate. It was very informative and well mannered.

Adjourned at 9.09 pm.

Northern Ireland Assembly

Tuesday 17 November 2020

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Ministerial Statements

COVID-19: Self-isolation Payment Update

Mr Speaker: I have received notice from the Minister for Communities that she wishes to make a statement. Before I call the Minister, I remind Members that, in light of the social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has, of course, been relaxed. Members do still have to make sure that their name is on the speaking list if they wish to be called. They can do that by rising in their place, as well as by notifying the Business Office or the Speaker's Table directly. I ask Members to be concise in asking their questions. Thank you very much.

Ms Ní Chuilín (The Minister for Communities): Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Speaker. I want to update the House today on some of the measures that my party colleague Deirdre Hargey instigated as Minister for Communities to ensure that the Department for Communities could support people who are affected by COVID-19.

As Members will be aware, as part of the response to the current pandemic, my Department introduced a number of emergency changes to the discretionary support scheme. Those measures included increasing the maximum income that a person can receive before becoming ineligible for discretionary support. This means that anybody with an income of up to £20,405, whether they are in work or receiving benefits, may be eligible for a payment.

We introduced a new discretionary support self-isolation grant for people who have been diagnosed with COVID-19 or are advised to self-isolate in accordance with official guidance. With the introduction of that new grant scheme on 25 March 2020, we ensured that people in the North who are on a low income were amongst the first to be able to access specific financial support. There simply has been no comparable support available to most people in Britain.

I am pleased to note that the rapid response of the Assembly in approving the necessary changes to the discretionary support legislation, alongside the effort of my Department in implementing the changes, has had a very real and direct impact on so many people. That is clearly evident by the extent of the support already made available. The latest available information shows that, between 25 March and 31 October 2020, my Department awarded 14,800 self-isolation grants with a total value of £2.1 million. That is money going directly to people who

have found themselves in a crisis situation during the pandemic. However, it is clear that we all continue to face unprecedented challenges as the effects of the pandemic show little signs of abating. Therefore, it is essential that we continue to monitor the support that we can provide to ensure that we help the people who need it most.

I have decided that it is appropriate to introduce some enhancements to the scheme. Those changes do not require new legislation, and I have, therefore, instructed my officials to implement the revised policy immediately. The changes that I have made are designed to enhance the level of financial support that is available through the self-isolation grant. It is hoped that that will be of particular benefit to people who are temporarily unable to work.

In practical terms, my Department will now use higher daily rates of benefit when calculating the amount of an award. Decision makers will also be expected to take into account the impact of the financial shock of self-isolation when calculating the number of days for which to make an award. That is appropriate as a sudden and temporary reduction in normal income levels will mean that a person is at greater risk of experiencing hardship. Therefore, an award of living expenses to cover the whole period of self-isolation should always be considered.

I believe firmly that the discretionary support self-isolation grant offers an enhanced overall package when compared to other areas. For example, the Irish Government have provided support for people who are required to self-isolate that is based on a fixed weekly payment and treated as taxable income. In England, Scotland and Wales, the test-and-trace payment offers fixed amounts of £500 for 14 days, regardless of family circumstances, and the payment is available only to those who have been told to self-isolate by the NHS Test and Trace service. They must prove that they are unable to work and have lost income as a result. The payment is also taxable.

The self-isolation payments that are available here are targeted at those who are in need and are always assessed based on their personal circumstances. That means that, rather than making a fixed payment that does not take account of the size of a family, we will always take into account all dependant children and include them in an award. For example, under the new rules, a couple with three children can receive £683 of discretionary support to cover a period of 14 days. That payment is not taxable and further awards can be made if the family continues to find themselves in a crisis situation. Those payments will also not affect any future applications to the discretionary support scheme. The self-isolation payments can be made if a person is self-isolating because they or someone else

in their household is displaying symptoms. Entitlement is not restricted to those who have been contacted and told to self-isolate.

I stress again that if people continue to find themselves in a crisis situation after receiving a self-isolation grant, they can apply for further support. There is no limit to the number of grants that can be awarded. I also believe strongly that the enhancements that have been introduced to the scheme are another important step in strengthening an already comprehensive package of support.

To conclude, the discretionary support self-isolation grant is a very important and accessible means of providing financial support to those who are affected by COVID when they need it most. We know that COVID-19 has widened the gap in our communities and impacted people differently, and it has had a disastrous impact on the people and families who were already struggling. People should be supported to isolate if they need to without fear of going under or being further penalised financially. That is why I have improved the level and duration of financial support that is available to those who are eligible to apply for it. I will continue to keep that under review, and I would welcome Members' feedback as we need to make sure that we keep providing support where and when it is needed.

Ms P Bradley (The Chairperson of the Committee for Communities): I promise that I will be a lot briefer this time than I was the last time, when I asked four questions. I thank the Minister for a very welcome statement and her good manners in calling me last night and informing me of what was in the statement.

The Minister will know that statistics show that 80% of those in part-time employment are female, with some having more than one job and many working in the hospitality sector.

They are already facing real hardship coming up to Christmas, and beyond, owing to the situation with the hospitality sector, without then receiving a notification that they have to self-isolate. This is therefore very welcome, and I am sure that it will help many families.

I want to touch on the issue of fraud. We know that people are missing appointments at our test centres and receiving positive test results from that. Are there any safeguards in here when it comes to fraud? We really want to distinguish between those in need, which is what this is for, and those for whom it is sheer greed.

Ms Ní Chuilín: I thank the Chair for her question. She will know that there have been problems with the test-and-trace app. I have to say, however, that the Department is working with people on the basis of need and what they ask for as part of their application process. If, like with any other benefit, it is later found that there were fraudulent claims, we will have to deal with those, but, up until now, most people who have contacted the Department have been genuine cases. As you said in the preamble to your question, a lot of those people are working two jobs — at least — and if they have to self-isolate, this is a lifeline for them. I therefore imagine that most of the claims, if not them all, are completely genuine, and that is the approach that we will be taking.

Ms Ennis: I thank the Minister for her statement and for her continued good work to ensure that the people who need our support at this time are getting it. The support

available here far outweighs what is available in other jurisdictions.

I ask the Minister what her Department is doing to raise awareness of the enhanced support available. We want to make sure that there is maximum uptake of the grant.

Ms Ní Chuilín: The first step is to remind people that this help is out there today, because it is quite clear that, although many people — almost 15,000 — have applied for discretionary support, there are many others who are completely unaware of it or who think that it is a loan rather than a grant. We are all hearing that in our constituency offices. From today therefore, having made the statement, I will also ensure that our media outlets, our advice and welfare networks and, indeed, our constituency offices all have this statement, because they, particularly our constituency offices, are usually the first point of contact for many people. When people contact us, particularly about something like this, they are in distress, so we need to minimise that for people who need our support.

Mr Durkan: I thank the Minister for her statement and very much welcome her decision to increase the amount of support that some people in desperate need can get. What we want to see, however, is an increase in the number of people who can get that support. The prohibitively low income threshold of £20,400 a household means that many working families and individuals remain ineligible for financial assistance. Their bills do not stop as a result of having to self-isolate, and many are left with the extremely difficult decision of either to follow the government guidance or to work to feed their family. Will the Minister consider raising the threshold?

Ms Ní Chuilín: I thank the Member for his question. He will be aware that Deirdre Hargey increased the threshold, and I am going to look at it again. You are right in the sense that we need to have more people applying for the grant, because they need it, but we also need to make sure that it is going to be supportive: that it will be a help rather than a hindrance. I will be talking to officials again this afternoon, and one of the questions that I will be asking them is whether we can do it without impacting on parity. You will know this as a member of the Committee, but, even though this Assembly accepted legislation brought forward to increase the threshold, I am looking to see what I can do within my vires to make it easier for those people who need it most, particularly going into the winter months and particularly if they are at home, where they are eating more and heating more. We need to make it easy for people, not only to get access to the grant but to ensure that they qualify for it.

Mr Allen: I echo the comments of colleagues around the Chamber in welcoming this much-required enhancement. I thank you for bringing it forward.

Minister, my constituency office team and I have supported many constituents to avail themselves of this grant. As you have highlighted, it is a lifeline for many. With that in mind, can you advise on the average time taken to process the claims and on any steps that you have taken within the discretionary support system to ensure that claims are processed efficiently?

10.45 am

Ms Ní Chuilín: I am told by officials that applications are being processed as quickly as possible. However, in my

constituency office and on social media, I have received reports to say that that is not the case across the board. My commitment to all of you is that I will review this on an almost weekly basis. I need to ensure that those who need access to these payments get them, and get them in a timely fashion when they need it most. I urge Members to please let me know if they hear any reports to the contrary.

Ms Armstrong: Any enhancements to payments that can be made to people who are vulnerable, at this time, are very welcome, so thank you very much. Your statement indicates that your front-line staff are the decision makers. Ms Ennis asked about promotion and the knowledge that people have. How much training will your decision makers have? Do you have enough money for this and have you enough money set aside pay out because, hopefully, people will take it up?

Ms Ní Chuilín: I thank the Member for her question. For each change that is made regarding this or any other support, the decision makers will have it again and again and again, because we need to ensure that consistent information is going out. Yes, there is enough money in the budget, for now. The important thing is that, between now and the new year, we need to try to give people support to self-isolate. As the Chair of the Committee said, there are people who are making the decision to not self-isolate because they cannot afford to. We know that the rate of people who have to self-isolate, or who are impacted by COVID, has not abated in the way that we would have hoped. We need to try to support people to stay at home and it is our obligation to do that.

Mr Easton: I thank the Minister for her statement. It is a good news story, so well done. Can I reaffirm with the Minister that anybody who has to self-isolate three or four times will still be able to apply for this? Will it also affect those on tax credits?

Ms Ní Chuilín: I thank the Member for his sentiments. As I said in the statement, people can apply for this when they need it. Unfortunately, due to the length of the pandemic, some people have had to isolate at least once; others a lot more than that. It is a non-taxable grant. Therefore, it should not impact on tax credits. We need to make sure that what we give on one hand is seen in the other. That is not the case across other jurisdictions and we do not want that to happen. Many people who are on tax credits are already on a low income. We need to ensure that, after their application and when this support is given to them, they know exactly what they are getting and exactly what they have.

Ms Flynn: Mr Allen has already touched on this. Does the Minister foresee that today's announcement will lead to an increase in claims and possible delays in the processing of further cases?

Ms Ní Chuilín: I really hope that there is an increase in people making applications, because, while almost 15,000 have done so up until now, we know that there are many others who are out of work, self-isolating, impacted and affected by COVID. I hope that there are no further delays. As I said to other Members, if you or anybody else has concerns or are hearing reports that there are undue delays, then get in contact with us. That is not what we want, it is not what I or the officials want — they are processing the applications as quickly as they can to get

money into people's bank accounts and pockets as quickly as they need them.

Mrs Cameron: I thank the Minister for her statement.

The discretionary support self-isolation grant is a lifeline for many people who are on low incomes and who are required to self-isolate. I welcome the news that the daily allowance payable has been increased. Does the Minister agree that these grants are crucial for encouraging and enabling individuals to complete their period of self-isolation? Is her Department working with the Department of Health or the Public Health Agency (PHA) to take the opportunity to provide additional information as to what is actually required around self-isolation?

Ms Ní Chuilín: I thank the Member for her question, and she is right: it is a lifeline. As MLAs with, I am sure, a busy constituency office, we have all got the distressed phone calls, and our constituency staff have as well. Through the Executive information website and our discussions with colleagues in Health and the PHA we are genuinely trying to ensure that there are no gaps. As I mentioned in response to Mark Durkan's question, that is on my list for discussions with officials just to be sure, to be sure. I have heard too many reports of people still feeling that this is a loan and that is why they did not apply, so something has gone wrong. We need to ensure that any clarification that is needed is provided after the statement this morning and that every aspect of government is aware of it. We are all living in each other's shadow, as we should be, but one Department should not be ringing another Department to find out what this is about; everybody should have the same level of consistency about this information.

Mr Catney: Thank you, Minister, for your statement. It has to be welcomed. I welcome the easier payment method that will be used for the self-isolation payment. I know that 4,800 people were successful with their application up until October, but will the Minister inform me of how many people were unsuccessful?

Ms Ní Chuilín: I do not have that information. It is 14,800 people, Pat, so it is almost 15,000. I do not have the information about how many people were unsuccessful in terms of data from the Department. I have the anecdotal evidence. I have the people who are reaching out by email on our Assembly email, my constituency office and, indeed, on social media to tell me different, so there is an issue. When we get through this, we will start clicking through each of the questions that have been raised and will put this one down for clarification. If we have that data, I will certainly share it with the Member.

Ms Rogan: Minister, you outlined how this support compares with what is available in Britain. Will you give us a brief outline on how it compares with what is available in the South?

Ms Ní Chuilín: The support is taxable in other jurisdictions, including the South. It is also for a fixed period in other jurisdictions, which it is not here. Indeed, the difficulty that I have, certainly with the other jurisdictions, is that they are giving it to people with one hand and taking it off them with the other. That is grossly unjust and grossly unfair.

Mr Clarke: Like others, I welcome the Minister's announcement. Those who are on low incomes will welcome it. It is a very worthy statement for the Minister to make. Given that some of those people are on low

incomes and will return to work after the two-week period, is any protection afforded to them through their employer, as I am sure that there are cases of employers who do not want to release them? Whilst money is one thing, they are probably looking for job security as well. Is the Department doing anything on that to give them the guarantees that employers cannot move towards them during their periods of isolation?

Ms Ní Chuilín: The issue that I have always had with the fragility of zero-hours contracts in particular is that people are even more vulnerable and more susceptible to exploitation, if any employer is minded to do that, or, for want of a better term, if any employer wants to chance their arm. Employees have rights, and we will remind them of the rights that they have. If there are any indications or examples of workers feeling that they have not been given the due respect or, indeed, the due entitlement from their employer, I will certainly welcome hearing who they are and where their employer is. I would be happy to share that information with the Member's colleague Diane Dodds, because I am sure that she would not have that either.

Mr O'Dowd: I thank the Minister for her answers thus far. The mantra for months now has been that we need a proper test, trace, isolate and support scheme.

We now have in place a scheme that allows low-paid workers to isolate and receive support. The Minister indicated earlier that she was looking at the level of income that a family can have to be able to claim the support. How quickly will she be able to carry out that review?

Ms Ní Chuilín: I will carry out the review as quickly as possible and look at the questions that have been raised, and I will put the officials on notice. I want to get the data, and, following Pat Catney's question, I will try to capture the data from people who were rejected.

As the Member will be aware, Deirdre Hargey increased the threshold. If I need to do that, and if I can do that, I will look to do that. People may think that £20,400 is a decent enough wage, but if that is your only income and you are paying all your bills and rearing your kids, it all adds up. So, we need to ensure that people who need the support get the support, and we will find out very shortly if the level of income needs to be increased because if it prevented people getting access to support, it is a problem that we need to look at.

Mr McGrath: The 14-day self-isolation period starts from the date that the message is delivered to the COVID app on a person's mobile phone. That is often not 14 days from when the person was last in contact with somebody with COVID-19. Will the Minister agree with me that an urgent and timely roll-out of the update to the app is crucial? That could see the amount of time that somebody is isolating reduced in some instances by 13 days, which would, therefore, ensure that her Department has more money to spend.

Ms Ní Chuilín: I agree that there are issues with the app even for people who get confirmation of a negative or positive test result. The fact that they have gone to get a test means that they have concerns.

With regard to Trevor's question, we want to make sure that employers are adhering to that good practice because we are asking people who have any symptoms to isolate straight away, but we cannot ask people to follow government guidance and then have their salaries deducted

because they have to wait for two days for a result from the app. We need to make sure that the app is better, but I want to make sure that, when people apply for the payment, they get it as quickly as possible and they are not held back by further bureaucracy that is not of their making.

Mr McCrossan: I thank the Minister for her much-welcomed statement. It will come as a relief to many, as will her reassurances that she will look at the threshold, which we in the SDLP welcome. There are people out there saying that, when they come into contact with someone and get the alert, they cannot afford to isolate. That is a very difficult place for many to be in. Any support from this Assembly will alleviate that pressure.

The Minister spoke of parity. According to her, this scheme is more generous than elsewhere, but it is much more difficult to access, according to reports. What was the Barnett consequential derived from the introduction in Westminster of the self-isolation grant? Has all that money gone into this scheme?

Ms Ní Chuilín: I received AME, so it is an AME issue rather than a Barnett issue because it is benefits related, so the money is there. If I understand the Member's question properly, there were issues regarding clarity over whether it was a grant or a loan. We all heard too many stories about people who felt that it was a loan and they did not want to get into any more debt.

The issue is that we, as a Government, are asking people to self-isolate, but we cannot ask people to self-isolate and not support them. That is the bottom line. So, that is what we are trying to do. Will there be lessons learned as a result of this? I am sure that there will be. It is like anything that we bring forward. We need to accept the good parts, change the parts that do not work and try to make it better in the future. Rather than waiting on a perfect fit, we need to get it changed, get it out, get it clarified, and, hopefully, people will get the support that they need.

Mr Carroll: I thank the Minister for her statement. The £2.1 million divided out equally amongst 14,800 people amounts to around £150 each. I assume that some people got less and others got more. Is the Minister aware of the average payment that people received? How many people received £500 or more?

11.00 am

Ms Ní Chuilín: The payment is better than £500. The £500 or €350 are fixed and taxable. If £100, €100 or €140 is taken for tax, the payment is less. If, for example, a couple has three children, they can receive £683 for the 14-day period of one isolation. If the same family has to isolate six or seven weeks later, they can expect to receive the same amount of support. That is not the case elsewhere. As long as the pandemic continues and more families are impacted by COVID, at least, once they have to isolate — I have heard of families having to isolate two and three times — we can ensure that we support them. We are asking them to follow government guidelines, so we need to make sure that the support is there, be it discretionary support, business support or whatever. If there is hardship, we need to get support out to people.

Mr Speaker: That concludes questions on the Minister's statement. I ask Members to take their ease for a couple of moments as we move to the next item of business.

North/South Ministerial Council: Special EU Programmes

Mr Speaker: I have received notice from the Minister of Finance that he wishes to make a statement.

Mr Murphy (The Minister of Finance): In compliance with section 52 of the Northern Ireland Act 1998, I make the following statement on the twenty-first meeting of the North/South Ministerial Council (NSMC) in special EU programmes sectoral format, which was held in the NSMC joint secretariat offices in Armagh on Friday 30 October 2020.

As Minister of Finance, I represented the Executive and was accompanied by the Minister of Education, Peter Weir. The Irish Government were represented by Michael McGrath, the Minister for Public Expenditure and Reform.

At the outset of the meeting, there was a broad discussion on the implications of the EU exit and the impact of, and response to, the COVID-19 pandemic. The Council noted the commitments and guarantees agreed and put in place as part of the withdrawal agreement and political declaration to allow for the current Peace IV and INTERREG Va programmes to continue until completion, and for a successor PEACE PLUS programme to be funded. Those were recognised and welcomed. The impact of COVID-19 on the current Peace IV and INTERREG Va programmes was noted, and the Council welcomed the actions implemented by the SEUPB to assist project delivery and the measures put in place to ensure the continuation of programme implementation. It is noted that the PEACE PLUS programme will incorporate COVID-19 recovery actions and that the programme development process is continuing.

The chief executive of the SEUPB updated the Council on the progress of programme implementation. Some 96 projects worth €277.9 million, which represents 103.1% of total programme value, have been approved for Peace IV, and 34 projects worth €291.1 million, which represents 103.2% of total programme value, have been approved for INTERREG Va. The Council noted that the SEUPB continues to facilitate participation in the INTERREG Vb and Vc regional and transnational and interregional programmes. To date, approximately €16.5 million has been secured by 64 partners under those programmes.

Progress was outlined on the development of the future PEACE PLUS programme. Work will continue in order to deliver an agreed programme. A public consultation will be undertaken to provide for further stakeholder engagement. The Council noted that further discussion with Departments and Ministers will be required to reach an agreed programme. The final PEACE PLUS programme cooperation document will be submitted to both Administrations, the NSMC and the European Commission for approval.

Ministers noted that the SEUPB had produced draft corporate plans outlining the SEUPB key objectives for 2017-19 and 2020-22, and draft business plans for 2017-2021. The Council then approved those corporate and business plans and noted the budget provision for each. Ministers noted the SEUPB annual reports and accounts for 2016-18. Those were certified by the Comptroller and Auditor General in both jurisdictions and laid before the Assembly and the Houses of the Oireachtas. Ministers

were advised that the 2019 SEUPB annual report and accounts will be submitted to the Council and laid before the Assembly and the Houses of the Oireachtas in due course.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

In closing, Ministers noted that the SEUPB's governance structures continue to operate effectively. The Council agreed that options for an independent organisational review of SEUPB will be considered by sponsor Departments and that draft terms of reference will be submitted to the NSMC for consideration prior to the commencement of any review.

The Council agreed to hold its next Special EU Programmes Body meeting in early in 2021.

Dr Aiken (The Chairperson of the Committee for Finance): I thank the Minister for his remarks and for coming to the House to give his briefing. The Minister noted in his statement that Peace IV and INTERREG Va are both at 103%. Some of us will be concerned about whether we will be able to brief a project that is already anticipated to be at 103%. Perhaps, in his closing remarks, the Minister will comment on that, and on how that is likely to come through. One might ask where the excess funding is going to come from. Will it be divided equally between the Irish Government, the EU and the United Kingdom Government? How will that be done? I welcome the Minister's remarks about progress towards COVID recovery. Will additional funding come to Northern Ireland as part of the COVID recovery actions and process? If that is the case, where is that funding likely to come from?

Mr Murphy: I thank the Chair of the Finance Committee for his questions. There is an overcommitment on both of those. From our discussions with the chief executive of the SEUPB, I think that that is based on the normal expectation and practice that there has always been an underspend. SEUPB is content that it will manage the overcommitment in terms of the final expenditure on the programme without having to seek additional funding to supplement or complement it.

In relation to future funding, PEACE PLUS currently sits at £650 billion — €650 million, sorry; if only it was £650 billion. If there is an additional commitment from London — there is a discussion ongoing between Dublin and London in relation to this — and the multiplier effect of that commitment is there from Dublin, then, if they match the percentage of that, it will take the figure for PEACE PLUS up to £1 billion, which will be very welcome in the time ahead. That discussion has not yet concluded, but I hope that the British Government will come forward and match the offer that has been made by Dublin.

Mr Frew: I thank the Minister and his officials, who gave the Finance Committee a very useful and informative briefing on this last week. Minister, you state that £16.5 million has been secured to date by 64 partners. How much of that money has come to Northern Ireland? Out of the 96 projects for Peace and the 34 projects for INTERREG, how much of that money is forecast to come to Northern Ireland?

Mr Murphy: I will have to get the Member the actual figures; I will ask officials to forward those to him. In terms of contributions, there is a percentage worked out between the Executive, the Dublin Government, the

British Government and Europe. The spend always has been largely in the six counties in the North and the six border counties, and I do not believe that there is anything untoward in the breakdown of all that, but I will be happy to get the Member the figures for all of those projects.

Mr McHugh: Ba mhaith liom buíochas a ghlacadh leis an Aire fosta as a ráiteas. I thank the Minister for his statement. As someone who lives ar imeall na teorann — on the edge of the border — I am only too well aware of the significance of the SEUPB and the many projects that have been delivered in our area. I am concerned for the future. What are the implications of Brexit for the current programmes?

Mr Murphy: I share the Member's view on the delivery of that, as a border dweller myself. The prospect is of a very significant delivery through the PEACE PLUS programme, which incorporates, as he will know, Peace and INTERREG as well. We always operate on the basis that this could be the last Peace programme, and I think we need to ensure that it has that impact in those border communities in particular, where some of the issues of the conflict were felt, and that, given the peripheral nature of communities there on both sides of the border, they are supported. Obviously, good work has been delivered, and I look forward to more good work and consultation with all of the stakeholders to ensure that we get the best possible value and outcome from PEACE PLUS.

There is obviously an initial uncertainty caused by the prospect of Brexit, but the guarantees included within the withdrawal agreement and the political declaration confirm the joint commitment of the EU and the British and Irish Governments to the continuation of the current Peace IV and INTERREG Va and the successor PEACE PLUS programme. Those guarantees will allow the current programmes to continue as normal and to be financed from the EU budget until their formal closure dates. In light of the coronavirus outbreak, the EU has also extended the final declaration dates for projects to fully spend their allocated funding as some recover from delays enforced on them. A financing and administrative agreement that will set out the legal, financial and governance frameworks for PEACE PLUS and, in turn, the SEUPB is currently being negotiated by the EU and the British Government.

Mr O'Toole: I ask the Minister to say a little more about what he just mentioned — that is, the negotiations around the financing agreement and the future structures around this. Is there a worry that, if there is no deal between the UK and the EU on the future trade relationship, there is a risk to the structures in the commitments that were made in the withdrawal agreement and in the political declaration — certain Tory MPs have already cast doubt on many in the political declaration — going forward? Was that discussed at the NSMC?

11.15 am

Mr Murphy: There is always a worry in relation to that. I think that we are right to be cautious, because the process of exiting the European Union has been anything but straightforward with regard to the British Government, and many things that have been — this goes across the whole issue that the Executive have to deal with — committed to and promised by the British Government have been abandoned or there have certainly been threats to abandon them at various stages. While we have

the commitments, which were part of that withdrawal agreement and were agreed to, we have to be vigilant and continue to hold the British Government to account in relation to them.

The programme has delivered so much to communities that were so challenged over many years and affected by the impact of partition and then conflict, and that funding was one of the key contributions from the European Union to this part of the world, so we hope that that funding continues and is able to deliver projects that have made such an enormous difference. Both the Peace and INTERREG projects have made such a huge difference in the border area, and we want those to continue. We have to constantly be vigilant and keep a close watch on how these things develop.

Mr Muir: I thank the Minister for his statement and his answers thus far. I remain firmly of the view that Northern Ireland has benefited greatly from its membership of the European Union, and the support funding that has been outlined here is clear example of that. Can the Minister provide an update on the replacement for the EU structural funds in terms of the Shared Prosperity Fund? We are still waiting for clarity on that, and it is an important issue.

Mr Murphy: Yes, the Member is quite right that we are still waiting for clarity on the Shared Prosperity Fund. There is a commitment from the European Union to replace like with like, but we were also operating on the basis, as were Scotland and Wales, that the devolved Administrations would develop the programmes, allocate the money and do all that. There is huge uncertainty because of the legislation that is currently passing through Westminster, and that casts a significant doubt on that.

We have a lack of certainty on two fronts. One is that we have no firm commitment, other than a general one, on how those funds will be replaced, despite repeated requests from me and the Scottish and Welsh Finance Ministers, and a number of meetings where we were to seek clarity on that have been postponed in recent times, which is frustrating. We have not got that certainty, and, as I say, we are very concerned about developments with that legislation at Westminster, because the programmes have been delivered successfully locally by people who know the local issues, know the communities that will benefit most from the programmes and can get that support on the ground. Administering these things, allocating them and applying to programmes in Whitehall will not work for us. Scotland and Wales have the same opinion, and, equally, I am sure that it will not work for them. We certainly want full replacement, and we want the ability to allocate and design the programmes that will replace the EU funding.

Ms Dolan: Minister, thank you for your statement. Will PEACE PLUS see a reduction in the administrative burden on applicants or projects?

Mr Murphy: That is certainly one objective that I have raised consistently with the Special EU Programmes Body, and it has assured me that it will endeavour to do that. I have been about long enough to have been involved in the original peace and reconciliation fund that was developed and delivered through councils back in the 90s. That funding was very accessible to grassroots community projects. I have had engagements over the last number of months with people who work at the coalface of the community and voluntary sector, and their view is that the

funds have progressively become more inaccessible to small and grassroots community organisations and that you almost need to be partnered with a local government organisation or some substantial organisation to access the funding. We assume that, each time one of the programmes comes in, it may be the last one, so it is important that it leaves a valuable legacy and that there is accessibility to the programme.

Peace programmes were designed to get down to the grass roots, to communities on both sides of the border that had suffered as a result of the conflict, and a lot of projects achieved that. If PEACE PLUS is to be the last programme we receive, we need to ensure that it gets to where it is needed, and accessibility is something that I will continue to raise with the SEUPB. It will go to consultation, so I encourage all elected representatives and community groups to make sure that those issues are raised with it as well.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a ráitis. I thank the Minister for his statement this morning. What actions have been taken to protect projects and programme expenditure during the COVID pandemic?

Mr Murphy: There has been recognition that COVID has caused some interruption to delivery, although, given our discussion with the SEUPB, it seems that it may not have been much as we had expected. Programmes have rolled on. However, as I said, the uncertainty around that has been dealt with, because we have some guarantee that the EU has recognised the impact of COVID and has allowed some headroom, if you like, to make sure that original time frames for spending the funds have been stretched somewhat. That will ensure that people can continue to spend on programmes held up by reasons genuinely beyond their control.

There is recognition that COVID has had some impact, though, thankfully not the impact that we expected. The EU has extended the final declaration date in order to allow projects to fully spend their allocated funding, and that is to be welcomed.

Mr Catney: Thank you, Minister, and I thank your officials from the Department for briefing the Finance Committee. Brexit has already been mentioned, and there has been a promise of extra money to increase the total to £1 billion. We hear about the consultation and how we will try to get the money out to our community. Minister, are you fairly confident that the British Government will meet their commitment as promised?

Mr Murphy: The original commitment was for €650 million, and we are operating on the basis that that will be honoured. There is an opportunity to increase that amount. The Government in Dublin have indicated that they will make their contribution, and that creates a multiplier effect on the British Government's contribution and contributions from the Executive and the EU. The key to that is the British Government adding to their contribution, and I hope that they do so, because the overall effect will be to create a much bigger pot for PEACE PLUS — an extra 350 million — which, obviously would be very welcome for the communities that can access that funding. The commitment for the initial amount is there: we are trying to secure expanded funding to allow us to generate a much bigger pot across the board.

Mr McGuigan: I thank the Minister for his statement. It is clear from the information that he has brought to the House, the sums mentioned and from what other Members have said that there is clearly commitment from the EU to Peace programme funding and supporting communities across the island, including my constituency. I have nothing but support for that type of programme. However, one issue that I and some of the groups that I am involved with have is the burden of the application. Will there be a reduction in the administrative burden for applicants?

Mr Murphy: We would like to see that. Of course, there is a comprehensive auditing process for the EU, as the Member will understand. The EU is keen to ensure that the money it allocates and approves through the overall programme is spent in the way that was intended. There is always a balance between meeting auditing requirements to ensure accountability for spending of public funds and making sure that they are accessible, in particular to small, grass-roots community organisations that the initial Peace funding was intended to benefit. It was originally to bring benefit to communities and areas that previously had not received support from government or other programmes. There is always that balance, but I have been discussing that with the SEUPB, because there is a sense that, over the past number of programmes, the balance in the burden of bureaucracy has shifted somewhat to those who access the programmes. I have had conversations with the SEUPB about how to ensure that we get that balance right. As I say, it will go out to consultation. I encourage all groups to come forward with their views, because we want to make sure that we get that balance right and that the money gets to exactly where it is needed and will have most benefit.

Ms Anderson: Minister, following on from that, I acknowledge the fantastic work done by the community sector in Derry. Many of those organisations access the European social fund and are deeply concerned about the loss of that. Minister, you have talked about the consultation. Will there be a role for community organisations in the PEACE PLUS programme?

Mr Murphy: Yes, absolutely. The consultation should be wide and accessible. All those who have issues to put forward or suggestions to make need to make sure that their voices are allowed to be heard in that consultation. That consultation should begin in the not-too-distant future. I encourage Members, particularly those who have a link to community groups, to make sure that, if those groups are not aware of that information, they know when the consultation is happening and how to access it and that they get the opportunity to make their case to it.

Mr McGrath: I thank the Minister for his statement. Minister, in the Executive Office Committee, we met the 11 councils over the last two weeks. Many of them detailed to us their serious concerns about their financial stability and delivering the EU programmes. I welcome your commitment in the statement that the PEACE PLUS programme will continue for the duration of this cycle, but it is not clear whether they will have funding going forward. Would you undertake to meet the 11 councils specifically to try to ease some of their financial concerns?

Mr Murphy: I have no difficulty with that. I meet the councils frequently. I have met NILGA and others. The 11 council chief executives generally come together through the Society of Local Authority Chief Executives (SOLACE).

I am absolutely happy to meet them. The commitment is there to spend out the Peace IV and INTERREG Va programmes. Even with Brexit and all the uncertainties, the commitment is there for €650 million for PEACE PLUS. We want to see that increased to much more. As I said in response to a previous question from your party colleague, despite all the uncertainties that come from Brexit and the negotiations, the posturing and the stands that have been taken in relation to some of the issues, we have to hold to that commitment. We have to be vigilant to make sure that that remains. We, from the European, Dublin Government and Executive sides, want to see these commitments being met. We want to see the funding expanded and being available over the next number of years. I am happy to talk to council groups about that.

Mr McNulty: I want to quickly recognise that it is World Prematurity Day. We think about all the mothers and families who have experienced challenges around early birth and recognise the brilliant support of the TinyLife charity.

Minister, thank you for the statement and for coming to the House this morning. Can you provide an update on the current funding for INTERREG programmes? There are concerns that funding may run out for several programmes; for example, the Carlingford to Newry greenway and the Smithborough to Middletown greenway. Can you provide certainty that funding will be provided for the completion of those projects?

Mr Murphy: The current programmes are to run their course. Allowance has been made to make sure that they are not interrupted by Brexit. On the more capital side with INTERREG, the EU has also allowed an extension to the completion and declaration date of programmes that have been interrupted by COVID and had undue delays. I do not think that you were in the Chamber for my first answer to the Chair of the Finance Committee. There is an overcommitment in funding, but the expectation is that there has always been an underspend. From the discussions that Minister McGrath and I had with the SEUPB at this meeting, we know that it fully expects to spend out the programmes. The SEUPB expects to meet all the programme costs that it has committed to. We will want to continue to monitor that in the time ahead, but those are the assurances that we were given.

11.30 am

Mr Deputy Speaker (Mr Beggs): That concludes questions to the Minister on his statement. We are running approximately an hour ahead of schedule. I have been advised that the AERA Minister is about 10 minutes away. He is due to take the next two items of business.

In fact, he has just arrived. I ask Members to take their ease for a few moments.

British-Irish Council: Environment

Mr Deputy Speaker (Mr Beggs): The Speaker has received notice from the Minister of Agriculture, Environment and Rural Affairs that he wishes to make a statement.

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): With your permission, Mr Deputy Speaker, and in compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following report on the sixteenth British-Irish Council (BIC) ministerial meeting in environment sector format, which was held in virtual format on Wednesday 4 November 2020. Declan Kearney MLA, junior Minister in the Executive Office, and I represented the Northern Ireland Executive at the meeting. This report has been endorsed by junior Minister Kearney, and he has agreed that I make the statement on behalf of both of us.

The British-Irish Council, established in 1999, is a forum for its members to discuss, consult and use best endeavours to reach agreement on cooperation on matters of mutual interest within the competence of its member Administrations. The BIC environment work sector is led by the UK Government and has proved a constructive and unique forum for facilitating evidence exchange and practical collaboration since the Council was established. The meeting held on 4 November focused on how the Administrations can work together on climate adaptation, to tackle invasive non-native species and to approach the issues connected with the marine environment.

The meeting was chaired by Lord Gardiner of Kimble, Parliamentary Under Secretary of State in the UK Department for Environment, Food and Rural Affairs (DEFRA). The Irish Government were represented by Mr Eamon Ryan TD, Minister for Transport and Minister for the Environment, Climate and Communications. The Scottish Government were represented by Roseanna Cunningham MSP, Cabinet Secretary for Environment, Climate Change and Land Reform. The Welsh Government were represented by Lesley Griffiths MS, Minister for Environment, Energy and Rural Affairs. The Isle of Man Government were represented by Geoffrey Boot MHK, Minister for Environment, Food and Agriculture. The Government of Jersey were represented by Deputy John Young, Minister of the Environment. The Government of Guernsey were represented by Deputy Lindsay de Saumarez, president of the Committee for the Environment and Infrastructure.

Ministers reaffirmed their commitment to conserve and sustainably use the ocean, seas and marine resources in accordance with UN sustainable development goal 14. The BIC environment work sector has two subgroups to cover the areas of marine litter and marine environment, including biodiversity, marine protected areas and ocean acidification. Ministers discussed priority areas where the two subgroups have been focusing their work and noted progress to date, including on commitments agreed at the BIC marine litter symposium in February 2019. Those commitments are to develop options to help to support sustainable end-of-life fishing gear disposal, support the reduction of plastic pellet loss and raise awareness of marine litter with young people and fishing professionals. Noting the challenges faced by the marine environment in our shared seas, we agreed to continue the ambitious programme of collaborative work, aligned with macro-

regional and international obligations. Ministers discussed key aspects of the work being undertaken by the BIC climate adaptation subgroup, including to identify and share adaptation research and evidence and examine mechanisms to improve linkages between adaptation researchers across the BIC region; to foster cooperation and promote shared learning on measuring progress to minimise climate risks to critical infrastructure across the BIC region; and to identify and share information on best practice regarding community and private-sector engagement on climate adaptation, adaptation governance models and monitoring and evaluation of adaptation.

Ministers noted that the subgroup had delivered a virtual climate adaptation symposium on 20 October 2020, which focused on the topic of critical infrastructure and was hosted by the Irish Government. The symposium was attended by 80 delegates from the BIC member Administrations. It was agreed that further collaboration and engagement would continue via the BIC Environment work sector and its subgroup on climate adaptation.

Ministers were asked to note that BIC invasive non-native species (INNS) officials have been meeting biannually since 2013 to explore and agree areas of cooperation on INNS. The fourth BIC INNS workshop was held in Cardiff on 20 - 21 January 2020 hosted by the BIC secretariat and the Welsh Government. Ministers committed to an ambitious programme of collaboration, including on the Be Plant Wise and Check, Clean, Dry communications campaigns and on marine invasives such as the carpet sea squirt, as well as establishing an Asian hornet task force.

Ministers agreed that the 17th Ministerial meeting will be hosted in 2022 and that the BIC environment work sector would continue its focus on the marine environment, climate adaptation and invasive non-native species.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I thank the Minister for his statement. The Minister referred, in paragraphs five and six, to the topic of plastics. He will know that the fishing industry is greatly concerned about that and is prepared to play its part in helping to resolve the issue and protect the marine environment. Will the Minister elaborate on what options are being considered by his Department for the sustainable end of life for fishing gear?

Mr Poots: A decent conversation was held by the Ministers, and it was agreed that we would work with industry to develop solutions for collection and recycling of end-of-life fishing gear from the main fishing ports. There will be engagement with the fishing community to identify the best way forward in each of our areas, but there is a commitment to assisting in ensuring that that end-of-life fishing gear is appropriately and properly disposed of in an environmentally friendly and sustainable way.

Mr Harvey: Minister, I see from your statement that two subgroups have been set up: I assume that they are an Irish subgroup and a British subgroup. What practical work has been carried out to date by the subgroups?

On another point, I see that you are not due to meet again until 2022: would more frequent meetings be beneficial?

Mr Poots: It is for BIC members to decide the frequency of meetings. There are a lot of busy people involved in it.

A series of pieces of work have been done by the subgroups. Developing the issue of plastics and its impact on marine life is a key area: how we better educate the public on the use of plastics and indeed how we respond as individual Administrations in how we deal with plastics to ensure that there is less plastic around to enter the marine system. That is critical. Considerable work has also been done on the issue of invasive species, whether they are plant species or other living organisms. Those issues are of significant concern to us because those things can have a serious detrimental impact on us. There was considerable discussion of the Asian hornet as a consequence of its recent arrival.

Mr O'Toole: Minister, the British-Irish Council is an important forum that brings together some of the smaller jurisdictions — even smaller than Northern Ireland. Did you discuss the climate action plans of the Isle of Man, which has a population slightly larger than Lisburn? The Isle of Man published a climate change Bill earlier this year. Did you discuss how it, a small jurisdiction, managed to do that? Did you raise with Deputy de Saumarez from Guernsey, which has a smaller population than Lisburn, their intention to put climate change reduction into law. What I am trying to get at is whether the Minister discussed with those very small jurisdictions how they were able to put climate change plans into legislation so quickly.

Mr Poots: That was not on the agenda. One of the downsides of a virtual meeting is that we do not have the opportunity to have discussions afterwards, so I did not have that discussion. However, I am having discussions with my officials about climate change legislation, and that is something that I hope to go out to consult on very soon. That is entirely appropriate, because you do not legislate without going through a public consultation process first. That is how it is set out legally. I will seek the permission of the Executive to move forward on these matters quite soon.

Mrs Barton: Thank you for your statement, Minister. You referred to fostering cooperation, promoting shared learning and measuring progress to minimise climate risks. Have you given any thought to the various rules and regulations in Northern Ireland and in the Republic of Ireland? For example, the two jurisdictions have different planning rules and regulations for ammonia.

Mr Poots: Knowledge sharing is critical to all of us. Therefore, where people have engaged in good practice that has delivered better outcomes than we have, we have to learn and develop from that. Education is not a matter of us seeking to educate the public; education is us learning from people who, in certain circumstances, have moved ahead of us. We may be ahead of others in certain circumstances, and they can learn from us. However, education is something that we should all engage in every day.

Mr Blair: I thank the Minister for his statement and welcome the work being done by the environment work sector in setting up the subgroups on marine litter and marine environment. More specifically, is any work being done or being planned to deal with the environmental risk posed by end-of-life or abandoned vessels?

Mr Poots: Abandoned vessels have been less of an issue in recent years than they were some time ago when part of the fishing fleet was scuttled. No grant has been available

to cease fishing, so it has been less desirable, with older boats sometimes being kept in harbours for too long. It certainly is a challenge, and I acknowledge that. Because of the poor incomes, there has not been the replenishment of the fleet that should have taken place, and you can see that in our harbours. Consequently, we have a lot of boats that are up to 50 years of age, and we have a lot of wooden boats, which are less safe than the steel boats. I would like to see, as the fishing fleet can actually catch more fish, the fleet being redeveloped. In that event, what happens to the older, end-of-life, boats will become an issue for us to look at. However, it was not an issue discussed at this meeting.

Mr Givan: I thank the Minister for his statement. Important meetings are taking place on the environment and climate change. In that respect, I know that the Minister is leading on the afforestation programme in Northern Ireland, and I commend him for it. He will know of a project in his constituency led by Lisburn scouts, seeking to acquire land for young people to appreciate. Did the Minister share any of the best practice that he is doing in Northern Ireland with the other jurisdictions?

11.45 am

Mr Poots: Afforestation was not part of the agenda, but I know that there are organisations that are dedicated to ensuring that land that is currently in a forest remains that way. That is certainly something that we should support; if tree planting is taking place and we have created woodland, it should not be taken away. There are those who grow trees to be harvested, which is fair enough because those trees will continue to capture carbon, but we want to encourage the retention of forests with more traditional trees and native species.

Mr McGuigan: Minister, you outlined how Ministers reaffirmed their commitment to UN sustainable development goal 5, one of the key aims of which is an end to destructive fishing practices. Was the issue of super-trawlers in Irish or British waters, and, specifically, in marine protected areas, raised at the meeting?

Mr Poots: It was not raised at the meeting, but the Member has raised a very important issue. We know that there are large trawlers with multiple nets, which harvest large quantities of fish. A lot of those emanate from France and Spain. Of course, they will not be in our waters if we have the right conclusion to the negotiations that are taking place this week.

Ms Sheerin: I thank the Minister for his statement and answers thus far. Minister, you talked in your statement about climate change, and reference was made to best practice for the private sector and the community sector in that regard. What learning did you take from the meeting on that?

Mr Poots: We considered climate change issues particularly around the seas and the impact that they have on the marine side. There is the issue of warmer waters and the consequences that come from that. There was also a strong focus on the pollution of the marine sector. A particular issue that was discussed at length was that of plastics and the beads that can get into our waterways. There is so much more that can be done to ensure that our waterways and marine life are protected from that. There is a course of work for us, as government, to drive forward in terms of plastics. I have already introduced an initiative to remove single-use plastics from the government system.

I want to move forward on single-use plastic bags and reconsider what we are charging at the minute. It is only 5p; I think that that needs to be raised. There are courses of work that we can do to ensure that, in the first instance, considerably less plastic is used and, consequently, less plastic gets into our waters.

Mr McNulty: I thank the Minister for his statement. It is fantastic that the Council is meeting to address climate change and to protect our marine environment. There are wonderful aspirations and ambitions. Minister, can you tell me about anything that has actually been achieved to date? It does not fill me with confidence that the next meeting is not scheduled until 2022. Does that tell us that you understand the urgency of the issue?

Mr Poots: My Department is undertaking a study on end-of-life fishing gear and recycling and waste disposal. That evidence will be provided to the group. DAERA continues to input into the pilot project that is being led by Scotland into a supply chain approach to reducing plastic pellet loss. Northern Ireland continues to have high levels of participation in Eco-Schools, which is something that we were working on. That is about encouraging our young people and educating them on the threat to the marine environment, in particular.

In Northern Ireland, we are developing marine protection areas, looking at ocean acidification and my officials have participated in blue carbon workshops and in sharing examples of cross-border cooperation and work to identify other effective conservation measures. Quite a series of actions are taking place as a result. We do not need to meet all the time to do that. Actions are decided, subgroups are set up and officials are set tasks. I think that you can see from that that many tasks are being fulfilled.

Mr O'Dowd: Minister, paragraph 7 of your statement refers to the fact that various jurisdictions are looking at the risks posed to critical infrastructure by climate change. Has your Department identified such infrastructure and what actions to take to protect it from climate change?

Mr Poots: On managing the environment, one only has to look at what happened in Donegal this week. Something certainly went wrong there, which has implications. Those who were seeking to create renewable energy caused that, so how we do things can have an important impact on our infrastructure.

On our carbon infrastructure, one of the things that were done in previous years was to install drainage in our uplands. We have now discovered that much of that drainage work has led to a drying out of peatlands, which has the consequence of reducing our carbon storage.

It is critical that we do the right things to ensure that we mitigate climate change, reduce greenhouse gases and store more carbon. Those are all courses of work on which my officials are engaged, and I will liaise with the Assembly and the Committee as and when we get qualitative information on that.

Ms Dolan: I thank Minister for his statement. I want to ask him about the paragraph in the statement that deals with native invasive species. In that, there is a reference to "an ambitious programme of collaboration". Will the Minister elaborate on that programme and its likely impact?

Mr Poots: We have a significant problem in a number of areas with invasive species, and we need to meet

that challenge head-on. In Northern Ireland, there have been considerable problems over the years with invasive species such as Japanese knotweed. Muntjac deer have also been a problem, although they are becoming less so. Of course, one of the very common invasive species is the grey squirrel, which has led to there being considerably less red squirrels.

More recently, the Asian hornet has developed into a problem and there are issues with the various barnacles that can be picked up by the boats on Lough Erne that travel up and down the Shannon and so forth. Those invasive species do not recognise borders. Therefore, it is very useful to have conversations with colleagues in other areas about how they have identified invasive species and can help to deal with them.

We are looking at issues such as hull fouling, horticultural escapes, contaminants of ornamental plants, ballast water, stowaways on fishing equipment and zoo or botanic garden escapes. All those things pose a threat to us. In addition to assisting GB plans, we are working on a Northern Ireland recreational boating pathway action plan, which will be followed by a horticultural plan. All those final plans have gone through consultation processes and will eventually be published.

We also see a benefit in having a joint approach with the Republic of Ireland in dealing with invasive species, and the joint development of the pathway action plan with Ireland is a two-strand approach.

As well as working with GB on a UK-wide basis, it would be beneficial to manage invasive species collectively. At this point, there is no formal agreement. However, that is, of course, the work that we are doing.

Ms Bailey: Everyone here will be aware that many provisions in the UK Environment Bill do not extend to Northern Ireland. As my South Belfast colleague Mr O'Toole has already mentioned, other regions that are represented on the Council have their own specific climate legislation, with different targets and deadlines. What challenges have been identified that relate to divergence in environmental law and its impact on future cooperation?

Mr Poots: For example, the UK legislation that is coming in sets a recycling target of 65%. I believe that we, in Northern Ireland, can achieve that and more. Whilst the law is set at 65%, and we have to agree to that, my preference is for a recycling target of 70%. I am giving that only as an example. We can all identify what is achievable. We have achieved much higher rates of renewable energy than any other part of the UK. Going forward, it is for the Department for the Economy to drive that.

Ultimately, I would like to see us get to the point of using and producing entirely renewable energy. However, I believe that 70% is achievable in the not-too-distant future. That is a course of work that we can engage in. We will set the targets for all those issues.

We are keen to progress our own climate change legislation. We will want to consult on that appropriately. I would like the consultation process to be shortened a bit in order to give the House and the Office of the Legislative Counsel time to do the work that they need to do. We know that there is public demand for it. Therefore, we will want to consult and see what public expectations are. At the same time, it is necessary for legislation.

Basic Payment Scheme Simplifications and the Direction of Travel for Future Agricultural Policy in Northern Ireland, including Support Payments

Mr Deputy Speaker (Mr Beggs): The Speaker has received notice from the Minister of Agriculture, Environment and Rural Affairs that he wishes to make a statement. We will just give him one moment to get back to his place. When you are ready, Minister.

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): Thank you, Mr Deputy Speaker, for the opportunity to talk to the House about my long-term vision for agricultural support in Northern Ireland. I also intend to announce a number of simplifications and improvements that I am making to the rules that govern the direct payment scheme for the 2021 scheme year.

Pillar 1 of the common agricultural policy (CAP) provided £293 million of direct support to Northern Ireland's farmers per annum. CAP payments have been of major importance in sustaining the industry in Northern Ireland and underpinning its competitive trading position. They have accounted for 79%, or £1.88 billion, of the cumulative total income of the Northern Ireland industry over the seven years from 2013 to 2019.

In 2018, my Department undertook an engagement exercise on a potential future agricultural policy framework for Northern Ireland. In that proposed framework, officials, in conjunction with key food, farming and environmental stakeholders, identified four desired outcomes and a long-term vision for the Northern Ireland agri-food industry.

Those outcomes are: an industry that pursues increased productivity in international terms, closing the productivity gap which has been opened up with our major suppliers; an industry that is environmentally sustainable in terms of its impact on, and guardianship of, air and water quality, soil health, carbon footprint and biodiversity; an industry that displays improved resilience to external shocks, such as market volatility and extreme weather events, which are ever more frequent and to which the industry has become very exposed; and an industry which operates within an integrated, efficient, sustainable, competitive and responsive supply chain, with clear market signals and an overriding focus on high-quality food and the end consumer. A number of projects have now been established in the Department to collate evidence, identify gaps and develop policies that will help to deliver those outcomes.

12.00 noon

In June 2020, I announced my intention to bring forward a co-designed environmental strategy, entitled the green growth strategy, on behalf of the Executive. It will align economic growth and development with the protection and enhancement of natural assets. The Northern Ireland future agricultural policy framework has been developed in line with the green growth principles and will help to deliver its objectives. I anticipate launching that new future agricultural policy framework in early 2021, and I will update the House further at that time. Today, however, I want to broadly outline my vision for future support payments.

Leaving the EU provides for an unprecedented level of regional discretion and flexibility with regard to future agricultural support in Northern Ireland. This is the most significant change in policy to affect the agricultural sector in over 40 years. It means that our policies do not have to be constrained by the EU CAP pillar 1 and pillar 2 construct. We need to move to something new that better addresses the needs of Northern Ireland agriculture. It represents a unique opportunity to develop a new dynamic for key stakeholders across the food, agriculture and environmental spectrum to work with the Northern Ireland Government to chart a new way forward with common purpose. For that to be successful, it is vital that the long-term outcomes of productivity, resilience, environmental sustainability and supply chain functionality be kept to the fore, which will demand difficult choices, compromises and strong leadership at all levels.

Those four outcomes complement and reinforce each other, and they are broadly supported by stakeholders. A healthy and sustainable environment secures long-term agricultural productive capacity and underpins resilience. Productive agriculture minimises waste and maximises resource efficiency, which underpins environmental performance and reduces exposure to market risk. Furthermore, an integrated and efficient supply chain ensures that agricultural activity is properly focused on delivering market demands, thereby minimising wasted effort, wasted resource and inefficient supply chains and reflecting broader societal demands for sustainable production methods. The primary tools available to us — science, education, incentivisation and regulation — are applicable in helping to deliver all those outcomes. My focus is now on how we can best deliver the outcomes with the tools and resources that I have at my disposal.

Today also allows me to once again put on record that, going forward, I want to devise support schemes that provide opportunities for all our farmers — no farmer should be left behind. Schemes and support are needed to help farmers to develop their business, no matter where they farm, to become more efficient and to maximise the sustainable returns that they can achieve from the assets at their disposal. Those assets include the environmental assets on their farm. I believe that farms, especially those on hills and other disadvantaged areas, are well placed to play a major role in delivering more of the environmental outcomes that the people who live here want and that we owe to our future generations. I also believe that farmers should be properly rewarded for delivering those environmental outcomes and achieve a return on the environmental assets present on their farms. This offers a way forward where better economic performance and better environmental performance are the inseparable twin goals of any sustainable farm business.

The House will be aware that the UK Agriculture Act gained Royal Assent on 11 November. I very much welcome the Act, because it provides a platform on which we can start to move forward. Ideally, I would like to have had a locally developed agriculture Act taken through this House. However, that was not possible in the time available to us, but the Agriculture Act that we do have provides us with sufficient scope to introduce the changes that will set us on a new pathway.

The current working assumption is that the budget for future agricultural support payments for the remainder

of the Parliament will be similar to the current direct agricultural support budget of £293 million per annum, plus a proportion of the pillar 2 budget. That ring-fenced funding will need to cover all the support measures that we wish to introduce. Current direct agricultural support is distributed by a decoupled area-based payment. I do not believe that that mechanism, as it stands, will deliver the outcomes and the agricultural industry that we wish to see. Nevertheless, I want to explore the role for a basic, area-based resilience payment that provides a safety net, but that must not blunt the incentive to become more productive and deliver better environmental outcomes. Careful analysis is necessary to identify an appropriate design of that mechanism that can reflect issues such as scale of operation — that is to say a cap on the maximum payment and, indeed, a minimum lower threshold — activity and so on and that is set in the context of a cross-compliance regime that is designed specifically for Northern Ireland to help to deliver policy outcomes.

That will take time, but it is my intent to move as quickly as I can on that in order to provide the budget necessary to deliver new schemes and approaches.

As part of that package, I wish to use a proportion of the agriculture budget to fund coupled payments, targeting, for example, suckler cow and breeding ewe producers. It is important to stress that that would not be a return to the coupled payments of the past. We need to design in features that will help achieve the goals of increased productivity and environmental sustainability. I have tasked my officials with completing a comprehensive review of the options for coupled support payments, and I hope to consult on it during 2021.

I will say something about coupled support for protein crops. I intend to introduce for 2021 a protein crop scheme for growing combinable beans, peas and sweet lupins. Those crops will create a domestically produced source of protein for animal feed and provide agronomic benefits within arable rotations. I intend to introduce it for 2021 on a pilot basis and then refine the approach for subsequent years to maximise the economic and environmental benefits.

A major part of the new agriculture framework will be the agrienvironment programme. As I have indicated, we need to create a regime that properly incentivises and rewards the protection of existing environmental assets and the creation of new ones. We will work with our farmers, land managers and environmental stakeholders to co-design a new approach to agrienvironment measures that is focused on delivering outcomes and a lasting legacy. We have the opportunity to create an approach whereby management of the environment becomes a profit centre within a farm business rather than a cost centre.

My officials are looking at a range of other issues that will contribute to a new agriculture policy agenda. Those include the role of capital support; generational renewal; upskilling and professional development; opportunities to develop the horticulture sector; and supply chain initiatives. I hope to say more about those in the early part of next year.

Although work is progressing to develop the long-term agriculture support strategy, I want to make some early changes that start to move us in the desired direction. I have therefore asked my Department to review our

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approach to the current schemes and to implement, where possible, improvements and simplifications that are in keeping with the longer-term direction of travel and that can be taken forward under the Agriculture Act 2020.

With that in mind, from 1 January 2021, I have decided to implement a number of changes. I have already announced that I will remove the greening requirements for the 2021 scheme year and incorporate the greening payment into the basic payment scheme (BPS) entitlement unit values. I will, however, retain the ban on ploughing or conversion of environmentally sensitive permanent grassland under BPS rules.

As currently designed, the objective of the greening requirements is to address a particular set of problems in cereal-producing regions where there is a predominance of very large fields that are devoid of landscape features and used for monocropping. The evidence is strong that the greening requirements of crop diversification and ecological focus area (EFA) retention have very limited relevance to Northern Ireland. If anything, they seem to have been counterproductive, by reducing the area of cropping and thus the diversity of land cover and habitat. My view is that, rather than persist with that failed initiative, it is much better to focus efforts and resources on developing bespoke environmental measures that will ensure the delivery of environmental outcomes tailored to Northern Ireland that are adequately funded.

Greening rules have added significant complications to the administration of direct agriculture support payments for applicants and those administering the scheme. Removing greening will also greatly reduce the inspection requirement associated with the direct payment regime. Incorporating the greening payment into the overall BPS entitlement values will mean that farmers will see no difference in the funding that they receive. The protection of environmentally sensitive permanent grassland will be enhanced by incorporating those rules into the basic payment scheme rules.

Whilst work on the development of bespoke environmental measures takes place, Northern Ireland's robust set of environmental laws will continue to provide protection against biodiversity loss. It is also important to remember that landscape features such as hedges and sheughs will continue to be protected under cross-compliance.

On the capping of payments, given that the changes for 2021 do not have a primary aim of altering the amount of funding that farmers receive in 2021, it is my intention to make a technical adjustment to deliver a neutral solution on capping. That is for 2021 only, however. I will want to look at capping more closely as part of the longer-term approach to support, and I have asked officials to bring forward options for consideration.

For 2021, for applications from young farmers and new entrants, I am limiting the number of entitlements that can be allocated or topped up from the regional reserve to 90 for each application. That brings the approach into line with the young farmers' payment. The aim is to prevent very large allocations from the reserve to individual farm businesses, which are difficult to justify but which cannot at present be prevented. That change will also reduce the incentive to submit speculative claims or to exploit the reserve.

I will limit over-declaration penalties to 100% of the amount due based on the area determined. That will eliminate the need to apply offset penalties in subsequent years. At present, in some cases where an over-declaration is large, the over-declaration penalty exceeds the payment due prior to penalty. In such cases, the payment is zero, and the outstanding part of the over-declaration penalty is offset against future payments made to the business over the next three years. I believe that the reduction of the payment to zero is an adequate deterrent against speculative claims involving the declaration of a large proportion of ineligible land.

I have asked my officials to review the approach to the application of cross-compliance penalties as soon as possible. My aim is to ensure that penalties are proportionate and reflect the seriousness of the non-compliance identified. As I said, using the primary powers in the UK Agriculture Act, secondary legislation to give legal effect to the 2021 scheme is being drafted. I will bring this forward under the draft affirmative procedure.

I assure the House that, in developing the future agricultural framework and our approach to future agricultural support payments, I will consult with the full range of agricultural and environmental stakeholders and keep you all updated. My ultimate aim is to ensure that we take full advantage of the opportunity to develop a sustainable agriculture industry in which farmers are supported on an equitable basis. That will be underpinned by a set of bespoke measures that will ensure the delivery of productive, environmentally sustainable, resilient and supply chain-focused outcomes tailored for Northern Ireland.

Mr Harvey: Minister, I welcome your statement. You mention a pilot scheme to maximise the benefits of protein crops, beans and sweet lupins. How do you propose to encourage farmers to partake in this scheme, and has it been tried before?

Mr Poots: Such a scheme is currently available in the Republic of Ireland. As I understand it, close to €100 per acre of support is available. It has been used there.

There are three particular advantages to growing protein crops. First, it increases rotation. Protein crops are good for soil in that they break it up quite well. Secondly, protein crops — for example, beans — capture nitrogen from the air. We have an issue with nitrogen deposition into our peatlands, so something that removes nitrogen from the atmosphere is positive. Thirdly, protein crops grown here will displace — I recognise that the displacement will be small — some of the requirement for the importation of grains such as soya, which are grown largely in South America, where an element of that is grown by removing rainforests. On the environmental side, there are significant advantages to growing protein crops in Northern Ireland, which is why I want to take that forward.

Mr McGuigan: Minister, thank you for the statement. It is lengthy and contains a lot of detail. I look forward to going through it in my role on the Committee and to working with you. In total, the annual CAP basic payment is £293 million and represents 79% of the total income of our farmers. Currently, that is wholly funded by the EU. Does the Minister agree that a level playing field on the island of Ireland is critical to the smooth operation of our agri-food economy and that any future policy that diverges from

CAP could disadvantage our primary producers and rural communities here in the North?

Mr Poots: Anything could happen. We also could be advantaged as a consequence of moving away from CAP. I indicated that I will remove the greening requirements, which are much more applicable to large grain-growing areas in France, the east of England and so forth and are not of benefit in Northern Ireland.

Moving away from the CAP creates an obvious benefit in that respect without creating any environmental detriment. So, there will be areas such as moving away from the CAP, which was a very broad-based scheme for all of the European Union, where we will be able to make support systems for farming that are bespoke to our needs. Therefore, I believe that we can drive greater productivity and better environmental outcomes at the same time by developing our bespoke scheme, and I look forward to working with the Committee in doing that.

12.15 pm

Mr McGlone: I thank the Minister for his statement. As we are moving forward, basic payments are, of course, crucial to underpinning farm life and providing support income to farmers. With Brexit looming, can the Minister advise us what further assurances have been sought or received from the Westminster Government about additional and continuing support for farmers?

Mr Poots: We, along with other devolved Administrations, continue to raise these issues with the UK Government, so we take the opportunity at inter-ministerial group meetings to raise the issues of continued support. We continue to receive reassurances on that front, but we will continue to keep pressing the case for agriculture and the environment in Northern Ireland.

It was probably a much easier case to make pre-COVID, as there was a fair bit more money in the system, but if the UK Government has to keep borrowing money at the rate that it is — I know that other European countries are in the same position — then that is going to put pressure on every other area, and that is something that we need to be alert to. The COVID crisis is creating unsustainability with regard to the public finances. I trust that the vaccine will allow us to move on from this, but as a consequence of COVID, we are going to be left with debts that are akin to debt that would be achieved by a war. Ultimately, that could put pressures on public finances, and that could impact on us.

Mrs Barton: Minister, you said that a major part of the new agricultural framework will, of course, be an agri-environment programme. Do you foresee that the Northern Ireland Environment Agency (NIEA) and the Shared Environmental Services (SES) will work with the agricultural community in a more supportive role to enable modern and progressive farming in parallel with the protection of environmental assets?

Mr Poots: I cannot speak for Shared Environmental Services because it is paid for by councils and is independent of the Department. NIEA is responsible to us, although some Members would prefer that we have an entirely independent environmental protection agency. I suggest that the Members who look for an independent environmental protection agency look at the role of SES before considering whether that is what they really want.

In some of the more marginal areas, where the land may not be as productive for the likes of big dairy and beef farms, a lot of people have ensured the renewal of their farms through building chicken houses. If you go into many parts of County Tyrone, for example, you will see that many chicken houses have been built there, and those properties have ensured that people who have an agricultural skill have been able to stay on a farm that would not otherwise have been productive enough to keep them. Sustainability is about having a sustainable environment, economy and food production.

Therefore, on all of this, dealing with a problem is not done through the blunt instrument of planning; it is actually about tackling the issue of ammonia, which needs to be addressed. The Department is working very hard to bring forward proposals on that issue that will make a significant impact on reducing the ammonia emissions and, consequently, will negate the damage that would be done to the environment by further production.

We want to encourage further production, but we want to do it in a way that is sustainable. The Department is working towards that, rather than just saying, "This is a problem, so we will stop doing that and that will end the problem". We need to address the issues that will resolve the problem, but that will still allow sustainable food production to continue.

Mr Blair: I thank the Minister for his detailed statement. Point 13 seems to indicate a preference for a bespoke Northern Ireland agriculture Act. Given the statement by the Minister, the reality of the importance of agriculture to our economy, the particular quality of our farm product and the problem of rising ammonia levels, could such an Act be developed to deal with those issues? Are there plans in place to deal with that and, if not, could such plans be put in place?

Mr Poots: One of the problems that we have is that this mandate runs out in 2022. For any legislation to get through now is going to be particularly challenging. You have the consultation process, there is then work to do with the Office of the Legislative Counsel (OLC) in developing the legislation and then the normal process of going through the Assembly, which can take up to a year.

Whilst I would like to do an agriculture Act — that is something that is desirable — I am not sure that we will have the capacity to do it in the time frame available, particularly given that the UK has just passed its Agriculture Act. Whilst it is not perfect for us, it certainly gives us considerable cover.

I have a number of pieces of legislation that I intend to bring forward, but I do not think that I can achieve an agriculture Act in the proposed lifetime of the current Assembly.

Mr Irwin: I thank the Minister for his statement and his vision for the future of agriculture. It is clear that the Minister has a wide knowledge of grassroots agriculture.

Minister, you said that you would look at cross-compliance penalties. There has been an issue in the past, of which the Minister will, I am sure, be aware, whereby penalties applied to farmers were appealed. The farmers went to an independent panel which, in some cases, adjudicated and supported the farmers, but the Department refused

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to agree to the independent panel's decision. What is the Minister's view on that?

Mr Poots: I used to find it incredibly frustrating when, having represented a constituent who, having won a case at an independent panel, received a letter from an Agriculture Minister — generally, the Agriculture Ministers were named Michelle at the time — indicating that they were overturning the decision of the independent panel. I have made it clear to my officials that I will not be overturning the decisions of an independent panel. Why have an independent panel look at these things, give an assessment of how the Department came to its point of view on what the individual who made the claim had done, arrive at a conclusion on the information presented, only then for a pen to be put through that decision? It is entirely inappropriate and I will not be doing that. I have made it clear to officials that, when an independent panel makes a decision, it is the final decision.

Mr McAleer: I welcome the statement from the Minister. In paragraph 32, the Minister made reference to a neutral solution on capping. Can you elaborate on that? I aware that, during the last CAP reform, there was a cap put on the Basic Payment Scheme (BPS), because there was a situation before that where some farmers were getting the best part of a third of a million pounds in a single farm payment per year, which works out at nearly £1,000 a day. There was then a cap put on that. What specifically are you referring to? What are your ideas around the neutral solution on capping in the statement?

Mr Poots: For 2020-21, I do not intend to change the capping that is in place, but I make it clear that I intend to change capping going forward. As we discuss these issues, I do not believe that some of the payments are appropriate. I know that some of the farms are large-scale, but, as we go forward, I would prefer to see the money spread more evenly and to see a greater proportion of farmers who are not just as large in scale receiving it. I would also like to deal with some of the hobby farming that takes place, where there is no real reliance on farming but people maybe keep a small acreage in order to engage in the hobby of farming. I want to support the people who are reliant on farming for a living, and if someone receives large amounts of money that goes into the hundreds of thousands, they are somewhat less reliant than people who operate with perhaps £15,000 of profit in a year. It is hard to feed your family and to keep a home with that sort of profitability.

Mr Gildernew: Paragraphs 7 and 8 of the statement make reference to the European Union. Given that we are still in the EU regulatory zone and, thankfully, retain full access to the EU market, does the Minister appreciate the importance of continuing to align with EU policies in order not to disadvantage our local farmers compared with farmers in the South and in other parts of the EU?

Mr Poots: On the regulatory aspect of it, the answer is yes: we will align because that is part of the protocol agreement. That is somewhat unfortunate because some of the cross-compliance things do not act to our benefit. Nonetheless, that is where we are.

Moving forward, I remind Members that, whilst the protocol kept us in the single market, oddly enough, the European Union does not want Northern Ireland to be a participant in its free trade agreements. I would challenge the European

Union on that. If it wants to keep us in the single market, why should it be with second-class citizenship in that single market? If we are producing goods to exactly the same standards as the rest of the European Union, why are we not entitled to be part of its free trade agreement? We will be part of the UK's free trade agreements, but why is the European Union not doing that? I understand that the reason why it is not doing that is because there is too much work involved. I suggest that that be reconsidered, because if we are going to be part of the single market, as the EU desired and negotiated with the UK Prime Minister and as was decided by the Westminster Parliament, we should get the advantages of it, not just the disadvantages.

Mr McNulty: I thank the Minister for his statement. Thank you for educating me, Minister. I thought that "sheugh" was an agricultural slang word, but now I know that it is a real word that has its origins in Irish. Some of my more learned Gaelic-speaking friends might be able to give me more information on it.

A typical farm in south Armagh is 80 acres of land ownership with 40 acres taken and 100 head of cattle that are mixed beef suckler herd, so what were the basic payments that they received and what will be the basic payments going forward as part of your proposals?

Mr Poots: The posh word for sheugh, of course, is "drain". I thought that it was more Ulster Scots than Irish, but perhaps Patsy could educate us on that. Nonetheless, it is a good owl word that is used in the country, and people understand sheugh better than drain. Drains are very often enclosed, and sheughs are always open. Anyway.

I know the farms in County Armagh very well. I visit that area from time to time. I talk to farmers from County Armagh.

I know the land type in that area, and, ultimately, it is more suitable to suckler, particularly in its southern part, than it is to dairy. The more northern part of Armagh is probably more suitable to dairy.

12.30 pm

We are looking at how we take away the broad instrument that just gives somebody a payment and does not reflect a lot on the work that they do and at how we make that instrument one that encourages people to engage in keeping appropriate numbers of livestock for their farms and ensures that they are supported to do that.

Support for the suckler cow is key. The Livestock and Meat Commission (LMC) has put forward proposals, along with the Northern Ireland Meat Exporters Association (NIMEA) and a number of other organisations, that look at support for suckler cows, beef finishing and so forth. It is important that we throw these things open to discussion and set out an element of it that will go for that type of support. That will be removed from the basic payment and be shifted over to the other pillar, which will allow us to particularly encourage younger people to engage in farming.

I know a lot of young people who would love to farm but they do not have the land. There may be land in the family, but they just cannot make enough money to get going at it. I would love to encourage more young people to go into farming because it is a great way of life. It is a great career, but young people need to be able to put bread on the table and provide for their family if they go into it.

Ms Sheerin: I thank the Minister for his statement. He reiterated the point in paragraph 11 that he wants no farmer to be left behind. It is an unfortunate reality that many decisions that the Minister has taken this year have left a lot of farmers feeling left behind, notably the decision to stop the transition towards a flat rate, which would have allowed farmers operating below the regional average an expected pay increase of about 14%, as well as his refusal to reinstate the areas of natural constraint (ANC) payment against the wishes of the House. What specific commitments can the Minister make today to assure farmers in less favoured and severely disadvantaged areas that they will no longer be left behind?

Mr Poots: If one looks at the payment system for the scheme five or six years ago compared with where it is now, one could not describe those areas as being left behind vis-à-vis others in agriculture. Quite a lot of lowland farms are not particularly profitable, and people need to recognise that. Farming in general is not that profitable. Therefore, we need to encourage farming and farm systems to maximise the value of their product and to market their product in a way that gains the highest income. It is about us providing support to farmers to make real environmental benefits. I am open to ways of doing that, and I am happy to discuss that fully with people in the uplands. They know better than anybody how to make their land productive. I am happy to engage in qualitative discussions with folks in the uplands as to how best we can take things forward, but I do not believe that a flat-rate system benefits agriculture or a lot of smaller farms, and it is not the way forward for the future of Northern Ireland.

Mr Muir: I thank the Minister for his statement. Paragraph 31 states that:

“Northern Ireland’s robust set of environmental laws will continue to provide protection against biodiversity loss.”

Does the Minister agree that, to strengthen those laws and to ensure proper enforcement, we need an independent environmental protection agency to be brought forward in legislation and enacted before the end of this Assembly term?

Mr Poots: I hear about independent environment agencies, and about independence in general, and then I hear Members say that the courts have not fined someone enough. I hear Members challenge the courts over their fining system all the time in the Chamber. The courts are an independent agency. I hear Members discuss Shared Environmental Services and the quality of its planning advice, and they are critical of it in the Chamber. SES is an independent body. I often ask, “What are we elected to do?”. We are elected to be accountable to the people. What is wrong with having a system through which there is accountability to the Chamber for environmental regulation? An independent environmental protection agency would not provide that. I can come to the Chamber and be held to account for the actions of the NIEA. It has a lot of autonomy, but I can be held accountable for its actions in a way that I could not be for the actions of an independent environmental protection agency.

One thing that I will be held accountable for is what I want to do for uplands. One factor that has contributed to the loss of biodiversity is decisions that were made in the past to drain areas in the uplands, which made farmland

more productive there. We now know, however, that the most harmful factor of carbon capture in our peatlands is a loss of water. The reality is that we need to wet areas around those peatlands once again. One of the things that we need to do with this new scheme is support those farmers. If we are going to wet land that they are not going to be able to use productively, we need to support them financially for the environmental benefit that will be created by wetting the peatlands once again. That is an important piece of work. I am happy to be held accountable for those things. I do not believe that that would be the case if there were an independent environmental protection agency. It would add another layer, but, ultimately, it is for the Assembly to decide.

Mr Lynch: I thank the Minister for his statement, which referred to an integrated and responsive supply chain as one of his desired outcomes for future policy. In the absence of an effective Groceries Code Adjudicator (GCA) and legislation guaranteeing minimum farmgate prices, can you seriously deliver that outcome?

Mr Poots: I agree with the Member that the Groceries Code Adjudicator is not particularly effective. This year, on the back of COVID, there has been a noticeable switch, with more people buying their own produce than eating out. That demonstrates to me that perhaps the grocery supply chain is not the worst problem that we have, albeit the big supermarkets have massive buying power. The public are quite discerning, however, and they like food that is produced locally when they are shopping in supermarkets. You do not have the same opportunity to do that if you go out to a restaurant or a cafe.

There has been a tremendous movement towards buying local. Local butchers’ shops and vegetable shops and so on have been doing well throughout COVID, because people have wanted that reassurance. I therefore want to build on the fact that people know that food that is grown in their own country is generally food that is grown to a high standard. If I import chicken from some of the places in the world from which we are importing it, I do not have the same assurances that the standards are the same as they are here. People talk about chlorinated chicken. The problem is not with the chlorination of the chicken but with the fact that there is considerable salmonella in the chicken. That means that the chicken needs to be chlorinated in the first instance. The reason that there is considerable salmonella is that the stocking rates for the houses for those chickens are far higher than they are here. As a consequence, they produce chicken more cheaply, because the stocking rates are higher, but it is not of the same quality as what is produced locally. We need to be absolutely certain that the public know that what they are buying here is produced to the highest possible standards in eating quality, provenance, traceability, food miles and environmental impact. I believe that, in Northern Ireland, we can produce a product that ticks the A* list on every front. If we can just introduce a few more measures, we will be top rate for every aspect of our food production.

Ms Armstrong: Minister, as you will know, I am from the Ards peninsula, and one of the areas that is extremely important to me is the work of the Ards peninsula coastal erosion group, on which a number of your colleagues work. Earlier today, regarding climate change adaptation, you talked about:

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“identify and share information on best practice regarding community and private-sector engagement on climate adaptation, governance models”.

Has there been any discussion on coastal management? We have a situation at Anne’s Point, outside Greyabbey, where the reclaimed land has been breached. The lough has come in and basically poisoned it. You can see that the trees are dead now. Is there anything on that modelling and governance? For instance, has taking away the Bateman principle and bringing something new on board been discussed?

Mr Poots: While coastal erosion is not part of my statement, it is a very important issue. County Down has a much softer landscape than County Antrim, which has considerable amounts of basalt and so forth. At Portstewart, I always remark on those rocks that have withstood that battering year after year after year. County Down does not have as sustainable a coastline in that respect.

We take coastal erosion very seriously. I am looking at LiDAR mapping all of Northern Ireland. That will involve our coastlines and will be a huge source of information. I want to work with the Department of Finance, which has its own plane, on that, and it will give us a huge amount of information. I want to do it in conjunction with soil analysis, testing every field in Northern Ireland, which will lead to our having a much greater understanding of the nutrient requirements in Northern Ireland as we move forward on an environmental front. I want us to do considerable work on slurry separation and on the pelletisation of phosphates, because we have too much phosphate. Instead of that going onto our land and ultimately into our waterways, it becomes a marketable product to other parts of the world that are phosphate-deficient. We need to look forward to all those things. We cannot stand still. We cannot do everything in the same way for decades and expect the same results, because the world is moving on. Things are changing, and ultimately we can do things that will be not only of considerable environmental benefit but of financial benefit. We need to delve into those areas and ensure that we can support farms and agricultural producers as they move to these schemes.

Ms Bailey: On the issue of the quality of our local food, we should be cognisant of the fact that people will buy the food that they can afford. Given the economic ramifications of the crisis that we are in at the minute, we need to be careful that the potential for cheaper imports to be within the budget of people here does not allow our good quality to be the major export for other markets. That brings me to your response to Ms Sheerin’s earlier question. I hope that you can give us a wee bit more detail on the support schemes to provide opportunities for all farmers. Are you thinking, for example, of specific measures to address farm poverty and the decline in farmgate prices? I ask that because I heard a story from a farmer, who told me that, just two years ago, he invested a £500,000 loan into a new hen laying unit, and he —

12.45 pm

Mr Deputy Speaker (Mr Beggs): The Member has asked her question.

Ms Bailey: — had planned to take 10 years to pay that back and take a £15,000 salary for himself.

Mr Deputy Speaker (Mr Beggs): The Member has asked her question.

Ms Bailey: A neighbour’s son worked in a local factory and earned more for the same —.

Mr Deputy Speaker (Mr Beggs): Order. Will the Member come to a conclusion with her question? It is meant to be a short introduction and a question.

Ms Bailey: OK. That was my question. Are particular efforts being made to really get stuck into addressing the disparity in farm poverty?

Mr Poots: Yes, the Member raises that specific case, and that is the sort of investment that is very often required to be sustainable in modern farming. You are looking at investments of hundreds of thousands of pounds just to create something that is viable and produces a way forward. Profitability is key, and how we support our agriculture sector in being profitable is much more important than support packages, because that is how people want to make their living. Where possible, they do not want to be dependent on government handouts. They want to make the money themselves. People who are working extremely hard every day deserve to have a good income on the basis of their hard work. We want to provide a means of ensuring that agriculture remains sustainable, and having an envelope of close to £300 million is a huge asset to us. How we spend and utilise that is incredibly important in ensuring that we get to the point where people are productive in bringing in their own finances.

Mr Allister: I generally welcome the Minister’s statement. I am sure that it is a great disappointment to the many doomsayers, some in the House and some outside, who told us that, after Brexit, there would be no farming and no money because the cash cow of the EU would be no more. What a lot of nonsense that was.

I generally welcome many of the things in the statement, particularly the end to greening, but I notice the pledge that no farmer will be left behind, so I ask the Minister this: when it comes to the application of the environmental policies, can he ensure that that happens? For example, he has talked to the House about introducing a requirement for injection-only slurry spreading. There are many small farmers who will never be able to afford the equipment for that, so, in adjusting those policies, will he, please, bear in mind that no farmer should be left behind?

Mr Poots: I accept what the Member says. Whilst we are moving towards that, and there are very clear environmental benefits from it, there are also agricultural benefits in that there is greater utilisation of the nutrients that are applied to the land and less loss to the atmosphere as a consequence. On particularly steep land, that can be more challenging, and those are issues that we will need to address going forward. Many small farmers will, of course, use contractors, and whilst the contractors have a significant charge per hour for the utilisation of such equipment, they do an awful lot of work in a very short time, so it very often pays better to bring in someone else to do it as opposed to having your own equipment. Nonetheless, the Member raises a valid point. We must ensure that we create schemes and systems that are not punitive but ensure that we can assist the environment at the same time as encouraging good farm practice so that it does not lead to a situation where engaging in that becomes unaffordable for people.

Mr Dickson: Thank you, Minister. I have been listening to the debate this morning, and I have some concerns and interests around the future of the agricultural policy, as you described it in the statement, particularly around the areas of resilience, increased productivity, environmental sustainability and improved resilience. How do you believe that that can be achieved without the support of the European Union, without the ability to sell goods into the European Union, if that becomes a difficulty and a Brexit deal cannot be done, and, indeed, without the support of the common agricultural policy?

Mr Poots: Whilst there are many disadvantages to the protocol, there is one advantage in that we have access to the single market. So, selling to the European Union going forward is not an issue; it is not a problem. Northern Ireland, of course, will have full access to sell to the UK market, which is the strongest market anywhere in Europe. It is the strongest market for beef, for example; it pays a higher price for beef than anywhere in the European Union. We will have access to the UK market, which takes over 50% of our product. The European Union takes around 25% of our product, and the rest of the world takes the other 25%. I am confident that we will be able to utilise and sell well into those markets.

I made reference to the European Union free trade agreements. It is somewhat incongruous that, whilst the European Union is keeping us in the single market and we then have to apply all the rules of the single market, it did not seek to benefit us with the free trade agreements that it is settling with other people. The European Union clearly wants to keep Northern Ireland locked in in many aspects but not in the advantageous aspects. It should reconsider that. I know that it involved work for the European Union; nonetheless, either it plays fair or it does not play at all.

Ms Bradshaw: Thank you for your statement, Minister. Can you please outline how the environmental plans contained in it integrate with payment plans and if any transition is required? Further to that, what conversations will you have with the Department of Finance? Obviously, there is a lot of learning from efforts to get the COVID payments and business support grants out.

Mr Poots: Two issues. On the environmental plans, this was a formative statement that wants to open up a debate as to how best we can do things and how we can better utilise this £300 billion package to support production and the environment. In some areas, farmers will benefit more from environmental aspects than the production end. Whilst farmers would prefer to be engaged in production, for most of them, the bottom line is what really matters. We will focus very heavily on ensuring that we get better environmental outcomes from the money that we invest in single farm payments.

Mr Deputy Speaker (Mr Beggs): The Business Committee has arranged to meet at 1.00 pm. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be questions to the Minister of Justice.

The sitting was suspended at 12.53 pm.

On resuming (Mr Deputy Speaker [Mr McGlone] in the Chair) —

2.00 pm

Oral Answers to Questions

Justice

Anti-stalking Legislation

1. **Mr Durkan** asked the Minister of Justice whether she is on target to introduce a protection from stalking bill to the Assembly in November or, at the latest, early December 2020. (AQO 1112/17-22)

6. **Mr Stalford** asked the Minister of Justice when she plans to introduce anti-stalking legislation. (AQO 1117/17-22)

Mrs Long (The Minister of Justice): Thank you, Mr Deputy Speaker. With your permission, I will answer questions 1 and 6 together. I am committed to ensuring that the law provides the most effective protection for victims of stalking and that it is progressed as a matter of urgency.

I have met with victims of stalking and heard of the horrendous experiences to which they have been subjected. I want to ensure that victims of this insidious crime will be able to get the justice and protection that they so desperately need and deserve. That is why I am pleased to report that the drafting of the protection from stalking Bill is nearing completion, and my intention is to introduce the Bill to the Assembly in December. This stand-alone Bill focuses on introducing a specific offence of stalking and includes a provision for the introduction of stalking protection orders, which will offer victims of stalking immediate protection from the perpetrator.

Mr Durkan: I thank the Minister for her answer. I am delighted to hear of the progress that she is making on the drafting of the Bill. Will the Minister outline to the House her vision of what the central components of such legislation should be?

Mrs Long: First, as I said in my original answer, the intention is that there will be protections for victims of stalking and that those will be included in the Bill. The intention is also that the definition of stalking will be clarified in law. At the moment, as you know, there can be issues with the ability to use harassment laws to prosecute stalking behaviour. This would, I think, set a clearer course by defining a more specific offence of stalking. It would also offer protections, meaning, for example, that it would lie with the PSNI to take forward a stalking protection order rather than the individual having to seek a non-molestation order, which, as most Members recognise, can be challenging.

Mr Stalford: I welcome the fact that the legislation is due to come forward in December. Every person should be free from stalking or harassment. The Minister will know that a crucial element of any such propositions that make their way to the statute book is having a sufficient budget available to allow speedy access to justice. Has the Department estimated what the financial requirement

will be to ensure the implementation of this welcome legislation?

Mrs Long: I thank the Member for his question. The issue here is, I think, not one of creating new duties and obligations, which would lead to increased costs. The issue is improving access to law where current access is difficult: for example, by using the harassment provisions that are already in statute. We do not anticipate that there will necessarily be huge costs. One of the issues in delivering this is that, as things stand, when people seek protection from harassment, it can often lead to very complicated and protracted court cases. Simplifying the offence should make it easier for people to get the protections that they need.

There will, of course, be some transfer of responsibility, because the financial obligations of seeking a non-molestation order lie with the person who applies. Whilst applicants may be able to get some assistance through legal aid, depending on their means, this would then fall to the PSNI. That is one of the issues that we will look at when considering how we will budget. We do not anticipate a significant increase in cost.

Ms Dillon: The Minister has highlighted some of the issues that are of greatest concern to us. She spoke about the harassment and intimidation legislation that is available at the moment. We know that the sentences for those offences can be quite lenient. Can the Minister give some assurance that the sentences related to the stalking Bill will reflect the seriousness of the crime?

Mrs Long: It is absolutely crucial that they do. The Member, as a member of the Justice Committee, will have the opportunity to scrutinise the sentences when the Bill comes forward. Indicative of where we are heading is the fact that we intend our stalking offence to be quite similar in structure to the model that applies in Scotland. That model was introduced in 2010.

Therefore, we will have an opportunity to inform policy here through the experience of Scotland.

Ms Bradshaw: Minister, given that Northern Ireland will be the only jurisdiction in the UK with its own stand-alone stalking Bill, how will our offence compare with those in the other parts of the UK?

Mrs Long: It is important for us to seek to build the most robust preventions for stalking that we can in legislation, and we do that by comparing what other jurisdictions already have in statute. From our perspective, this is one way of making sure that our provisions will be more robust, but I am also introducing it as significant but stand-alone legislation. There was the option for us to incorporate it, for example, in the Domestic Abuse and Family Proceedings Bill that is going through the House today. However, two issues with that caused me some concern.

The first is that it conflates domestic abuse and stalking. Not everyone who is stalked is a victim of domestic abuse. In fact, often stalkers have got nothing to do with the domestic setting and have no prior relationship with the individual who is stalked. That is a very important in terms of clarity for the public. It also would have risked stalking not being given the adequate attention that it needs to be given in order to be properly scrutinised by the Committee. Creating a stand-alone offence also allows us time to ensure appropriate training for the justice agencies that

will have to implement and deliver it once the offence has been created.

Fireworks

2. **Mr Allen** asked the Minister of Justice to outline the number of illegal fireworks that have been seized in each of the last four years. (AQO 1113/17-22)

Mrs Long: The seizure of illegal fireworks is an operational matter for the PSNI and the Chief Constable. The number of incidents in which the PSNI have seized fireworks over the last four years is as follows: 148 in 2016-7; 120 in 2017-18; 129 in 2018-19; and 149 in 2019-2020. The number of fireworks seized in each incident is not counted.

The law is clear on the purchase, possession and use of fireworks. A licence is required to buy, sell or use fireworks. It is an offence to buy or sell fireworks without one. I encourage anyone who has any information about the sale of illegal fireworks to report it to the PSNI or the charity Crimestoppers.

Mr Allen: I thank the Minister for her answer. Minister, I appreciate that you have pointed out that it is an operational matter for the PSNI. However, I, and I am sure many other Members, continue to be contacted by constituents who are raising concerns about the illegal sale of fireworks. It is important that, where people do have information, they pass that on to the PSNI.

We have also seen in the media recent examples of the dangers of fireworks. What engagement have you had with Executive colleagues about educating and highlighting to our young people the dangers of fireworks?

Mrs Long: I thank the Member for his question. To date, I have had no proactive interaction personally with Executive colleagues on this matter. However, I am aware that Belfast City Council, at the request of one of my colleagues, is now taking forward public education about fireworks and on better educating people about the law. That was passed by Belfast City Council's policy and resources committee on 24 January. The council also has a role in developing community strategies through the PCSPs and others to address those issues.

Ms Rogan: My question has been answered.

Mr McGrath: Given that councils and the police carry out a role, I urge the Minister to deliver some sort of policy or overarching strategy to manage this issue. In my constituency, in the Flying Horse and Model Farm estates, from as much as eight to 10 weeks before Halloween, fireworks are being thrown at people and cars. People are being tortured. We need to do what we can to stop the number of fireworks well in advance of Halloween. If it needs an inter-agency approach will the Minister consider that?

Mrs Long: Yes, of course. I am happy to consider any approach and to work with Executive colleagues to address the issue. I was simply making Members aware that the PCSPs and the councils are, in some cases, already doing quite substantive work on community information.

It is an issue that I recognise as serious. I know that, from my Department's point of view, the law is robust in this regard. However, part of the issue, as Mr Allen said, is that we need to get information to the PSNI about where

fireworks are being bought and sold illegally, because that would make a huge difference.

However, there are things that central government could do. For example, lower-noise fireworks can be produced. We know the distress that fireworks can cause to young children, to pets and to people with sensory issues. It is incredibly important that all avenues are pursued when looking at the issue of fireworks, including keeping people safe and free from harm and abuse.

Members will be aware that we are reviewing our position on antisocial behaviour, and illegal fireworks are obviously one element of antisocial behaviour that needs to be considered.

HMP Maghaberry: Care and Supervision Unit

3. **Mr Chambers** asked the Minister of Justice how many prisoners have been placed in the care and supervision unit at HMP Maghaberry for more than 10 days in each of the last three years. (AQO 1114/17-22)

Mrs Long: In 2017, 126 prisoners were held for more than 10 days in the Maghaberry care and supervision unit (CSU); in 2018, 145 prisoners; and, in 2019, 158 prisoners. Some of those prisoners may have been held in the unit on more than one occasion. The figures need to be taken in the context of the number of people committed to Maghaberry prison in those years. In 2017, 3,083 people were committed; in 2018, the number was 3,224; and 3,344 in 2019.

The Northern Ireland Prison Service takes its responsibility for the safety and well-being of all the people in its care very seriously. Care and supervision units play an important role in our prisons as places where individuals can be kept apart from the general population in the interests of good order and discipline or for their own protection or the protection of others. They also provide an environment for tailored care and interaction planning, partner agency engagement, signposting and referrals to assist in addressing underlying issues leading to harmful behaviour.

An individual may be placed in the CSU as a result of breaching prison rules, including engaging in harmful behaviours, violence, disruptive, aggressive, or antisocial behaviour, as well as drug seeking, taking or trafficking. Every case is considered individually, and there is a stringent and transparent process in place to manage and review all cases. The Independent Monitoring Board is also advised when a person is placed in the CSU. Prisoners are held in the CSU only for such time as is considered absolutely necessary, and the initial period of restriction will not exceed 72 hours. Any request to extend that time will be recommended only after a multidisciplinary case review, chaired by a governor, and will include the individual concerned. The request is considered by an authorising officer from outside the prison, who will interview the prisoner as part of the process, should there be a recommendation for extension. All cases are reviewed weekly through the CSU manager's weekly assessment, which allows for any application to be ended if the circumstances change.

Mr Chambers: Thank you, Minister. I welcome the fact that the Criminal Justice Inspection (CJI) will now conduct

a review of care and supervision units. It is a shame, however, that it took an article in 'The Detail' to begin such a review. Can the Minister tell us why the number of prisoners held in care and supervision units has increased from 585 in 2015 to 755 in 2019?

Mrs Long: Yes, I can. As the Member will know, the prison at Maghaberry had a very poor record. It was once referred to as the most dangerous prison in Europe. As a result of very hard work by the Prison Service to keep its officers, and the general prison population, safe, the use of CSUs was introduced. This was not, by the way, as some, including 'The Detail', have said, solitary confinement. It is not solitary confinement. People in CSUs still have access to other individuals, they still get exercise outdoors, they still have access to the gym, they still have access to the health trust, and they still have prison visits. This is not, by any stretch of the imagination, solitary confinement.

I correct the Member: the Criminal Justice Inspection has inspected Maghaberry prison, including the CSU, on a number of occasions and has given it a clean bill of health, as it has in every other prison.

We have not invited in the Criminal Justice Inspection in order to placate those who say that the prison is not well run.

We asked it to come in because we are confident that its report will show that the article that suggested that that is akin to people being held in solitary confinement is inaccurate. That is also reflected in the comments of the current Prisoner Ombudsman, who has visited the CSU, as have I. I assure Members that I would not tolerate people being held for long periods in solitary confinement.

2.15 pm

I have witnessed the work of the CSU and the dedication of the officers who work in it in trying to turn around prisoners who not only have very complex needs but are incredibly dangerous to themselves and other members of the prison population. If we are to rehabilitate people, it is important that the context enables us to do so as best as we possibly can. A disruptive prisoner in the main prison fails to allow the normal prison regime to continue and to rehabilitate other prisoners. It also means that we cannot tailor on a one-to-one basis the rehabilitation support that is provided to individuals in the way that we can in the CSU.

Ms Dolan: I welcome the announcement of the CJINI review of CSUs across the North. Will the Minister indicate a time frame for the completion of that review?

Mrs Long: I will have to write to the Member with more information on that; I do not have the time frame in front of me. However, it is intended to be a short, sharp review because CJINI has visited all the CSUs, quite recently, when doing the normal prison reviews.

Mr Catney: What programmes are in place to support those with poor mental health who are referred to the care and supervision unit?

Mrs Long: There are a number of options for dealing with people in the care and supervision unit. There are distraction packs, there is support and signposting to mental health, and there is one-to-one work between the prison officers and the individuals in the CSU. People need to be realistic: we are dealing with a very complex

prison population, some of whom have multiple needs that have not been addressed before they arrive in prison. Not all of those individuals are easy to work with. They are often violent offenders or have complex issues. We have to protect our prison staff and other members of the prison population from the risks at which they would be placed. We also have a duty of care to the individuals who have complex needs to ensure that they are not a harm to themselves. I have witnessed, in my discussions with the Prison Service, some of the drugs that people try to bring into the prison system secreted in their body. If those drugs were to make it into the main prison system, there would be carnage for not just prison officers but other prisoners. People have to be held in a dry cell so that those drugs can be retrieved. That, unfortunately, can take a protracted period due to the intimidation and threat that many of those drug mules are under to bring those drugs securely into the prison. Therefore, it is often for their own protection that they are held for longer than we would ideally like; that ensures that those drugs do not make their way into the main prison population. Those are not minor issues; significant hauls of drugs are caught in the CSU.

There are also those with mental health issues. As the Member, quite rightly, said, they need additional care and therapeutic support. I have been hugely impressed by the work of the South Eastern Health and Social Care Trust in how it engages proactively on mental health in prisons generally and how it works with those with very complex needs in the CSU environment.

Miss Woods: Minister, you will be aware that I have been asking lots of questions about CSUs for some time now. I agree that it is a complex issue. Surely the situation with drugs supports the need for body scanners to be implemented in our prisons to weed out the ones who are carrying and those who are not. The Independent Monitoring Board (IMB) was mentioned. It plays a crucial role in inspecting CSUs, monitoring their use and speaking to prisoners, but its volunteers' work is often hampered by their not having remote access to communications facilities; they have to travel to Maghaberry to pick up an email. Minister, when will your Department provide volunteers with adequate, secure, remote IT systems that will assist their work, especially in the context of COVID-19 and your recently announced review of CSUs?

Mrs Long: I am happy to look into the issue and come back to the Member with a time frame. I have to say, however, that it is not just the Independent Monitoring Board that monitors CSUs. As I have already said, CJINI has looked at them. They were also recently described as an example of international best practice by the International Committee of the Red Cross (ICRC). CSUs are therefore thoroughly supervised and scrutinised. I am more than happy, however, to increase that scrutiny, because that is in everyone's interests and prevents a misunderstanding about what happens in the prison system.

Review of Civil and Family Justice

4. **Miss McIlveen** asked the Minister of Justice for an update on the implementation of recommendations from the review of civil and family justice. (AQO 1115/17-22)

5. **Mr Buckley** asked the Minister of Justice for an update on the implementation of the recommendations outlined in the Gillen review report. (AQO 1116/17-22)

Mrs Long: With your permission, Mr Deputy Speaker, I will answer questions 4 and 5 together, please.

The review of civil and family justice is being considered as part of an evolving civil and family justice modernisation programme, which is one of a number of reform initiatives that are being progressed by my Department. Consideration of review recommendations is in itself a significant undertaking. Collectively, the reports contain around 400 wide-ranging recommendations, which vary from minor technical and procedural issues to substantive reforms.

Not all of the recommendations are for my Department. Around two thirds are matters for the judiciary, the legal profession and other Departments. Of the areas that fall to Justice, I want to ensure that my Department prioritises those that are likely to generate the greatest benefits for our citizens. We have made good progress, including the additional protections for vulnerable court users that are being introduced through the Domestic Abuse and Family Proceedings Bill, and a joint action plan that is being developed with the Department of Health to improve outcomes for families involved in private family law proceedings. That represents a good start. Clearly, however, more needs to be done. I am working with my officials to prioritise future actions within existing resources.

Miss McIlveen: I appreciate the Minister's response. The review reports were published in 2017. Has the Minister costed the recommendations that fall within her remit? A number of the recommendations contain a raft of proposals, which include greater digitalisation and use of modern technology. Given that, with the onset of COVID, the use of technology for virtual court hearings has increased, what steps will the Minister's Department take to enhance the use of technology during the pandemic and beyond?

Mrs Long: As I said, we will have to deal with the Gillen review as we deal with most issues, which is on the basis that we must live within existing budgets. Unfortunately, that is the stark reality that faces the Justice Department and many other Departments. That is likely only to become more of a challenge after the COVID crisis, because I suspect that the Treasury will now look at how it recovers some of the expenditure that it has been forced to use over the past number of months. It is a stark reality, and it does, of course, hamper what we are able to do.

On the particular issue of the use of technology, however, I have to say that that has been a good outcome from COVID, and there have been very few of those. Necessity has been the mother of invention. Instead of there often being resistance from people in the justice system to the use of remote technology, there has been a willingness to engage on that issue in order to ensure that the courts are competent and able to continue to deliver justice over the period. It is certainly my view and that of the Criminal Justice Board, and also, I believe, the view of those who are involved in civil proceedings, that we capture the benefits that we have gained from the development of technology as a result of COVID and ensure that those benefits are embedded in the system going forward.

Mr Buckley: I am sure that the Member for Strangford will agree with my question, as great minds think alike. I know that the Minister will agree that urgent action is required, given the seriousness of the issue, the length of time since the Gillen review and the fact that some of its important recommendations will require specific legislation. Can she give us an absolute guarantee that she will bring the miscellaneous provisions Bill to the House before the end of the mandate?

Mrs Long: Over the past week, I have said many times, although for different reasons, that it is impossible to give guarantees, because none of us can see into the future. Standing here, however, with the longest view that I have, I can certainly give the Member my guarantee that I will do my best to get that miscellaneous provisions Bill to the Committee. My Department is on track to do that. I would hope to have the Bill with the Assembly and Committee early next year, probably, in March. I cannot give cast-iron guarantees, however, because I do not know what will happen.

I want to mention the issue of cost, because it was raised by the Member's colleague. There is also a saving to the justice system if we are able to use remote technology, because, although it requires upfront investment, it saves us money in other places. There is the opportunity for us, within our means, to recoup some of the money that we spend, for example, on transporting people around the countryside for hearings that are then adjourned. We have seen new and more agile ways of working, such as an adjournment now being done on an administrative basis prior to a person's attendance at court. All those things have been long overdue, and, if COVID has delivered them, we need to embed them as part of the system.

I agree with the Member that there is an urgency. However, not all the issues require legislation. I want to reassure him of that. There are many issues where it is about procedures and practice. What we will try to do, through cooperation and collaboration with the other justice agencies, is to ensure that we have the best possible practice in place in order to minimise delay as we take forward those recommendations.

Mr Deputy Speaker (Mr McGlone): I call Seán Lynch for a question.

Mr Lynch: The Minister has answered my question.

Probation: Politically Motivated Offenders

7. **Mr Beattie** asked the Minister of Justice to outline the work done by the Northern Ireland Probation Board in dealing with politically motivated offenders within the community. (AQO 1118/17-22)

Mrs Long: The term "politically motivated offender" is not used to describe any specific cadre of offender released on licence in our community. On 8 September 2020, under my direction, the Department introduced multi-agency review arrangements to support the classification and management of the risks posed by individuals considered to be terrorist-related offenders. Those arrangements provide a platform for the Probation Board for Northern Ireland (PBNI), the Police Service of Northern Ireland, the Prison Service and officials in the Department to work together for that cadre of offender in order to give effect to the purpose of licence supervision: namely, to protect the

public from harm; to reduce reoffending; and to support the rehabilitation of the offender.

Once classified as a terrorist-related offender, individuals will be required to apply through the interim arrangements to secure approval to change address in Northern Ireland and/or the rest of the United Kingdom; to travel to other jurisdictions in and/or outside the United Kingdom; and to resettle permanently outside Northern Ireland.

The Probation Board for Northern Ireland is an integral partner in those arrangements. Probation contributes towards decisions surrounding the classification of individuals as terrorist-related offenders and considers and advises on the potential impact on resettlement and social welfare support relating to decisions surrounding change of address, travel or permanent resettlement.

The interim arrangements provide a basis for relevant information to be shared across justice organisations to enable balanced decisions to be reached that contribute towards protecting the public from harm while supporting the resettlement of the offender into society.

Mr Beattie: I thank the Minister for keeping me right on the terminology. I noticed that I had that wrong. I was calling them "politically motivated offenders", but they are "terrorist-related offenders".

Given that the Probation Board, which provides a fantastic service, finds itself in difficulties when it comes under threat from terrorist organisations, meaning that it has to withdraw its services from certain parts of Northern Ireland, what are we doing to future-proof that so that it does not happen and to ensure that the Probation Board can do its job in areas where threats may exist?

Mrs Long: The Member makes a very important point. Anyone who works in our justice system can face threats and intimidation from terrorist offenders. The reason that I use "terrorist offenders" as opposed to "politically motivated offenders" is that I simply do not accept that those people have political motivation. I think that they are motivated by self-interest and abuse of their community, so I do not think that we should give any traction to the view that they have political ambitions or that political ambitions are in any way a cover for their offending.

Prior to the arrangements that we introduced in September through the multi-agency review approach, the Probation Board was already engaging with terrorist-related offenders to provide resettlement and welfare support. The Member is, of course correct: due to threats and intimidation, that became very difficult. The Probation Board is good at its job, because, unlike in other parts of the UK, its staff are all qualified social workers, so their focus is on rehabilitation and social support, and, because they are from and live in the communities where they manage offenders, they are passionate about doing the job well. Their job does, however, perhaps make them more vulnerable to some who would rather their activities were not supervised when they leave prison.

In any event, for terrorist-related offenders, licensed conditions that support public protection have been monitored by the Police Service of Northern Ireland. In addition to that, we are increasing the use of electronic monitoring to enhance measures to protect the public from the risk of harm posed by terrorist-related offenders. I hope

that the robustness of the new arrangements will allow us to do that in a much more effective and equitable way.

2.30 pm

Mr Deputy Speaker (Mr McGlone): That ends the period for listed questions. We now move on to 15 minutes of topical questions.

Definition of “Harm”

T1. **Ms Sugden** asked the Minister of Justice to give her assessment of the need for a definition of “harm”. (AQT 681/17-22)

Mrs Long: Mr Deputy Speaker, I must apologise. I did not hear the Member’s question.

Ms Sugden: My apologies. Will the Minister give her assessment of the definition of “harm” in law?

Mrs Long: Without further information as to exactly what the Member is asking, it would be very difficult to answer her question because I am unclear as to the premise of it.

Mr Deputy Speaker (Mr McGlone): Perhaps the Member would use her supplementary to clarify.

Ms Sugden: I will. I am thinking, Minister, of one of the amendments tabled by Mr Jim Allister in respect of harm versus action, and harm tends to be something that is felt by the victim but there is not necessarily any definition within law. Might it be useful for this law, and, indeed, others, to work towards creating a definition for “harm”, or maybe an index?

Mrs Long: The purpose of the Domestic Abuse and Family Proceedings Bill is to criminalise the actions, not the impact, of the person’s abusive behaviour. If we try to criminalise impact, that becomes very difficult. For example, you would then be saying that it was not an offence to drive your car without wearing a seatbelt or while intoxicated provided that no damage was caused. That would be a dangerous course of action.

Of course, harm is a consideration when it comes to sentencing, but it is the intent to commit an offence and the recklessness with respect to the harm that is likely to be felt by others that we are trying to capture in the Bill, criminalising not the impact but the behaviour.

Northern Ireland Policing Board: Mr Gerry Kelly MLA

T2. **Mr Chambers** asked the Minister of Justice, who will be aware that the Northern Ireland Policing Board has exhausted its investigation of Gerry Kelly’s outrageous tweet about the Maze escape without reaching a conclusion and that it now falls to the Minister to decide whether to remove him from the board, whether she agrees that public confidence in the board is the most important consideration in her determination. (AQT 682/17-22)

Mrs Long: I am indeed aware that that has been exhausted by the Policing Board, and that they have taken a look at whether or not — as, under their procedures, they should — informal resolution could be reached. No complainant was willing to seek an informal resolution. That is what exhausted the processes of the board.

I said at the time that I found Mr Kelly’s comments offensive and thoroughly inappropriate. I asked that he reaffirm his commitment to non-violence and exclusively peaceful and democratic means, consistent with his responsibilities as a member of the Policing Board and a Member of this legislative Assembly.

When the incident occurred, I took the view that any investigation into whether Mr Kelly was in breach of the Policing Board code of conduct was for the board to consider in the first instance. That investigation by the board has now concluded without resolution and has been referred to me for consideration under the powers available to me in the Police (Northern Ireland) Act 2000 to remove a member from the board.

I am considering, based on legal advice, what action I should take. I am not in a position to comment further at this time.

Mr Chambers: The Minister has alluded to the fact that, under the Police (Northern Ireland) Act 2000, if someone is “unfit to discharge his functions” as a member of the board, she has the power to remove them. Given his tweet, and the earlier well-publicised use of bolt cutters to remove a legally placed wheel clamp from his vehicle, in what way does the Minister think that Mr Kelly might be fit to continue as a board member?

Mrs Long: I refer the Member to my previous answer.

Prisons: Centenary of Northern Ireland

T3. **Mr Butler** asked the Minister of Justice, after thanking her for her recent work with prison staff, whether she has had discussions with the director general of the Northern Ireland Prison Service with regard to marking the centenary of Northern Ireland. (AQT 683/17-22)

Mrs Long: No.

Mr Butler: I thank the Minister for her answer. Would the Minister just give a commitment to open a line of discussion with the director general, perhaps marking the occasion with a medal, for those who want a medal, and seek to ensure that the Prison Service is in line with other emergency services for the Platinum Jubilee medal?

Mrs Long: I am happy to talk to the Member outside the Chamber and get more information on what it is he requires. However, I remind him that the first duty of the director general is to ensure that prison officers and those within his care are kept safe. At the moment, there are considerable pressures in the prison system given COVID and a number of other developments, so I think that we have to prioritise our actions over the next while. However, I am happy to discuss with the Member and see whether there is an appropriate way forward.

Legacy Funding

T4. **Mr McHugh** asked the Minister of Justice, given the Finance Minister’s confirmation that there is £5 million ring-fenced for legacy, whether she can confirm what it will be used for. (AQT 684/17-22)

Mrs Long: My understanding is that there is some confusion around this issue. There is an amount for legacy that has been ring-fenced for the inquests that were agreed. There may also be additional legacy funding through the work that is done by the Police Ombudsman

and by the police in their work on legacy litigation. At this stage, we are working with the Police Ombudsman on an outline business case that she has presented to us, and we will work through the normal processes in that regard.

The issue of legacy, however, is much more complex. Because the Secretary of State has unilaterally changed the proposals from the Stormont House Agreement around legacy and provided no certainty or clarity as to what will happen next, the money, for example, that was set aside as part of the NDNA commitments, which in total would have reached, I think, £250 million, is not accessible to my Department to deal with legacy issues as it is ring-fenced specifically for setting up the structures of the Stormont House Agreement. I have written to the Secretary of State about that, and I have flagged up with the Department of Finance and will continue to do so the particular pressures and uncertainties that face my Department's budget in respect of legacy matters.

Mr McHugh: Quite possibly, you may have answered my supplementary question in your response. I intended to ask you when a business case would be submitted for this money by the Department of Justice. I would not say that it seems clear; I am a wee bit confused as to who might be submitting the business case.

Mrs Long: To clarify, the business case would come from the agencies that are dealing with those particular pressures, and it is the job of my Department to first interrogate the robustness of the business case and then to pass it to the Department of Finance once we are satisfied that it meets the test. Even when the business case is approved by the Department of Finance, that is not a guarantee that we will be successful when we bid for money from the Department of Finance for those issues. It is a challenge, and we have to be honest about that. I also have to say to Members that the challenges that face the Department and the potential costs of dealing with legacy in a piecemeal way will far exceed £5 million.

Prisons: Security

T5. **Mr Easton** asked the Minister of Justice, with 164 weapons having been found in our prisons over the past five years, what actions she is taking to make sure that our prisons are secure and our prison officers well protected. (AQT 685/17-22)

Mrs Long: Based on the conversation that we had earlier around care and supervision units and other things, it is very clear that we are taking every measure possible to ensure that our prisons are safe. Often, those weapons are found as a result of the hard work of the Prison Service to identify those who either bring weapons into the prison secreted on their person or, indeed, those who fashion weapons within the prison system from materials that are available to them. We do work with complex and often very violent offenders in some of those cases, so we do have to be acute to the risk that they pose to themselves, to other prisoners and to the Prison Service.

I have to say that I am hugely impressed. One of the greatest pleasures of this job is to spend time in our prisons. That may sound like an odd thing to say, but I have the luxury of knowing that I will leave at the end of my visits and that my visits are quite short. I have been hugely, hugely impressed by the work of Prison Service. The dedication and the passion that they have for rehabilitation

is second to none, and I really wish that more Members had the ability and the space — it is unfortunate with COVID — to see up close what goes on within our prisons because it is truly remarkable.

Mr Easton: I thank the Minister for her answer. Another worrying statistic is that 453 items of drugs have been found in our prisons over the past five years. Is there cooperation between the PSNI, the Prison Service and your Department to try to close down those avenues of drugs coming into our prisons?

Mrs Long: Yes, it is a real concern, and, obviously, when those drugs make their way into the prison system, they cause huge disruption to it. They also cause huge danger because, often, those illicit drugs could lead to deaths in the prison system, and they could trigger underlying mental health conditions and a whole host of other things. They are also a trigger for violence in the prison system, because the street value of some of those drugs is multiplied by a factor of 20 when they enter the prison. You then have that contraband passing through the prison and there is a huge amount of violence. One of the great difficulties in detecting drugs is that people are willing to go to extraordinary and exceptionally dangerous lengths in order to get drugs in and out of the prison, and that makes it incredibly difficult. We have to manage that against the right, for example, for people to receive care packages from home, along with other things that might be necessary. We also need to bear in mind that the pressure on people who are put in a situation where they are trafficking drugs into the prison, or attempting to do so, can be extraordinary, and, if they fail in their attempts, they may be at risk. We have to balance not only removing the drugs from the system but protecting those who may have been under duress in bringing them in.

Multi-agency Support Hubs

T6. **Mr Storey** asked the Minister of Justice, after thanking her for her comments about the Prison Service, with which he concurred, and the confirmation that she is looking at the issue of ensuring that the disgraceful comments made by Mr Kelly are dealt with in a way that is in keeping with the legislation, to outline the current situation with supporting multi-agency support hubs, as concern has been expressed by the Committee for Justice in the House and in correspondence to the Policing Board that funding may be removed. (AQT 686/17-22)

Mrs Long: When the issue of support hubs was initially introduced, we provided additional funding on a three-year basis in order that councils could use that money, along with PCSPs and others, to realign their service provision during that period. The anticipation was that it would lead to a more efficient model of cooperation and, therefore, that there would not be ongoing costs. However, the Department recognises that the ending of that funding during the COVID pandemic, along with all the other challenges that the councils may face, is difficult. Therefore, when we received representatives from some councils that felt that they may not be able to continue with the development of the support hubs in the absence of that funding, we agreed to extend the funding to the end of the year. We hope that that will buy us the time to be able to review how we take this forward, and that is because I remain absolutely committed to support hubs and am very impressed by the work that they do.

Mr Storey: I thank the Minister for that confirmation; it is welcome. Will the Minister, in the spirit in which she has responded to the concerns that have been raised, engage with the Policing Board, PCSPs, the councils and the other elements of the statutory agencies, until we ensure that we find a funding model that is appropriate? Obviously, the work that has been achieved to date has brought success and is something that we want to build on for the future.

Mrs Long: Yes, I give the Member that assurance. As I said, we recognise that the support hub issue is hugely important. It has shown success, so we do not want to see it fall into abeyance simply because of a short-term funding issue. However, we need to be realistic. As he sits on the Policing Board and, particularly, in looking over the resources, the Member will know that there are real strictures around some of the funding that we have available.

We have already met members of the Society of Local Authority Chief Executives (SOLACE) and others in the council sector, and we will continue to work with the police and others. We want to find a model that is financially sustainable and efficient in delivering the enhanced level of care and support in the community. I think that they are an absolute exemplar of collaborative working, and they bring together key partners to facilitate early intervention. Ultimately, early intervention will reap huge rewards in the finances of the Department, as well as in people's lives and outcomes.

Mr Deputy Speaker (Mr McGlone): OK, Members, time is up. Members should take their ease, and then we will move to questions to the Minister of Agriculture, Environment and Rural Affairs.

2.45 pm

Agriculture, Environment and Rural Affairs

Beef Farming: Agricultural Flat Rate Scheme

1. **Ms Dolan** asked the Minister of Agriculture, Environment and Rural Affairs how he will mitigate any disruption to the beef sector as a result of changes to the agricultural flat rate scheme (AFRS). (AQO 1126/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): This refers to valued added tax, which is a reserved matter and therefore the responsibility of HM Treasury and HMRC. The changes that will be made to the agricultural flat rate scheme from 1 January 2021 are that farm businesses can join the scheme if their turnover from farming-related activities is less than £150,000 and that they are required to leave the scheme if that turnover subsequently exceeds £230,000. That brings the scheme into line with the general flat rate scheme.

The agricultural flat rate scheme is intended to provide easement from the administrative burden of VAT registration by allowing farmers to receive a payment equal to 4% of their sales value in lieu of VAT paid on inputs. The vast majority of small beef and sheep farmers will continue to be eligible for the scheme. Where farms exceed the turnover limit, they can still be VAT registered and reclaim

input VAT. The flat rate scheme is intended to be fiscally neutral and not to be more generous than being VAT registered.

Ms Dolan: I thank the Minister for his answer. Does he acknowledge that changes to the flat rate scheme will cause disruption to the beef sector and could significantly disadvantage our primary producers?

Mr Poots: It should be less of an issue for primary producers. It is something that would have a more significant impact on beef finishers that have been in the scheme. Many of them will move out of the threshold very quickly, because, although their profitability and margins are quite low, their turnover is quite high. I suspect that that is why the Government are doing it: to ensure that the scheme, which is supposed to be a scheme to facilitate making the reclaiming of VAT easier, is cost-neutral. For some of the bigger operators, it is perhaps not cost-neutral. The scheme may have some impact, in that the finished price of beef may be reduced, because of the number of individuals involved who are required to store cattle. Generally, however, sheep and beef farmers will be able to avail themselves of the scheme, if they so desire, because they will fall within the £150,000 turnover threshold.

Mr Butler: Can the Minister tell us what underpinning schemes and information he has put in place to enlighten the farming community about these changes and the support available for those wanting to join the scheme?

Mr Poots: That is being led by HMRC, and it is for it to inform those who are currently in the scheme that they will no longer be able to avail themselves of it. I believe that that has been the case. It is pretty well known within the sector that the scheme is changing at the end of the year. Many of those who have participated in it up until this point will no longer be able to, because of their turnover.

Brexit: Veterinary Officers and Portal Inspectors

2. **Mrs D Kelly** asked the Minister of Agriculture, Environment and Rural Affairs how many additional veterinary officers and portal inspectors does his Department plan to employ before the end of the transition period. (AQO 1127/17-22)

Mr Poots: DAERA is planning to employ an additional nine veterinary officers and 14 portal inspectors in its portal branch at the points of entry into Northern Ireland, which are primarily at Larne and Belfast, from the end of the transition period on 31 December 2020. Those additional posts are being filled through external recruitment competitions and the internal transfer of staff.

Mrs D Kelly: Given the Minister's response, he seems to be fairly confident that the posts will be filled. I do not know whether contingency plans are in place should they not be. Has the Minister had any discussions with his colleague in the Department for the Economy about higher education providing places for veterinary students here in Northern Ireland?

Mr Poots: There are two issues there. With Northern Ireland receiving official brucellosis-free status, there is capacity in the Department, which is very beneficial, to fill the positions. The second issue is the veterinary school. I would be hugely supportive of a veterinary school. My

chief veterinarian is supportive of there being a veterinary school. I believe that the Minister for the Economy is supportive of there being a veterinary school. I encourage the universities to continue to carry out their work on investigating the opportunities for a veterinary school.

One issue is that many young people are travelling not just to Ireland, Scotland and England but to Europe in order to study to be a veterinarian, and, sadly, many of them get a job elsewhere and do not return to Northern Ireland. We then lose that skill; therefore, a locally based veterinary school would help us to keep that skill base in Northern Ireland, where it is very much needed.

Mr McAleer: The Minister referred to the possibility of reassigning some staff from his Department. Does he have any assessment of the impact that that could have on other programmes? He will be more aware than we all are of the challenges that the Department faces in the various strategies and programmes that he is bringing forward.

Mr Poots: As I indicated, because of the brucellosis-free status that we have achieved, staff have been freed up, and organisation can take place in the veterinary division in order to ensure that we will reduce the number of people who need to be recruited as a consequence.

Mrs Barton: Has the Minister had any communications with University College Dublin (UCD) about increasing its intake of students over the next year or two while you, hopefully, get your veterinary school up and running in Northern Ireland and keep those people here?

Mr Poots: I have not, and, traditionally, there has been a slight problem with the recognition of our qualifications at A level, which has maybe made it a little more difficult for top-class students to get opportunities in some of the top universities in Ireland. Consequently, that has led to quite a number of them heading to Scotland and England, where our qualifications are recognised in the same way.

Mr Blair: In relation to inspections at ports, has any progress been made on the provision of a common veterinary area and the medium- to long-term prospects for that?

Mr Poots: The development of the facilities under the programme that is being paid for by the UK Government will not be completed until the middle of next year. They have given some money for the development of temporary facilities, which will be available from the middle of December. Consequently, facilities will be available for the veterinarians who are in place at the various ports.

Forestry: Carbon

3. **Ms Flynn** asked the Minister of Agriculture, Environment and Rural Affairs to outline his plans to restore the status of the forestry sector to a net carbon sink, rather than a carbon source. (AQO 1128/17-22)

Mr Poots: Forestry in Northern Ireland is a net carbon sink. That was recently confirmed in a detailed report published by the UK's National Atmospheric Emissions Inventory (NAEI) on 30 October 2020. The report also projects that that will remain so under a range of scenarios considered in the report.

My Department has received advice from the UK Committee on Climate Change on reducing greenhouse gas emissions in Northern Ireland. It recommends

increasing the rate of woodland creation to 900 hectares per year as a simple low-cost option to help capture carbon.

I announced the Forests for our Future afforestation programme in March, aimed at increasing woodland by planting 18 million trees to create 9,000 hectares of new woodland over the next decade. As well as helping to meet the UK Government's net-zero carbon target by 2050, planting new woodland will help us to grow a strong economy, a thriving environment and healthy, active communities.

My Department's Forest Service is continuing to work with the forest research agency of the Forestry Commission in GB. That research will help to contribute to the understanding of the complex carbon balances associated with woodlands as they are established and grow to maturity.

Forests for our Future will become a foundation programme of the Executive's green growth strategy, which is being developed by my Department. Green growth aims to transform our society towards net-zero carbon by 2050, protect and enhance our environment and sustainably grow the economy.

Ms Flynn: I am sure that the Minister will be aware of a recent report by Ireland's forestry accounting plan, which shows that the forestry sector in the North is similar to that in the South, in that both have now transitioned from a carbon sink to a carbon source, meaning that the entire island's forestry sector is now a source of carbon emissions. The Minister outlined some initiatives that he has taken. Has he looked at any island-wide initiatives?

Mr Poots: Some politicians might suggest that this report is fake news. A recent claim that forestry is a net emitter of greenhouse gases was made in a press release issued by Friends of the Irish Environment in response to a report prepared by the Republic of Ireland's Department of Agriculture, Food and the Marine (DAFM) on greenhouse gas emissions and removals from forestry. DAFM has countered that interpretation, commenting that forests remain a substantial and growing store for carbon dioxide and to look at only one subset of the forest estate can be misleading.

The Friends of the Irish Environment press release bases its conclusions on a subset of a report published by DAFM. It focuses on woodlands over 30 years old, which includes tree harvesting from 2021 to 2030, which is estimated to result in a small net source of carbon dioxide. The small carbon dioxide emission is far outweighed by carbon dioxide captured by forests prior to 30 years of age, as is also identified in the DAFM report.

Taking the full forest cycle from planting to harvest and replanting into account, forestry as a whole is estimated to represent a significant store of carbon dioxide. It would be hugely unfortunate if people misconstrued various aspects of a report and conflated things to turn it into something else. It is well known that forestry and trees are a net capturer of carbon.

Ms S Bradley: How does the Department capture that data? In the past five years, how many trees have been planted? Have the Department's targets been achieved? Will the data be captured annually?

Mr Poots: The acreage of trees that have been planted each year has been identified. The forest expansion scheme was launched in June, and we have applications for the planting of some 547 hectares of forest this year. That is approximately double the area in last year's applications. So, we are having some success with Forests for our Future. People are planting trees and taking up the mantle and identifying that they want to be involved.

Considerable acreage has been suggested to us, particularly by NI Water and other public bodies that are looking to participate in making our environment more sustainable by planting trees.

3.00 pm

Mr Allister: I am sure that the Minister is aware of the claims that forestry provides ammonia sequestration. The Centre for Hydrology and Ecology has made that case very strongly. Will that feature in his ammonia strategy? Is forestry, even in and about the bogs, which are the concern and the inhibitor to some growth in the poultry industry, a possibility?

Mr Poots: I thank the Member for the question. There is a positive and a negative to that. The positive is that forestry can provide a break for ammonia, so strategically located bands of trees could do some good. The problem with trees is that they are hungry for water. Using water close to the peatlands leads to them being drier, and, consequently, they lose carbon on that front. Forestry at the appropriate locations may, therefore, be an inhibitor to the spread of ammonia and something that can be considered. That is the short answer.

Agriculture: EU Trade Deals

4. **Mr Gildernew** asked the Minister of Agriculture, Environment and Rural Affairs to outline the impacts on the local agriculture sector of being excluded from EU trade deals as a result of Brexit. (AQO 1129/17-22)

Mr Poots: The UK Government have been negotiating with countries that have a free trade agreement with the EU, with the aim of putting in place a continuity agreement that would apply equivalent provisions to the UK. Those negotiations have made good progress, and it is expected that a large majority of those countries will have a continuity agreement in place on 1 January 2021. Trade with other countries will be able to take place on WTO terms, as is the case at present. Those measures will limit the impact on local agriculture and Northern Ireland goods being excluded from EU trade deals. I understand that there is the potential for difficulties for cross-border trade. A number of solutions are being looked at, but those will need to await developments in the UK-EU trade negotiations.

Mr Gildernew: Go raibh maith agat, agus ba mhaith liom buíochas a ghabháil leis an Aire. What discussion is the Minister having with the Irish Government to mitigate the disastrous impact of Brexit? As he outlined, we are going into World Trade Organization terms in some situations. What discussion is he having to mitigate the impact of Brexit by ensuring that the North can benefit from current and future EU trade deals? I know that Mr Coveney has also raised that issue.

Mr Poots: I would welcome the fact that we would have the opportunity to sell our product in as many places as possible, with free trade available to us. I know that a considerable number of free trade deals will be negotiated by the UK Government, very quickly, and we may have even more access through those free trade deals going forward. However, since we are part of the single market and following the rules of the single market, we should be part of the European free trade agreements as well. It is very disappointing that the European Union appears to be excluding us on the basis that it would involve too much work and that, to include us, it would have to open up negotiations with all of the countries with which it has free trade arrangements. It was the European Union's demand that we be included in the single market, as a consequence of the protocol. Therefore it should carry out its obligations to the full and include Northern Ireland in the free trade arrangements that it has with other countries.

Mr O'Toole: This is a slightly novel moment: I welcome some of what the Minister has just said. I agree that it would be much to the advantage of Northern Ireland producers, particularly in agriculture, to have access to EU free trade deals in order to allow them to take advantage of the opportunities, such as they are, from the protocol. What steps and engagement will he take, further to that, via Dublin or London, or directly via Brussels, to continue to persuade and make the case for our participation in and access to those EU trade deals? I agree with him that it would be great for our producers to have access to those deals.

Mr Poots: Our officials are involved behind the scenes at the negotiations, and, regularly, make the case for Northern Ireland. The First Minister and deputy First Minister wrote to the European Union, directly, expressing the views of the Northern Ireland Executive on a range of issues.

There is a potential solution, but Europe does not seem to be prepared to accept it as yet. It is diagonal cumulation, which would mean that goods with content from the European Union, the UK and third countries which have a free trade agreement with both the European Union and the UK would meet the rules of origin requirements under EU free trade agreements. To this point, the EU has opposed diagonal cumulation.

It is particularly important for the dairy sector that we get a solution, because obviously a lot of our milk ends up being processed in Ireland a lot of it goes to Great Britain and a lot of it is sold to third countries. The Middle East and Far East, for example, receive a lot of this product. Because the product is a mixed product, that becomes more challenging. It is important that the dairy sector in particular gets a solution to this, and I encourage the European Union to take up the solution that we have offered.

Mr Chambers: The Minister has addressed my supplementary question, but I will ask it. What impact does he anticipate that this will have on milk exported to the Republic of Ireland for processing in cheesemaking, with the resulting product returning to Northern Ireland and then going across the Irish Sea to England?

Mr Poots: It is tricky. The movement to the Republic of Ireland is the easy bit. If there is no trade deal, the coming back is slightly more difficult. There can be a solution to

that, and it is that the quantities of milk that go and the quantities of cheese, butter or whatever that come back could be measured to have pretty much an equal amount, and the UK Government could receive that without any additional tariffs being applied, should tariffs come into play between the European Union and Great Britain as a result of negotiations not delivering a free trade agreement.

Fly-tipping and Littering

5. **Mr K Buchanan** asked the Minister of Agriculture, Environment and Rural Affairs to outline any recent discussions his Department has had with local councils regarding fly-tipping and the ongoing issue of littering. (AQO 1130/17-22)

Mr Poots: My Department has been working closely with councils throughout COVID-19 to address increased concerns about fly-tipping. Officials have also been in regular contact and have been engaging with council colleagues, through the local and central government waste working group, on the development of a revised Northern Ireland Environment Agency (NIEA)/district council fly-tipping protocol.

While the majority of fly-tipping incidents are dealt with by councils, the NIEA has been assisting with the removal of hazardous wastes, such as asbestos and fuel laundering waste, and will also investigate larger waste deposits. Once agreed, the fly-tipping protocol will formalise this arrangement and provide clarity on the operational roles and responsibilities of the NIEA and the local councils in relation to tackling fly-tipping.

Under the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 and the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (Northern Ireland) 2012, dealing with littering is the responsibility of the district councils. However, I am looking at the effectiveness of these current powers and the level of fines. Keep Northern Ireland Beautiful has been appointed to gather data from all councils on their use of fixed penalty notices for both litter and dog fouling offences. This will inform a review of the fixed penalty notice regime which is due to be completed early in 2021. Officials have also separately been engaging with a number of councils on this issue.

Finally, I can advise that discussions have also been ongoing with the councils in relation to commencing further elements of the waste and contaminated land legislation to provide additional enforcement and clean-up powers to both my Department and councils to help tackle the scourge of illegal waste disposal.

Mr K Buchanan: I thank the Minister for his answer. With regard to powers, or to his influence over councils, some councils have a power or a regime with regard to fining people for littering. I am going to name my own council: Mid Ulster District Council had, in a period of one year about two years ago, eight fines, which I think is unacceptable and does not send out the correct signal. What influence can the Minister put on councils across Northern Ireland to take littering and waste disposal more seriously at a local level?

Mr Poots: With the form of government that we have, local government has the responsibility for this, and it is for

local government to respond to its board, as such, which is its councillors, who have the responsibility to ensure that public policy is upheld. I suggest that the best way of actually ensuring that the council is enacting its powers appropriately is for the councillors themselves to ensure that officers are ensuring that the regime is in place to have appropriate waste controls, including the nuisance litter that people drop.

Mr McGuigan: Minister, I love nothing more than cycling, running or walking around the rural roads of the North and through towns and villages, and it is a pleasant experience that is often spoiled by witnessing instances of fly-tipping and general littering. I understand the answer that was given to the previous question, but there must be a cross-departmental policy or strategy that can change the culture of people who find littering and fly-tipping acceptable, because it should not be acceptable, and the levels of litter that we have are a disgrace. Furthermore, can the Minister give us an appraisal of how littering and fly-tipping may have changed during the pandemic?

Mr Poots: Yes, I totally agree with the Member: it is very irritating when you are in the countryside and find fast-food-outlet material, cans, bottles, cigarette packets or sweet papers lying at the side of the road. There is a whole panoply of stuff that people throw out of their cars while driving along the roads. I do not understand it, because it is so easy to put it into a small bag and put it into the appropriate bin when you get home. People seem to think that it cannot stay in their car for any longer than five seconds after it comes out of a wrapper.

We are working on developing the removal of single-use plastics on nine different items, and we intend to bring that proposal to the Assembly quite soon. With a lot of the packaging that is involved — for example, with fast-food outlets — we will get rid of the material that does not biodegrade. Work will be done on that. Essentially, this is an educational process whereby people need to recognise that it is wrong to throw out litter and wrong to fly-tip. Everybody knows it, but there is a hard core of people who seem to continue to engage in it, and, as a consequence, they spoil our countryside.

Mrs D Kelly: Minister, is there any way of monitoring and evaluating the amount of fly-tipping? Reports come to me from my council colleagues about the number of tyres that are dumped along roadsides. We all know that there is a premium to be paid when you buy a new tyre so that the other one is safely disposed of. What is the cost, and are reports fed into your Department that will help to inform policy and legislation by local authorities?

Mr Poots: The dumping of tyres is a big issue, and, in my area, quite a bit of that goes on. It is clearly wrong, and, very often, it is left to the landowner, which is entirely inappropriate. Someone dumps on their land and the consequence is that someone who has no role in this is left to deal with the problems arising from it.

There has been an uplift in fly-tipping this year. It is hard to assess it fully yet. It has not been massive, but it has gone up, and we associate a degree of that with the closure of the household waste recycling centres. I welcome the fact that almost all of them are operational again, and it is incumbent upon councils to ensure that they are kept operational going forward.

Mr Deputy Speaker (Mr McGlone): I have time to call William Irwin for a brief question and to get a brief answer from the Minister.

Brexit: Seed and Ware Potatoes

6. **Mr Irwin** asked the Minister of Agriculture, Environment and Rural Affairs what discussions he has had, in particular with the UK Government, on the enabling of importation of seed and ware potatoes from Great Britain following the end of the transition period. (AQO 1131/17-22)

Mr Poots: I wrote to Minister Eustice on 30 October highlighting the significance of this issue to the Northern Ireland agriculture and food services sector and urged him to expedite agreement with the EU on third-country listing for GB to enable seed and ware potatoes to be marketed in Northern Ireland. I have also asked for a derogation to the prohibition that will apply to seed and ware potatoes from GB due to its classification as a third country. I have highlighted the need for a commitment to secure a proportionate easement to the EU legislative phytosanitary certification requirements and associated costs.

My officials have written to DEFRA requesting that specific sanitary and phytosanitary (SPS) issues affecting plants and plant products moving from GB to NI, including seed and ware potatoes, are addressed urgently with the EU to enable continuity of essential trade from GB to Northern Ireland in plant and plant products after implementation period (IP) completion day.

I have also written to Minister McConalogue in the Department of Agriculture, Food and the Marine in Dublin asking for his support in seeking EU agreement to the UK application for GB third-country listing, which would allow the continuation of the important and integrated trade in potatoes among GB, NI and ROI.

3.15 pm

Mr Deputy Speaker (Mr McGlone): That ends the period for listed questions. We move on to 15 minutes of topical questions.

Trader Support Service

T1. **Mr Nesbitt** asked the Minister of Agriculture, Environment and Rural Affairs, given the Ulster Farmers' Union (UFU) webinar yesterday evening on the subject, for his assessment of the Trader Support Service and the rationale for it. (AQT 691/17-22)

Mr Poots: I thank the Member for the question. The Trader Support Service is a device of Her Majesty's Government and HMRC. It is a new and unprecedented service. It is a free-to-use, end-to-end service that will guide traders through any changes to the way in which goods move between Great Britain and Northern Ireland and into Northern Ireland from outside the UK. Essentially, the Trader Support Service will act as a customs agent and complete declarations on behalf of traders. We encourage any business that moves goods between GB and NI to register for the service and get advice on the new processes being introduced as a result of the protocol.

Mr Nesbitt: I thank the Minister for that. Given that farmers here have to sign up to the service to bring goods from, say, Scotland into Northern Ireland, does he accept that

that proves that, although we may all have joined the EEC as one, we are not all leaving the EU as one?

Mr Poots: I entirely agree. We are not leaving the EU as one, which is an irritation to the likes of me. That, however, is an arrangement that has been arrived at between the European Union and Her Majesty's Government. Westminster has sovereignty on these issues. Consequently, we have to live with the outcomes, be they good or be they ill. We can protest and seek to moderate and make changes, and I have been very busy in seeking to moderate and make changes for the benefit of Northern Ireland to mitigate the more damaging aspects of the protocol as it is applied.

Farmers' Marts: Health-check Vans

T2. **Mr Gildernew** asked the Minister of Agriculture, Environment and Rural Affairs, after acknowledging the Minister's indication that health-check vans are back at marts, which is very welcome, given that many farmers welcomed the announcement on the vans because of difficulties accessing GP services, to outline his plans to develop or even enhance the service. (AQT 692/17-22)

Mr Poots: That service has been run between the Department and the Public Health Agency (PHA). There are significant benefits to having the vans there at the current time. Appropriate arrangements are being made to ensure the safety of both staff and users. One of the things that the vans are there to help with is people's mental health. They do physical checks, but they also have conversations around mental health.

We all know that mental health is a significant issue in rural areas. Over the period of COVID, there has been a substantial deterioration in mental health across the country generally, and particularly for people who are more isolated. As a consequence of that isolation, those people have less and less opportunity to interact and engage with other human beings face to face. It has particularly impacted on our older population, and many of our farmers and users of the service are from among the older population.

We therefore really need to ensure that the services that we provide go way beyond just looking at COVID. We still need to look for cancers, for example. It is very concerning that Cancer Focus has indicated that around 1,000 fewer cancers have been detected this year than had been at the same time last year. I am therefore absolutely delighted that the services that are provided at the marts and in other rural locations are up and running again.

Mr Gildernew: Are there plans to bring that service to locations other than marts or to some of the harder-to-reach rural areas, Minister?

Mr Poots: I am happy to discuss how we could expand that service with the PHA and the Department of Health. One of the big issues in health that we are all aware of is that early detection saves lives: early detection of cancers, circulatory illnesses, blood pressure problems and so on, and the prevention of heart attacks. The more we do this, the more conditions we will detect early and, consequently, the more we will avoid something that would be much more expensive for the healthcare system and, more importantly, far more damaging to the individual. I am happy to work with the Department of Health and

the Public Health Agency on identifying how we can expand the service. I am happy to prioritise money for that because it has to be an absolute priority. I am happy to commit to that.

Glenelly Landslides

T3. **Mr McAleer** asked the Minister of Agriculture, Environment and Rural Affairs, who will be aware that he has been lobbying him in recent years on the issue of the needs of farmers who have been impacted gravely by the landslides in the Glenelly area, whether he has given further consideration to supporting those farmers. (AQT 693/17-22)

Mr Poots: I have asked officials to look at that. There are two sets of farmers in Glenelly: those with upland farms; and those who are further downstream. The Department has indicated that it has already provided a lot of support. Through the Loughs Agency and the environmental farming scheme, it has provided fencing. We need to look at that area to ensure that, if we were to provide support, we would not be double granting. Other areas that we will look at include the desilting of land, the reseeding of land and the other damage done to properties. I have tasked officials to look at that, and they will bring back a report to me, hopefully in the not-too-distant future.

Mr McAleer: I very much welcome the fact that the Minister is still considering this and that he has been consulting his officials.

On a not totally unrelated topic, the Minister is due to bring out a draft ammonia strategy soon. Areas such as Glenelly and other hill areas are not particularly well suited to some of the low-emitting slurry-spreading equipment. If the Minister could factor that in to the equation when the new strategy is coming out, I would be grateful.

Mr Poots: Earlier, when I was reporting on how we will implement the new single farm payment system, that point was raised by another Member, and we certainly need to keep it in mind. While we want it to happen and ensure that it is utilised as much as possible, we recognise that, on certain land, the weightier the machinery, the more difficult, and sometimes more dangerous, it is. We need to take that into account, so I thank the Member for that point.

Fisheries Local Action Group

T4. **Miss McIlveen** asked the Minister of Agriculture, Environment and Rural Affairs what scope he and his officials will have to review the spending limits of the Fisheries Local Action Group, once the grant scheme has been opened. (AQT 694/17-22)

Mr Poots: Once outside the European Union, we will have considerable scope. We are in discussions on state aid to maximise the money that we can have for agriculture and fisheries. State aid for fisheries is still being extensively debated. I hope that we will get an outcome that ensures that we can provide good support to fisheries and enable those local groups to provide support to the industry.

Miss McIlveen: I thank the Minister for his answer. I understand that the South East Area Fisheries Local Action Group (SEAFLAG) has handed back £483,418 of a £2 million pot. A Portavogie scheme worth a quarter of a million pounds is ready to go. Some £200,000 is needed from the fund. However, they have been told that there is a

cap of £120,000. The limited grant means that the project will fall. I appreciate the Minister's response, but I would further appreciate his looking at that policy in its current form.

Mr Poots: We recognise that, at present, there is an underspend of around £1.5 million under the community-led local development (CLLD) measure. Even if all 24 applications under assessment are supported, a maximum of £1.1 million European Maritime and Fisheries Fund (EMFF) funding would be required for those 24 projects. That is where the £400,000 comes from. It is unlikely that all applications will be successful, so the underspend is anticipated to be between £400,000 and £600,000. However, it is proposed to open the CLLD scheme for applications on 2 January 2021 and for it to remain open until 31 March 2021 to attract further applications that can utilise that underspend, with the full budget being committed by 30 June 2021. These target dates are within the permitted timescales for the EMFF programme.

SEAFLAG staff are confident that there are further potential applications that will be submitted, should the scheme reopen, and which will utilise much of the current underspend. Should a surplus remain on 30 April 2021, the options are for a further opening of the scheme to 31 May 2021 or the movement of funding from the CLLD measure to other measures within the Northern Ireland EMFF programme that have achieved or are nearing full commitment and there are project applications in place to utilise the funds.

Approval for moving CLLD funding to other measures, which is permitted by the UK managing authority and the Commission through an EMFF operational programme amendment, will be sought through ministerial submission on the proposed variations with the Northern Ireland EMFF programme that are required to ensure that all EMFF funding available to Northern Ireland is fully utilised and not returned to the Commission. It is anticipated that the submission will be made in April 2021.

Planning Applications

T5. **Mr Irwin** asked the Minister of Agriculture, Environment and Rural Affairs, who will be aware that farm planning applications are being held up by slow responses from the Northern Ireland Environment Agency (NIEA), whether there is anything that he can do to speed the process up. (AQT 695/17-22)

Mr Poots: Like a lot of organisations, NIEA has quite a lot of staffing pressures, and COVID has not helped things. Nonetheless, we still have targets that have been set for good for good reason and which we should be seeking to fulfil.

We also have the complication of what we are going to do about ammonia. I have indicated that, at the moment, we should use the 1% threshold, as opposed to the 0.1% threshold that the Shared Environmental Services (SES) referred to, while we produced the ammonia strategy, which is almost ready to go out. It is entirely reasonable for us to do that, given that the ammonia strategy is a plan to significantly reduce the amount of ammonia in the atmosphere. Consequently, it would be a better instrument to deal with the issue than planning.

Mr Irwin: I thank the Minister for his response. The Minister will be aware of the seriousness of the situation. Many farms are trying to re-do existing old buildings and re-roof them, but they are being held up by NIEA. I am sure that the Minister is fully aware of the importance of this matter being addressed.

Mr Poots: Absolutely. One of the issues that is holding back the farm business investment scheme from being rolled out further is the ability of people to actually get planning approvals to carry out the investments that they wish to make. The remarkable thing is that, in some instances, the refurbishment or replacement of existing buildings would lead to lower ammonia emissions, yet the planning refusal recommendations still exist. We really do need to have a practical, common-sense approach to this, and as I indicated very clearly, planning is not the means of doing it. Having an ammonia strategy that is effective in reducing the amount of ammonia getting into our atmosphere is the way forward.

Mr Deputy Speaker (Mr McGlone): I have time for a brief question, from Paula Bradley, and a brief answer.

Honeybees

T6. **Ms P Bradley** asked the Minister of Agriculture, Environment and Rural Affairs what steps he is taking to ensure that the honeybee is protected in Northern Ireland and what practical measures he may explore in doing so. (AQT 696/17-22)

3.30 pm

Mr Poots: The honeybee is an incredibly important aspect of our environment and biodiversity. I have spoken to officials about developing a strategy on honeybees and worms, as both species make a massively important contribution. Some people perceive them as just tiny insects, but they have a vital role in the successful production of our food. It is certainly something that we are cognisant of. America has lost about a third of its honeybee population through the production of almonds, because people think that they are helping the environment by drinking almond milk. However, the consequences of doing that are devastating.

We are very supportive of the honeybee population, and we will be looking at measures to increase the numbers of honeybees in Northern Ireland.

Mr Deputy Speaker (Mr McGlone): I ask Members to take their ease while other Members and Ministers to enter the Chamber.

Executive Committee Business

Domestic Abuse and Family Proceedings Bill: Consideration Stage

Mr Deputy Speaker (Mr McGlone): I call the Minister of Justice, Mrs Naomi Long, to move the Bill.

Moved. — [Mrs Long (The Minister of Justice).]

Mr Deputy Speaker (Mr McGlone): By way of explanation of the grouping of the amendments, Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. Members should note that the Marshalled List is dated 17 November, and both it and the grouping list supersede those issued for the postponed debate of 10 November.

Members will have received printed and electronic copies of the documents, but additional printed copies are available in the rotunda, if needed for the debate.

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendments Nos 1 to 8, 10, 16, 17, and opposition to clause 3 stand part, which deal with the information on the offence. In that group, amendment No 7 is mutually exclusive to amendment Nos 5 and 6.

The second debate will be on amendment No 9 and Nos 11 to 14, which deal with additional protection for children, as well as support for victims of domestic abuse.

The third debate will be on amendment No 15 and Nos 18 to 26, which deal with the implementation and operation of the offence. In that group, amendment Nos 15 and 21 are mutually exclusive. There are three amendments to amendments. Amendment No 22 is an amendment to amendment No 21, and amendment Nos 25 and 26 are amendments to amendment No 24. Have you got all that? [Laughter.] The fourth debate will be on amendment Nos 27 to 34, which deal with measures for civil court proceedings.

I remind Members who intend to speak that, during the debates on the four groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group has been completed, any further amendments in the group will be moved formally as we go through the Bill and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

We now come to the first group of amendments — information on the offence — for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 8, Nos 10, 16 and 17, and the opposition to clause 3 standing part. I call Mr Jim Allister to move amendment No 1 and to address the other amendments in the group.

Clause 1 (The domestic abuse offence)

Mr Allister: I beg to move amendment No 1: In page 1, line 12, leave out paragraph (a) and insert “(a) that B suffers physical and psychological harm, and”.

The following amendments stood on the Marshalled List:

No 2: In clause 8, page 5, line 24, leave out “constituting the offence” and insert “by virtue of which the offence is constituted”.— *[Mrs Long (The Minister of Justice).]*

No 3: In clause 9, page 6, line 6 after “if” insert “(any or all)”.— *[Mrs Long (The Minister of Justice).]*

No 4: In clause 9, page 6, line 8, after “directed” insert “, or threatened to direct”.— *[Miss Woods.]*

No 5: In clause 9, page 6, line 11, at end insert

“, or

(c) both of these apply—

(i) a reasonable person would consider the course of behaviour, or an incident of behaviour which A directed at B as part of the course of behaviour, to be likely to adversely affect the child (including likely to cause the child to suffer fear, alarm or distress), and

(ii) the child usually resides with A or B (or with A and B).— *[Mrs Long (The Minister of Justice).]*

No 6: In clause 9, page 6, line 11, at end insert

“(2A) Subsection (2) does not require there to be evidence of some detrimental impact on the child that is attributable to A’s behaviour (or of the child’s awareness of, or understanding of the nature of, A’s behaviour), but nothing in this section prevents such evidence from being led in proceedings for the domestic abuse offence.”— *[Mrs Long (The Minister of Justice).]*

No 7: In clause 9, page 6, line 11, after “behaviour.” insert

“Or

(c) a reasonable person would consider the course of behaviour, or an incident of A’s behaviour that forms part of the course of behaviour, to be likely to adversely affect the child.

(2A) For it to be proved that the offence is so aggravated, there does not need to be evidence that a child –

(a) has ever had any awareness or understanding of A’s behaviour, or

(b) has ever been adversely affected by A’s behaviour.

(2B) Nothing in this subsection prevents evidence from being led about—

(a) a child’s observations of, or feelings as to, A’s behaviour, or

(b) a child’s situation so far as arising because of A’s behaviour.”— *[Miss Woods.]*

No 8: In clause 10, page 6, line 38, leave out “course of behaviour would constitute the domestic abuse offence” and insert “domestic abuse offence would be constituted by virtue of the course of behaviour”.— *[Mrs Long (The Minister of Justice).]*

No 10: In clause 13, page 7, line 40, at end insert “(3) This section is without prejudice to section 6(2) of the Criminal Law Act (Northern Ireland) 1967 (alternative verdicts on trial on indictment).”— *[Mrs Long (The Minister of Justice).]*

No 16: In clause 25, page 13, line 28, leave out “may” and insert “must”.— *[Mrs Long (The Minister of Justice).]*

No 17: In clause 25, page 13, line 30, leave out “other matters” and insert “such other matters as it considers appropriate”.— *[Mrs Long (The Minister of Justice).]*

Mr Deputy Speaker (Mr McGlone): I call the Chairperson of the Committee for Justice, Mr Paul —. Sorry. Excuse me, Mr Allister. I moved too quickly there. I beg your pardon. I call Mr Allister.

Mr Allister: I am obliged. When the recently retired Attorney General, Mr John Larkin, gave evidence to the Committee, he said:

“Good law is clear law and straightforward law.”

I would like the House to remember that when debating these issues.

When we come to clause 1, we are, of course, in the business of creating a criminal offence. A criminal offence is normally expected to have certain clear component parts. In any law school, probably the first lecture or tutorial for a criminal law student is on the subject of what comprises a criminal offence. The law student will be told that there are two key components to any criminal offence: what, in law, is called the mens rea — the guilty mind — and the actus reus — the act that does the harm. Those two phrases are not just obscure Latin phrases that are plucked from long ago. They are from long ago; they originate from just over 400 years ago, when the famous jurist Sir Edward Coke, who went on to become chief justice of England, expounded the phrase that a criminal offence involved both the actus reus and the mens rea.

When we come to look at clause 1 and the creation of this criminal offence, I invite the House to look at and examine the mens rea and actus reus of the offence. The mens rea is quite straightforward. It is in clause 1(2)(b), which states:

“that A —

(i) intends the course of behaviour to cause B to suffer physical or psychological harm”

etc. That is the guilty mind. That is the intent. That is the mens rea. When we come to the actus reus of that offence, we are into much greater obscurity and difficulty. We are into that obscurity and difficulty even though the offence is titled “The domestic abuse offence”, which, naturally, causes you to think that we are looking for actual domestic abuse. Clause 1(1) states:

“A person (‘A’) commits an offence if—

(a) A engages in a course of behaviour that is abusive of another person (‘B’) —

that is not difficult —

“(b) A and B are personally connected to each other at the time” —

that is not difficult —

“and

(c) both of the further conditions are met.”

Here comes one of them:

“that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm”.

Note that it does not state that the further conditions are that B suffers physical or psychological harm. It is that “a reasonable person would consider” B:

“to be likely to ... suffer physical or psychological harm”.

You cannot read that without reading clause 3(1), which states:

“The domestic abuse offence can be committed whether or not A’s behaviour actually causes B to suffer harm of the sort referred to in section 1(2).”

It is quite remarkable that you can create a criminal offence without there actually being any harm. You call it domestic abuse, but you do not have to prove any harm. Let us take any other offence. Let us take the offence of theft. “Theft” is defined as the dishonest — that is part of the mens rea — appropriation of:

“property belonging to another with the intention of permanently depriving”.

The mens rea is:

“dishonestly ... with the intention of permanently depriving”.

The actus reus is the taking of property that belongs to another. It has the two components. It does not state that you can commit theft without taking, but, apparently, you can commit abuse without causing harm. Take the offence of murder.

Mrs Long (The Minister of Justice): Will the Member give way?

Mr Allister: Yes. Certainly.

Mrs Long: I am loath to interject, because I realise that you are building your case, and I do not want to interrupt that. For the mens rea, however, the act has to done with intent or have a reckless nature to it. I think that we both agree that that is the case. The actus reus in this case is that a course of action or behaviour has been established. The harm is the potential outcome of that course of behaviour, but the action will have taken place regardless of whether the harm is caused. If, for example, someone chooses to drive while under the influence of alcohol and does not cause any harm, that person has still committed an offence that is reckless because of the harm that it might have caused. It is therefore not as clear-cut as the Member is suggesting.

Mr Allister: I respectfully disagree. I believe that it is exactly as clear-cut as I am suggesting, because the course of behaviour has to have a product. Theft has to have a product. Take homicide. What is homicide? It is the unlawful killing with the intent to kill or to cause grievous bodily harm. That is the mens rea — the intent to kill or cause GBH — but the actus reus is the product: the killing. The actus reus is the product. Where is the product here? We are expressly told in clause 3 that there does not have to be any product. I find that astounding, that you can create an offence where the person, yes, must have the intent and the guilty mind and must want to do it, but, if they fail to cause harm, no matter how much they wanted to try to cause harm, they are still guilty as though they had caused that harm. How can that be right?

3.45 pm

Ms Dillon: Will the Member give way?

Mr Allister: I will in one moment. How can that be right? The premise upon which they would be guilty is because some mythical reasonable person says that they would consider their behaviour to be likely to cause harm. Sorry: it is not about what your neighbour, someone else or some reasonable man thinks. The fundamental question is this: was there harm? If there was no harm, while it might be utterly reprehensible behaviour, the intent of which might be odious — it clearly is — there was no harm. Yet, the law here is trying to say, “Never mind that. Without harm, you can be guilty as though you had created harm”.

Ms Bradshaw: Will the Member take an intervention?

Mr Allister: I was to give one down there. If there is time, I will.

Ms Dillon: I thank the Member for giving way. I want some clarification. To be honest, I really would have appreciated it if the Member had come and made some of those arguments to us, as Committee members, as Rachel Woods did with her amendments and the Minister and her officials did with departmental amendments, because it is helpful to be able to ask questions and have those conversations before we get to this point. With regard to the Minister’s analogy about drink-driving, where is the harm when the drink-driver has not actually done any harm? They have still driven when they have been over the legal alcohol limit.

Mr Allister: I made those points in the Second Stage debate, so the Committee had the opportunity to hear them. Had I been invited to do so, I would gladly have expounded on them further.

With regard to drink-driving, quite clearly, the offence — the actus reus — is the act of driving. The act of driving is in itself inherently dangerous because of the drink involved and, therefore, the risk involved. That is intertwined in the act of driving. However, when we say that we will create an offence of domestic abuse, as surely as night follows day, we would look to see what abuse or harm was caused. When one looks, one sees that there is a blank page. In fact, there is not just a blank page: one is told that there does not need to be anything on the page. There does not need to be any harm.

Let me just develop the point, if I may, before I take a further intervention. I have a situation. Let us say that a man — it does not have to be a man — intends to inflict the most horrible abuse on his wife, partner or whomever, but his wife or partner suffers no harm. Some might ask whether he should then walk away. No: the law has covered that. The law provides the offence of attempt. Under the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, it states:

“If, with intent to commit an offence to which this Article applies, a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempting to commit the offence.”

It further states:

“This Article applies to any offence which, if it were completed, would be triable in Northern Ireland”.

It also states that, for such an offence, a person guilty of attempt shall be liable on conviction to the same penalty that he would have had if he had committed the actual offence.

There you have the answer already provided in the law. If someone attempts to abuse their wife and has the intent to abuse their wife, either they can be charged, in the first place, with attempting, or they can be found guilty, having been charged with the actual abuse of merely the attempt. On either, they can get the same penalty. We are talking about an offence that can reap 14 years in jail. You can reap 14 years in jail for the same attempted offence, so why are we in the business of corrupting the law by taking out of this offence the very core of what is the offence and saying, “No harm required. Still an offence. He might have failed in his mission. Still guilty”? That is like saying that a thief who went to steal but was not able to steal anything is still guilty of theft. Yes, he is guilty of attempted theft, and that is what the law already provides, but he is not guilty of theft.

By the same token, the miscreant husband who seeks to abuse his wife and who has that necessary intent but fails to cause physical or psychological harm can still be guilty of the attempt, but he cannot be guilty of the actuality that he never obtained. That is the distinction, and that is why I say that to pretend that he is the same position as though he had actually created the harm is a corruption of the very components of what is a criminal offence.

Ms Bradshaw: Thank you, Mr Allister, for giving way. At lunchtime today, I took a phone call from a lady who was in a mother-and-baby home years ago. She has hit 60 now. When she escaped from the mother-and-baby home, she was just delighted to get out of the place, and it was not until years later that she recognised the emotional abuse that she had suffered. She did not feel the harm at that point, but now that she is 60, she is in a dreadful state. Now, it is a slightly different context, but are you saying that the harm, because she did not recognise it at that point but did so years later, did not take place?

Mr Allister: No, I am absolutely not saying that. My amendment says that I want to make the offence in clause 1(2)(a):

“that B suffers physical and psychological harm”.

If that lady suffered psychological harm, there is the essential component of the offence. There is no limitation on those matters. She suffered psychological harm. That meets with what I am saying in the amendment. It can be physical or psychological, but the Bill says that it need be nothing — nothing.

Mrs Long: I thank the Member for giving way. He is being very generous with his time.

The purpose here is not to criminalise the attempt of abuse through a course of action of behaviour. The course of action of behaviour will have happened. This is not someone who attempted a course of action and was not able to complete it. It is somebody who undertook a course of action — a real course of action, like the person who drinks alcohol and gets behind the wheel of their car. They made that decision, reckless and indifferent to the harm that it might cause or in full knowledge of the harm that it might cause. The fact that they did not cause harm is not the fundamental issue. The fact is that they commissioned and completed a course of action. That is the test for

whether the abuse offence has happened. The issue of harm is secondary and is one that would be considered at the point of sentencing, with a judge deciding how serious or otherwise the offence might be.

The Member has recognised that by bringing together the drinking of alcohol and the driving of a car, you create a risk. It is exactly the same when a person commits a course of action and finishes that course of action to cause harm. As my colleague has said, it may be many years before the person subject to that course of action realises the harm that it has done. However, it may be possible in advance of that for a reasonable person to recognise that that course of action could cause harm.

Mr Allister: With respect, where I think the Minister is falling into error is this: if she says that the key issue here is the course of behaviour, why do we have clause 1 (2) at all? If that is the offence, a course of behaviour, why do we say:

“The further conditions are—

(a) that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm,”

In saying that, the Minister has embraced the need for harm, and she is filling the vacuum of the lack of harm by putting it on the shoulders of a reasonable person, and getting out of the finding of harm by saying, “but a reasonable person would think it’s harm”. You cannot have it both ways.

You cannot say that this offence is about a course of action, end of, and then say, “but we need to tick a box about causing harm, so we’ll tick it by having some reasonable person say it would be likely to cause harm”. It causes harm or it does not, and that is the fundamental choice for the House. Are we going to create an offence that causes harm or not?

Certainly, causing harm is the essence of any offence of violence, abuse or anything else. You cannot say, “We duck and dodge that by simply saying, ‘Ah well, never mind, there was no harm, but any reasonable person would think there would’ve been harm’”. Would have been is not good enough. Should have been is not good enough. It has to be the causing of harm, and if it is not the causing of harm, it could still be the attempt to cause harm.

Ms Sugden: Will the Member give way?

Mr Allister: Yes, I will give way to Ms Sugden.

Ms Sugden: I thank the Member for his contribution. I am somewhat sympathetic to the points he makes, and I will come to that in my own contribution.

In this case, would we have to define what “harm” is given that coercive control as a criminal offence is a relatively new concept? Who decides what is “harm” if we were to put forward what his amendment suggests?

Because we are creating a criminal offence, it will have a practical outworking. When this goes through the criminal justice process, how do you see it, as it is drafted, Mr Allister, given your experience, being successful in seeking a conviction in court?

Mr Allister: There are two points. The first is a bit shorter, so I will take that first.

My amendment suggests that B must suffer physical and psychological harm, so that is a jury question. Did the victim suffer harm? That can be physical, it could be a broken arm, it could be the torturous mind that Ms Bradshaw referred to — it can be either. It is a question of fact: did they or did they not suffer harm? If they suffer harm, and they have the guilty mind, the offence is complete.

The second question is: if we leave this offence as drafted, what prospect is there of any jury ever convicting anyone? My goodness, you are going to say to a jury of 12 people, “We want you to convict Mr X because he intended harm, abuse towards Mrs X, but he failed in causing harm to Mrs X, but never mind that, you convict him anyway”.

I would not like to be the prosecutor who would have to put that case to a jury. I would love to be the defence counsel who had to answer that case. It is so preposterous a suggestion to say that you should invite a jury to convict on the basis of, “Here’s a victim with no harm, but because he wanted harm,” —.

4.00 pm

Miss Woods: Will the Member give way?

Mr Allister: In a moment.

Because he wanted harm and he intended harm and you might think that there would have been harm, we do not have to prove that there was harm, and that is for an offence for which you can get 14 years. Really, I do not think that that is a prospect that this Assembly should entertain, particularly when it knows that the attempt defence is always there. It is always an alternative under the Criminal Law Act 1967. It can be an offence in its own right under the Criminal Attempts and Conspiracy Order 1983. It is there either way, so why on earth would we create an offence of this sort?

You might recall that, in the Second Stage debate, we were told that this was modelled on the Scottish system. So, I wrote to the Scottish Justice Minister and asked, effectively, what success Scotland had had in getting convictions where no harm was caused. I have his reply. He had to tell me that they do not have any statistics like that. I am not surprised. Members of this House, do you really think that any jury is going to be impressed, to the point of being satisfied beyond all reasonable doubt, that an offence has been committed where there is no manifest harm, no claim of harm? It is not that somebody is saying that they feel psychologically damaged or that they had a broken wrist and there is a question of fact on whether that is right or wrong. It is not even that that is the case. It is that you do not need any harm, as long as a reasonable person would think that there should have been harm. It beggars belief, I think, that we would be contemplating that.

Miss Woods: I thank the Member for giving way again. I appreciate that the Member has outlined his position very clearly. Can he account for the conditioning of victims of coercive control and psychological abuse not to recognise behaviour that has occurred? I have a practical question for Mr Allister, given his inherent experience. Is there a requirement for B in this case, where A is the perpetrator and B is the victim, to recognise or claim the harm caused for prosecution?

Mr Allister: Not as drafted, I do not think there is. I think that you could probably bring a prosecution on this without B ever being a complainant or B ever giving evidence, I suspect. You are depending on the mythical reasonable man. Let us call the “reasonable man”. We need not bother calling the “victim”. They do not matter here. It is the reasonable man. That is how preposterous this is.

Mr Givan (The Chairperson of the Committee for Justice): I appreciate the Member’s giving way. I do intend to cover all of these in speaking about how the Committee considered it. The Member made the point earlier in proceedings that the Committee engaged extensively on the points that were raised and reached a considered view on it, and I will elaborate on that. The Member for East Londonderry asked for the definition of harm. Clause 1(3) refers to psychological harm, including, not exclusively, “fear, alarm and distress”. So, there is commentary in the Bill on what that harm is. The offence is also around the aspect of the course of behaviour, and, again, clause 4(4) states:

“A course of behaviour involves behaviour on at least two occasions.”

So, it is not the one-off event that Committee members are concerned about. This is a course of behaviour. The Committee also looked the abused person who had been institutionalised to the point where they considered this to be normal behaviour.

We also looked at what the protections are, given what the Member has said. Obviously, he will know about the PPS tests, the public interest tests and the evidential tests that are required before a case would end up being taken. We also looked at clause 12, which talks about the reasonableness defence. Of course, some people did not want that included, but we looked at this Bill in the round, and that is where we reached a position in respect of all of this. I intend to cover that in much more detail whenever I get to my contributions, however.

(Mr Speaker in the Chair)

Mr Allister: I simply make this point: why would we want to go around the houses with all those pedantic examples when the answer lies in the existing law, namely the alternative prosecution for or the alternative conviction of “attempt”? Why would you want to create this mythical situation when you could, very simply, charge attempted abuse, and, because you have not got a victim who claims abuse, you can acquire the conviction?

Mrs Long: Will the Member give way?

Mr Allister: Yes.

Mrs Long: The Member continues to make the mistake of conflating “attempt” with “no harm”. This is not about someone who attempted and failed to abuse another person. This is about someone who undertook a course of action that a reasonable person would believe was abusive. It is not unusual in law for a reasonable person test to be applied. As the Chairman of the Committee has rightly said, that includes at the point at which the PPS makes a decision on whether to prosecute. The key issue here that is not about “attempt”, however, because we are not saying that the person in this case did not complete the course of action: the person did. The question is whether that course of action, which we believe should

be criminalised, has caused harm, and that is a different question.

Mr Allister: That brings me back to the central point. The Minister is inviting the Assembly to create a criminal offence, where the critical component of the actus reus of causing harm is absent. Clause 3(1) could not be clearer:

“The domestic abuse offence can be committed whether or not”

the course of behaviour actually causes harm. It is up there in lights: you do not have to cause harm to be convicted of causing harm. That is the essence of it. What is domestic abuse if not harm? You cannot say that domestic abuse is something out in the ether. It is real, except when you get to the Crown Court, where it does not have to be real to have caused harm. It can be mythical, provided a reasonable man says, “Ah, but it should have caused harm”. Really? I really think that the House needs to examine that. That is why I was not surprised to read that the Bar Council cautioned about the objective test. It said that you should consider:

“whether the offence should require evidence of harm to B”.

It told you:

“reliance on an objective test is problematic”.

All of those points were raised with the Committee, yet we arrive today where we started, which is with an attempt to push through the novelty of an offence without the essential component of the actus reus. “A guilty mind is enough” is really what we are saying here. I respectfully suggest to you that a guilty mind can never be enough to convict anyone beyond all reasonable doubt of a serious offence or of any offence. This is an offence for which the awaiting sentence can be 14 years. I therefore say to the House that we need to pause. There is nothing to lose by putting amendment No 1 into the clause, which requires:

“that B suffers physical and psychological harm”,

and by taking out clause 3, which is the one that really distorts the whole issue of the essence of criminality: the mens rea and the actus reus. Those are my points, and I put them before the House.

Mr Givan: With your indulgence, Mr Speaker, before I address the amendments, I wish to make some general remarks about the Bill in my capacity as the Chairman of the Committee for Justice.

The Committee supports the Bill, including the creation of a new domestic abuse offence that covers physical abuse as well as psychological abuse, which, as Committee members heard directly from victims, is just as harmful, if not more so. The Committee supports the aggravator clauses and the associated changes to improve criminal procedures evidence and sentencing in domestic abuse-related cases. The Committee supports a number of the Minister’s amendments, and it has tabled six amendments in order to improve the legislation.

During the Second Stage debate on the principles of the Bill, I outlined that, in the 12 months from 1 January 2019 to 31 December 2019, Police Service statistics indicated that the highest number of domestic abuse crimes in any 12-month period had been recorded since 2004-05. The

number of crimes had increased by nearly 15% on the previous 12 months.

During the COVID-19 lockdown, from March onwards, calls to the police for domestic violence and abuse incidents increased by around 15% compared with calls for the same period in the previous year. Cases involving domestic abuse generally account for nearly 20% of the Public Prosecution Service caseload each year. In the past financial year, the PPS issued just over 8,000 decisions in cases involving domestic abuse. Those figures are staggering and clearly illustrate the need for this legislation, which is long overdue. Domestic abuse can affect anyone, regardless of gender, age, class or sexual orientation, and should never be excused or tolerated.

On the restoration of the Assembly in January, one of the first things that I did, along with the Deputy Chair of the Committee, Linda Dillon, was to encourage the Minister to bring this legislation through the Assembly, rather than continuing to use the Domestic Abuse Bill that was going through Westminster as the legislative vehicle. I am very pleased that the Minister agreed to do so, which has enabled the Bill to be scrutinised in depth. It has provided the opportunity for the statutory and voluntary organisations, and, most importantly, those who have suffered domestic abuse to have a voice in shaping the legislation and ensuring that it meets the specific needs of Northern Ireland.

While this approach was widely welcomed, there was some concern that it would take longer for the legislation to be passed. The Committee, however, prioritised the Bill, and I am very pleased that it is on track to complete its passage through the Assembly ahead of the Westminster Bill.

As well as the Bill’s clauses and a wide range of related amendments, the Committee considered the need for effective implementation of the legislation and a range of issues relating to domestic abuse, highlighted in the evidence that we received, which were not covered through the legislation. A consistent theme running through the evidence related to the importance of ensuring that the legislation, once passed, is implemented properly and effectively. I will return to that when we debate the group 3 amendments.

A wide range of issues relating to the domestic abuse offence and the provision of support and assistance to victims, which are not currently covered in the Bill, were brought to the Committee’s attention. The need for progress in those areas, in conjunction with the legislation, was repeatedly emphasised. Some issues require legislative provision, while others are operational in nature. Some issues fall within the responsibilities of Ministers other than the Minister of Justice, which highlights the fact that a number of Departments, including the Department of Health, the Department for Communities and the Department of Education, have a role to play in supporting victims of domestic abuse, and a cross-departmental response rather than simply a Justice response is required.

The distinct criminal justice purposes of the Bill limited the opportunity to take forward many of the aspects that require legislative provision. However, the Committee intends to continue to make domestic violence and abuse one of its key priorities and will continue to consider

the issues in that context. The Committee has tabled amendments to progress two of the issues, to which I will return later.

Given the interest in the Bill and the Committee's wish to ensure that the legislation is as robust as possible, the Committee spent a considerable time in undertaking detailed scrutiny and sought a wide range of views to assist its deliberations. Written evidence was sought from interested organisations, and the Committee particularly welcomed the views of victims of domestic violence and abuse.

4.15 pm

We used four different social media platforms, which were the Assembly blog, Facebook, Twitter and Instagram, to raise the awareness of the public and to engage with them by disseminating information on the Bill using a range of methods including text, graphics and videos.

The Committee received 66 written submissions from organisations, including the Committee for Health and the Committee for Communities, which both provided very helpful comments on aspects of the Bill and other issues that are relevant to their respective Departments, and from the Minister of Health. Eleven oral evidence sessions were held with a range of organisations, and the issues that were raised in the evidence that was received were explored with the Department of Justice and the Police Service in writing and through oral briefings. The Committee also discussed the legislation with representatives of the Public Prosecution Service, given that it, together with the PSNI, will be responsible for applying the new legislation. Several research papers were also commissioned to assist the Committee's consideration of specific issues, and we sought further clarification and information from the Department for the Economy and the Department for Communities on specific issues that fall within their responsibility.

The Committee received written views from 45 individuals, many of whom outlined their personal experiences of domestic abuse. The Committee held nine private informal meetings with a number of individuals in order to discuss their personal experiences of domestic abuse and their views on the legislation.

In order to assist scrutiny of the technical aspects of the Bill, the Committee also sought advice from the Examiner of Statutory Rules on the range of powers in the Bill to make subordinate legislation and to receive legal advice on issues relating to clause 10 and legislative competence.

The Committee considered the Bill and potential amendments at no fewer than 17 meetings before agreeing its report on the Committee Stage of the Bill at our meeting of 15 October.

I thank the members of the Committee for their contributions to the detailed, robust and careful scrutiny of the Bill and the issues that were raised in the evidence during the Committee Stage. This was the first Bill that a number of members had to consider, and they showed forensic attention to detail. Committee members showed a collegiate approach. We debated robustly the issues, and then we reached consensus. It is through the strength of the Committee and that unity of purpose that amendments will be passed today, when they are voted on later,

because of that work across the different members and across the different political parties.

All that scrutiny work was achieved despite the restrictions that COVID-19 has placed on the Assembly and members and our ability to gather evidence. I might be biased, as Chairman of the Committee, but I believe that the Justice Committee is an exemplar to other Committees in the Assembly. It is the engine room for the changes that take place in legislation, and I thank all the members for the way in which they approached this legislation. There is no doubt that the Committee considered all aspects of the Bill, the range of proposed amendments and the other issues that were brought to our attention in a full and thorough manner.

I also thank all the organisations that provided very helpful written and oral evidence and the departmental officials who provided additional information and clarification throughout the process. Most importantly, I place on record the Committee's thanks and appreciation to those individuals who responded in writing and, indeed, who met privately with Committee members and shared their personal experiences of domestic abuse. We know how difficult it was to relive those experiences, but their contributions greatly assisted the Committee in understanding the insidious nature of coercive and controlling behaviour and the impact of domestic violence and abuse not only on the victim but on their children and wider family.

The Committee also appreciates the support and assistance provided by Assembly staff, including the researchers; the legal adviser; the Examiner of Statutory Rules; the communications and broadcasting staff; indeed, the staff from Hansard; and, in particular, the Bill Clerk. They all played an important role in supporting the Committee to undertake its legislative scrutiny role in general and the Committee Stage of this Bill in particular.

I also commend our Committee staff, led by Christine Darrah. She is a gem in the Assembly whom we are proud to have supporting our Committee.

Christine has been there since the start of the devolution of justice. I have had the opportunity to work with her on this, my second occasion, as Chairman of the Committee. I place on record my appreciation of her work and dedication and that of her team in supporting Committee members.

I move to the amendment to clause 1 tabled by Mr Allister and his opposition to clause 3. There is overwhelming support for the new offence that is provided for by clauses 1 to 4 amongst the organisations and individuals who submitted evidence to the Committee, with many of the view that it better reflects the realities of how domestic abuse is experienced and will better protect victims of domestic abuse. The Women's Aid Federation believes that an offence that includes coercive control will lead to a criminal justice system that more accurately reflects the realities of domestic violence and abuse. Relate NI particularly welcomed the "reasonable person" test as a means of adjudicating whether an offence is committed. Victim Support NI supports the framing of clause 3 and the view that the offence can be deemed to have been committed regardless of whether the behaviour has been proven to have had a particular effect and agrees with the view of the Men's Advisory Project that proof

of the act of carrying out the abusive behaviour should be sufficient without having to prove beyond reasonable doubt that the abuse had a particular impact. The Probation Board also welcomes the recognition that an offence can be committed regardless of whether harm was actually caused and that the provisions will apply where the behaviour of the alleged perpetrator was intentional or reckless to its effect. The Public Prosecution Service stated in its evidence to the Committee that the new offence means that it will now have the ability to prosecute perpetrators for the more subtle forms of controlling behaviours that previously have fallen short of a criminal offence yet are common in cases of domestic abuse received by them. It supports clauses 1 and 2 and notes that clause 3 will ensure that perpetrators cannot take advantage of resilience or acceptance of an abusive situation.

A number of organisations raised some issues regarding the framing of the new offence with the Committee. In relation to clause 1, the Evangelical Alliance noted that the offence can be committed regardless of whether harm is actually caused to an individual and was concerned that, if there was a lack of safeguards, the legislation could be used maliciously or vindictively by either partner in a difficult or toxic relationship and sought assurances that it would not be inadvertently applied to unintended situations or personal disagreements that do not amount to domestic abuse. The Bar of Northern Ireland commented on the proposed reasonable person test and the fact that psychological harm includes fear, alarm and distress with no requirement to demonstrate the actual impact on the victim and stated that this is a low bar and potentially gives considerable discretion to the PPS when making decisions around which complaints should be prosecuted. It also highlighted that, when coupled with the broad list of family members in clause 5, this would potentially allow a considerable range of behaviours in intimate and family relationships to fall under the ambit of the legislation. The Bar, however, recognised that a fine balance must be struck between ensuring the safe prosecution of alleged perpetrators of domestic abuse and, at the same time, ensuring that victims of domestic abuse do not endure further trauma as part of a criminal trial by having to prove to the court that the behaviour has caused them psychological harm. It appreciated that the rationale behind the legislation was a genuine attempt to improve the operation of the system and recognises the very difficult experiences of victims.

The Bar also commented specifically on clause 3 and indicated that it seemed possible that the absence of a requirement to show harm could arise in cases where a person is not the instigator of the complaint, where they are not harmed and where the person does not consider the conduct abusive, and, in those instances, employing an objective test may cause difficulty. The Bar questioned whether consideration should be given to whether the offence should, in fact, require evidence of harm, which Mr Allister's amendment addresses today. Mr Allister also drew to the attention of the Committee correspondence between him and the Scottish Justice Secretary, which he referred to in his opening remarks, and highlighted that any suggestion that there had been successful prosecutions in Scotland where no actual harm was caused is not borne out by actual data.

In considering clauses 1 to 4, the Committee took account of the evidence of the Department, which, I am sure, the Minister will cover in detail later in the debate. In particular, the offence operates on the basis of checks and balances, and it will have to be considered that abusive behaviour has taken place for the offence to apply. The behaviour must occur on two or more occasions; be considered abusive, with a range of effects that have been set out; be considered by a reasonable person to be such; and be likely to cause the person to suffer physical or psychological harm. The offender must have intended to cause harm or been reckless as to that. The test for prosecution, including the public interest test, will also have to be met, and further safeguards regarding the defence on the grounds of reasonableness, provided for by clause 12, which the Committee considered in detail and supports, as it provides the necessary balance, given the scope of the new offence and the wide personal connection, will apply.

The Committee also sought further information and clarification in relation to clause 3, particularly the no-requirement-to-cause-harm aspect of the provision, from the Department. Officials outlined that the provisions focus on the actions of the perpetrator, the intention to cause harm or be reckless as to that. The purpose of clause 3 is to ensure that a case can be taken forward where an individual may have suffered considerable abuse over a period but, due to the extent and nature of the abuse, the behaviour has become normalised or the person has become resilient to the abuse. As a result of that, the person may not necessarily be of the view that harm has been caused to them, but a reasonable person looking at the information in those specific circumstances would be of the view that harm could be caused to the individual, and it would be deemed to be abusive behaviour, in accordance with the requirements of clause 1. They also advised the Committee that Scotland, whose legislation is framed in a similar manner, has not encountered any practical difficulties with the operation of its offence and that, if clause 3 is not part of the Bill, there will be no opportunity to take these types of cases forward. The police also advised that the clause could be used to good effect but it would be helpful to have clear examples to ensure, from an operational perspective, that the organisations involved in progressing cases all have a similar understanding of how the provision should be applied.

The Justice Committee acknowledges the difficulty of legislating in the realm of human relationships. It noted that the two key criminal justice bodies that would be responsible for applying the new law — the Police Service and the Public Prosecution Service — noted in their evidence that they will benefit from the legislation when prosecuting perpetrators for the more subtle forms of controlling behaviour and in having the ability to better protect victims of domestic abuse. They did not raise any concerns regarding the framing of the offence or clause 3.

It is clear that the current law does not adequately recognise that domestic abuse is not limited to physical violence. The Committee received compelling evidence of the harmful effects of psychological abuse and the manipulative, subtle and, at times, covert nature of the behaviour. It can leave victims feeling humiliated, degraded and belittled. As one individual said:

"It stripped me of my ability to be me".

The Committee is of the view that the new offence addresses gaps in the current law, captures domestic abuse in its myriad forms, will enable more effective action to be taken against perpetrators and will enhance the protection and access to justice provided to victims by the criminal justice system. That includes cases in which an individual may have suffered considerable abuse over a period but, due to the extent and nature of the abuse, the behaviour has become normalised or the person has become resilient to it and does not recognise the harm that is being caused to them. The Committee, therefore, supports clauses 1, 2, 3 and 4.

I turn to clause 9 and the amendments tabled by the Minister, Rachel Woods and Paul Frew. The Committee welcomed the aggravator provided by clause 9 but noted that, in the evidence received on the clause, a number of organisations raised concerns regarding whether the wording properly reflected the fact that a child can be aware of and impacted by domestic abuse in the home even if they do not see or hear the moment in which it occurs. They also questioned why the wording differed from that in the Scottish legislation by not including a “reasonable person” test and the reference that there does not need to be evidence that a child has ever had any awareness of the behaviour or understanding of the nature of the behaviour for the offence to be aggravated.

4.30 pm

The Committee spent a considerable amount of time discussing the wording of the clause, particularly subsection (2), with departmental officials and requested further information regarding whether the aggravator would apply in a situation where a child did not directly witness the abuse, and on the Department’s rationale for adopting a different approach from Scotland to the wording of this clause and not including the “reasonable person” test. The Committee was concerned that the wording of clause 9 was not specific or clear enough and that it needed to be strengthened to reflect the fact that, for the offence to be aggravated, there does not need to be evidence that a child had ever had any awareness or understanding of A’s behaviour or been adversely affected to ensure effective enforcement and prosecution. The Committee proposed amending clause 9 by either adopting the Scottish wording, unless there was any specific reason not to use that wording, or wording that provided the same sort of clarity.

The Department responded, advising that the child aggravator applied if, at any time during the commission of the offence, a relevant child sees, hears or is present during an incident of abuse, if they are used to abuse another person, or if abusive behaviour is directed at them. The Department emphasised that the clause does not provide that the child has to have an awareness of, be adversely affected by or understand the behaviour, and that therefore it considered that an amendment akin to the Scottish legislation was not necessary. The Department also stated that it considered that the child aggravation offence in this Bill is wider than the Scottish offence, in that there is no requirement for a reasonable person to consider that the behaviour would adversely impact on the child or for the child to have to live with either the victim or the offender.

The Committee was not convinced and was still minded to amend the clause. It sought the views of the Department on the text of a draft amendment that, in its view, clarified that there was no requirement for the child to have an awareness of, understand the nature of or ever be adversely affected by A’s behaviour, and also asked the Department whether it would consider providing greater clarity in relation to these aspects of this clause in the explanatory and financial memorandum that accompanies the Bill.

The Department responded, saying that the Scottish legislation provides that their offence is aggravated if a child sees, hears or is present, plus a reasonable person would consider the behaviour to be likely to adversely affect the child. Proving the aggravation is then subject to a condition that, for the offence to be aggravated, there does not need to be evidence that the child has been aware of, understood or been adversely affected by the abuse. Our offence is aggravated on the basis of an objective fact — simply that the child sees, hears or is present — unlike the Scottish provision, which requires this and a consideration of adverse effects. According to the Department, the Committee’s amendment would have introduced an unrelated adverse effect provision which was unnecessary and would add nothing to the clause, but could risk giving rise to confusion by casting doubt on its effectiveness, and, on that basis, the Department would not support the amendment.

Following further discussion, the Department advised that, given the ongoing concerns of some members that the wording of clause 9 did not make it clear that a child need not be aware of, have understood or have been adversely affected by abusive behaviour in the context of the provision that the child had seen, heard or been present when the abusive behaviour occurred, it would consider what further clarification could be provided in the explanatory and financial memorandum in relation to clause 9(2). The Department subsequently confirmed to the Committee that it was proposing to amend the EFM so that, in relation to subsection (2), it would read:

“there is no requirement for the child to be aware of or understand the nature of the behaviour, or for the behaviour to give rise to some detrimental impact on the child. Any involvement of the child could also be unwittingly or unwillingly”.

The Department also advised that its understanding of the Scottish provisions and the advice that officials had given to the Committee in writing and during the oral evidence session on 24 September was, in fact, incorrect. It apologised for the error and clarified the position, but indicated that this did not change its view in relation to the position regarding the clause 9 “sees, hears or is present” provision. It again confirmed to the Committee that there is no requirement that the child be aware of, understand or be adversely affected by the abuse. With the caveat that the Department would amend the explanatory and financial memorandum to ensure that there was greater clarity regarding subsection (2), the Committee agreed, with the exception of Rachel Woods, that it would support clause 9 as drafted. Ms Woods indicated that she was still not satisfied with the wording of clause 9 and intended to move amendments, which are in front of the House today.

I have set out at some length the Committee's in-depth consideration of clause 9. The Committee questioned the wording of this clause with the Department on multiple occasions and received advice and assurances from officials that the wording was sound and adequately covered the issues that members raised. We were also told that the text of the proposed Committee amendment would add nothing and could bring confusion but that, to address members' ongoing concerns, officials would provide further clarity in the explanatory and financial memorandum to make it clear that the child does not have to be aware of or understand the abuse or to have been adversely affected by it.

The Minister then advised the Committee that she intended to table amendments to clause 9. The Department outlined that the amendments were to ensure the robustness of the provision, make the provision explicitly clear for the avoidance of doubt and add an additional limb to the clause, meaning that the aggravator would also apply if a reasonable person would consider the course of behaviour, or an incident of behaviour that the accused directed at victims as part of the course of behaviour, to be likely to adversely affect the child and that the child usually resides with the accused, the victim or both.

I will leave it to the Minister to fully outline her position, given that she has indicated that, following discussion with the Committee last Thursday, she does not intend to move amendment Nos 5 and 6. Likewise, Rachel Woods and Paul Frew will no doubt outline the aim of the proposed amendments to the clause.

I will briefly outline our party political position. We had reached an agreed position at the Committee, as I outlined when speaking in my role of Chairman. The Minister's subsequent actions, in my view, undermined the information and the basis on which that Committee position had been reached. Therefore, we were left to consider that in light of the intervention by the Minister through her amendments, because it created doubt in my mind in respect of the information that the Committee had been provided with on multiple occasions. On that basis, the DUP will support the amendments in the name of Paul Frew and Rachel Woods. We would have been voting against the Minister's amendments, but I note that she will not move those.

Mrs Long: I thank the Member for giving way. In an attempt to clarify the situation: what is in the EFM is not part of the Bill. It says at the beginning of the explanatory and financial memorandum that it will not form part of the Bill, and, therefore, I did not believe, when we reconsidered this having listened carefully to the Committee's issues, which is part of this iterative process to develop legislation, that it would provide the robustness that the Committee was seeking. On that basis, we decided to table amendments to give that robustness.

I listened again to the Committee last Thursday and it was very clear that those amendments did not find favour with the Committee, and, therefore, I do intend to move those amendments today. I am happy to accept amendment Nos 4 and 7. To clarify the position: it was an attempt to address the issues raised by the Committee. I have to say gently to the Chairman that it is appropriate that a Minister should try to accommodate the wishes of the Committee to improve the Bill in as far as it does not harm the intent of it.

Mr Givan: I appreciate the Minister's intervention. I will not dwell on this area, because my colleague Paul Frew will speak at length on this issue, but I gently say to the Minister that, whilst it is an iterative process, there was a lengthy Committee Stage, extensive engagement with the Department and we sought information on multiple occasions. That Committee Stage concluded and, subsequent to that, the Minister provided amendments. I will say this again because it is relevant to the Minister's other amendments: the process for that direct engagement is at the Committee Stage, when it is open for the Minister and the Department to reassure members. This is now the Consideration Stage, and the Committee is bringing forward its amendments. I will leave it —.

Mrs Long: Will the Member give way on that specific point?

Mr Givan: I am happy to give way to the Minister.

Mrs Long: I appreciate the Member's patience on this matter, but the truth is that, when Members submit amendments, it is often not clear at the Committee Stage whether Members intend to submit further amendments. It is entirely appropriate that a Minister, with the backing of the Office of the Legislative Counsel and the additional resources that it has, would look to those amendments and see if they are able to provide an amendment that is perhaps more robustly drafted in the terms of the Bill. That is not unusual. The use of probing amendments to test the Minister on issues is not an unusual process. This process does not end with Consideration Stage; there is Further Consideration Stage and Third Reading. I accept that it moves at pace, which is why I offered the Chairman an extra week for the Committee to consider my proposed amendments. He said that that was not necessary. I would not want anyone to leave the Chamber today thinking that the Committee was bounced on these issues in any way.

Mr Givan: Again, I thank the Minister for the intervention. I say gently to the Minister that the Department was aware of the Committee amendments weeks before we concluded our formal consideration of this; weeks before. The Department regularly receives the minutes of those meetings, and it was there. The Department chose not to reveal its hand until a number of weeks later. Now, that is a more procedural point. The Minister has outlined why she took that position. I beg to differ as to whether or not that is the right approach to how the Committee conducts its business. It is a generic point that is also applicable to a number of the amendments that the Minister brought forward and has subsequently decided not to move. You are right: we will have Further Consideration Stage, when some of these aspects will be tidied up. I welcome the Minister's approach to some of the further amendments that will be brought subsequently.

I move on to some of the other minor and technical amendments left in group 1. The Department advised the Committee of the Minister's intention to bring forward amendment Nos 2, 8 and 10 and provided the text of them during the Committee Stage. Noting that they are minor drafting changes to tidy up the wording of clauses 8 and 10 to reflect the position that "course of behaviour" under the main offence is not the sole element of the domestic abuse offence and, in relation to Clause 13, to make sure, for the avoidance of doubt, that there is no risk of implying that the provisions in the Criminal Law Act 1967 are ousted by

what is contained in this clause, the Committee is content to support these amendments.

Finally, in my capacity as Chairman of the Committee, I want to address amendment Nos 16 and 17 of this group, which the Minister has brought forward at the request of the Committee. Clause 25 provides that the Department may issue, and may revise, guidance in relation to the domestic abuse offence or any other matters as to criminal law and procedure relating to domestic abuse. The Committee questioned why the wording of the clause provided that the Department “may issue” rather than “must issue” guidance and also sought information from officials on when the guidance would be available, whether it would be periodically reviewed and whether the requirement for reviews should be included in the legislation. The guidance on the new domestic abuse offence will set out examples of types of abusive behaviour and provide clarification on a range of areas, which will assist the Police Service and the Public Prosecution Service from an operational perspective and ensure a common understanding of how the new offence should be applied. The Committee considers the provision of the guidance to be a vital component in the training of the criminal justice agencies and to ensure the consistent and robust implementation of the legislation. While the Committee acknowledges that it may be common legislative drafting terminology to use the term “may issue” and the Department is in the process of developing guidance in conjunction with key stakeholders, the Committee is of the view that there should be no room for doubt regarding the provision of guidance and, therefore, that clause 25 should be amended to change “may issue” to “must issue”.

The Committee welcomes the Minister’s agreement to bring forward amendments to provide that the Department must issue guidance on Part 1 of the Bill and such other matters as it considers appropriate. The Committee, therefore, supports amendment Nos 16 and 17 and amendment No 19 in group 3, which provides for the guidance to be kept under review and to be revised if necessary.

Ms Dillon: I do not propose to repeat everything that the Chair of the Committee said. I concur with many of his comments, particularly in thanking those who came before the Committee, both the organisations and groups and the individuals. I particularly thank the individuals who bore witness to their experiences, which was not easy for them to do. To be perfectly honest, it was not easy to listen to either; it was very difficult because those are people’s very personal and very difficult experiences. We were tasked with the job of scrutinising legislation that will, hopefully, address those issues for people in the future.

It was a big responsibility for the Committee. As somebody dealing with legislation for the first time, and for it to be such important legislation, I certainly felt the weight of that responsibility. From the bottom of my heart, I thank all on the Committee, the Minister, the officials and the Committee staff, all of whom were a great help. They certainly helped guide me through this legislation. I go back to the witnesses, because it is from them that we get the information that helps us decide which clauses and amendments we will support.

4.45 pm

I will speak to the first group of amendments. We oppose amendment No 1, which is Mr Allister’s amendment, on the basis of the Committee’s position on the issue. I also oppose Mr Allister’s opposition to clause 3. These clauses go to the very heart of what the Bill is about: addressing the gaps and ensuring that, where we did not have legislation before to protect the most vulnerable in our society, we will have legislation. I will not go over the numbers of people who suffer and report domestic abuse, particularly in this time of COVID. Those statistics have been borne out, and I am sure that they will be borne out again later in the debate. It is not about statistics. This is about not only every single victim of abuse but their children, their family and everybody around them. For every single person who suffers domestic violence, many others will be affected. The Bill is about trying to embrace that, particularly the effect on children. I will talk more about that when speaking to later amendments.

We will support amendment Nos 2 and 3, which are minor amendments to terminology. We will support Rachel Woods’s amendment No 4, which would make a minor change to wording. We queried whether it would add anything to clause 9, but it certainly does not detract from it, and putting “or threatened to direct” explicitly in the Bill will do no harm. For that reason, we will support the amendment.

I thank the Minister for saying that she will not move her amendment Nos 5 and 6 following conversations with the Committee on Thursday. I am sure that other Committee members will talk more about clause 9. Rachel Woods tabled amendments to it, and Paul Frew added his name to them, so I am sure that they will speak extensively about it. Clause 9 was of real concern to us, and we wanted to ensure that we got it right. It is about the impact on children, not only at the time of the incident but for the future. There is an impact on children who live in a home where there is domestic abuse, even if they do not witness it and even if they do not realise that they have been affected. Whether they see the acts of domestic abuse, those acts will have an impact on them. They will suffer harm and adverse effects that will last into the future.

The Chair of the Committee is right to say that the issue is cross-departmental. This is a Department of Justice Bill, so I will not go into any detail on that. We do need a cross-departmental approach to be taken, however. We need every single Minister and Member of the Assembly to take it on as the serious issue that it is. In the way in which we have addressed the legislation, we have shown that we take it seriously. The Committee has said that, even when, hopefully, the legislation has passed, it will still view this issue as a priority in the future. For that reason, we will support Rachel Woods’s amendment No 7 to clause 9.

The Committee had a particular focus on the child aggravator and the adverse impact on the child as a result of domestic abuse. I will speak more to that later. In particular, I will speak about Operation Encompass, which I raised during my first days on the Committee and have raised at the Policing Board over the past couple of years. It is vital that we address that gap. Again, I will not speak to that at this point, because it is more relevant to later groups of amendments.

We will support the remaining amendments, which are amendment Nos 8, 10, 16 and 17. That ends my contribution on this group of amendments.

Ms S Bradley: At the outset, I thank the Chair of the Committee for putting together such a comprehensive explanation of the Committee's work to date. It was a very fair synopsis of the work that has gone on to this point.

At this stage, I will not engage in thanking everyone — maybe I will leave that for later — but I will single out those people who stepped forward, told a personal story and gave a personal account to the Committee. There was nothing more sobering in making the Bill a reality than listening to the voices of those victims. I commend them. It was courageous, and I put on record the fact that it helped my thinking on where we took the Bill.

As the SDLP representative on the Justice Committee, I will open on the group 1 amendments. Amendment No 1, which we will oppose, proposes to leave out the reasonable person test. I heard Mr Allister's words, and I have sympathy for much of what he said. However, it is not as black and white as some of the legislation to which he referred. We are trying to pin down a complex issue in legislation. Unfortunately, that challenges minds and thinking on what has happened previously in a legislative process, which may not fit. It is a challenge and it is difficult. I appreciate Mr Allister's contribution, and I certainly have an open ear about the solution, if there is a middle ground.

Given the strategic and escalating nature of coercive control, it is important that there is a reasonableness test in legislation. The demeaning gaslighting and persistent behaviours that evolve over time often result in a victim feeling ashamed, with low self-esteem and low self-worth. The stripping of that individual's confidence and self-worth can lead to their believing that the behaviours of the perpetrator are in some way justifiable. At the depth of such oppression, it can be deeply challenging for a victim to see, with any real clarity, the extent of the wrong to which they are being subjected.

The SDLP supports clause 3. It recognises that it has been determined that a reasonable person has considered the coercive behaviour by the perpetrator to be likely to cause person B to suffer physical or psychological harm. Furthermore, clause 2 speaks of the reasonable person's assessment that one or more of the relevant effects of that behaviour is likely to be triggered.

The SDLP shares the Committee view that current legislation does not adequately recognise the fact that domestic abuse is not limited to physical violence and believes that the new offence addresses gaps in legislation, captures domestic abuse in all its myriad forms, will enable more effective action to be taken against perpetrators and will enhance the protection and access to justice provided to those victims by the criminal justice system. To achieve that, it is critical that clause 3 be retained.

A number of conditions must be met for the offence to be committed. Importantly, a defence on the grounds of reasonableness offers safeguards throughout the Bill.

Clause 3 speaks directly to the darkest, less well understood effects of domestic abuse, particularly in its psychological form. The manipulative, coercive behaviours

of the perpetrator can deliberately set out to normalise the sinister intention behind their acts.

Throughout the deliberations, reference has been made to the much-publicised Hart case, with brothers Ryan and Luke giving voice to their much-loved mother, Claire, and sister, Charlotte, who were, after much abuse, finally murdered by their abusive father and dad. Luke Hart said in an interview:

"He created the conditions to be seen as our saviour when he was in fact the abuser."

Clause 3 reaches that point. It exposes the behaviours of perpetrators and removes any tangled web of emotion and shines a light directly on perpetrators' behaviours and allows them to be judged in the cold light of day. It is clause 3 that should keep abusers awake at night.

The SDLP recognises the points raised by Mr Allister. However, I put it to him that the issues are not as black and white as we might like them to be.

On amendment Nos 2 and 3, the SDLP will support the Minister, as the amendments appear largely technical. I acknowledge the explanation given by the Minister and the Department to date.

We will also support amendment No 4. I appreciate that the explanatory and financial memorandum is guidance, but in relation to clause 9 it states that:

"This could include the accused threatening violence towards a child to control or frighten the partner/connected person or being abusive towards the child."

The amendment proposes to place that in the Bill, and the SDLP has heard no reason why that should not happen or any limiting implications that it may have.

Clause 9 has been the subject of huge debate during the Committee Stage and on the Floor, and rightly so. I appreciate the Chair of the Committee putting on record the very long sequence of events that has moved thinking through our time on this. I appreciate that, even at this point, the Committee report may not now reflect the views across the Committee, and for good reason. It is important to place on record the letter dated 5 November from the Department to the Clerk of the Justice Committee for members' attention. The content of the letter, however late, has served as a key document in understanding the Department's objectives behind amendments relating to the threshold for parental responsibility and aggravation where a child is involved. It is also important to place on record that the newly evolved departmental position in the letter departs significantly from an earlier steadfast position held by the Department, an official position that requires mention because it strongly influenced thinking at Committee Stage and in our final report.

This is a legislative process, and, as debate matures and we develop our thinking on certain concepts and ideas, we should at least record the pathway that brought us to those final points of agreement. The shared objective that we have in the House of developing good law demands that we consider and scrutinise the process of building legislation as it evolves. To that end, the SDLP recognises the value of the proposal to introduce a reasonableness test in clause 9. Amendment Nos 5 and 7 made that proposal. However, the second part of amendment No 5,

which, I understand, may not be moved, departed from that and introduced a new notion of residency.

I will move on from that because if the Minister is not moving amendment No 5, I expect that we will be able to pick up on it at Committee and explore the reason and rationale behind it. I am also eager to know what, if any, impact that would have on clause 5.

At this stage, we are minded to support amendment No 7, on the basis that it serves as a base for developing thinking and conversation on the withheld amendment Nos 5 and 6 in case there is added value that we should not overlook.

Finally, I want to put on record our support for amendment Nos 8 and 10 and acknowledge the Department for listening to the Committee and bringing forward amendment Nos 16 and 17, which the SDLP also support.

Mr Beattie: I have to start by thanking the Minister for bringing the Consideration Stage forward. An awful lot of blood, sweat and tears has gone into the Bill so far, and there is more to come. The Minister and her staff have worked extremely hard. I also have to say thank you to the Chair and the Deputy Chair of the Justice Committee and my fellow Committee members for their scrutiny of the Bill so far.

It has been exceptional. I have been an MLA for over four and a half years and this is the first legislation for which I have gone through the scrutiny process. It was a real eye-opener for me in many ways. You can probably see that: I have paper all over the place, and half the time I do not know how we are doing it. I am picking it up as we go along.

5.00 pm

I want to address some of the amendments. I would say one thing before I do, and it is important for people to understand it. Of course, there will be some disagreements between the Minister and the Chair or the Committee and the DOJ, but those frictions are healthy and are what makes legislation work. We have to understand that. We should allow those frictions and deal with them as and when they come up.

I cannot support amendment No 1 for the simple reason that I read it and look at it in primary colours. Some people might say that that is a simplistic way to do it, but that is the way that I do business. I look at that amendment in simplistic colours and find:

“a reasonable person would consider the course of behaviour to be likely to cause B ... harm”

That is absolutely reasonable. You could look at various reasons why that is reasonable because what we are trying to do is to look at every possible scenario that that might affect. That includes those with mental health issues who do not know that they are being abused and do not see that that course of behaviour is affecting them. However, others will see it, and they must be able to intervene. That is reasonable. Therefore, although I understand the points that have been made, I cannot support that amendment.

I have some sympathy with Mr Allister’s objection to clause 3, and there may be something to look at in its wording. In all this, we are trying to be proactive on domestic

abuse, but there may be something to look at at Further Consideration Stage. We should not just disregard that as someone else’s opinion and say that we will not use it. I think that Mr Allister raised some valid points about clause 3, and I will certainly raise those in Committee so that we can tie it down and get it right. I do not want us to get it wrong at the last hurdle after all the good work that we have done. We will look at it and make sure that we understand it.

Of course, the Ulster Unionist Party will support amendment Nos 2, 3 and 4. I do not want to dwell on them; we have an awful lot of work to go through. The Ulster Unionist Party will also support amendment No 7. The reason that it will support it is an issue that appears throughout the Bill and one that I raised at Committee Stage: parental alienation and how children are used to abuse other people. Although it does not appear in the Bill — I asked for it to be included, and we had long discussions about it being included — departmental lawyers made it clear that the various clauses in the Bill, including clause 9, will make sure that parental alienation will result in a charge of domestic abuse.

Parental alienation happens to so many people in our society. It is not just about denying one parent access to a child; it is about denying a parent access to key milestones in a child’s life or their school reports. It is about using a child as a weapon. In its unamended form, clause 9 deals with that in part, but the amendment that has been tabled by Rachel Woods and Paul Frew nails it down for me and makes me happier. Parental alienation is scattered throughout the Bill and is not just in clause 9, but amendment No 7 ties it down for me, and that is why I and my party will support it.

Ms Dillon: I thank the Member for taking an intervention. Does he agree that the issue with clause 9, which was outlined by Sinéad Bradley, is highlighted by the Hart case? We probably all use the Hart case as an example because they are among the very few who survived to tell the tale. Very often, in a murder-suicide, the entire family is killed. The end of coercive control situations can often be the death of those who have been coercively controlled.

Mr Beattie: You are absolutely right. Thank you for that. We cannot shout loudly enough about that or stop saying it. That is the worst possible case.

Clause 9 states:

“A made use of the child in directing behaviour at B”.

That can come in any form. We must be mindful of that. That is why I said that, although I was happy with clause 9, the amendment ties it down an awful lot more. That is why I support amendment No 7. Of course, we also support amendment Nos 8, 9 and 10.

It is a complicated Bill. There is a lot in it. You can read it one way and really twist your mind in a certain direction, only for it to be flipped back when somebody brings in another scenario. We are trying to cast the net as widely as we can to catch all the available scenarios. Some of the amendments tabled by the Justice Minister and certainly those of the Justice Committee do exactly that. It is about trying to capture all of those things. That is why I have been so impressed by the work of the Justice Committee over the past number of months. I will certainly support

all of the amendments that have been tabled by the Committee.

Ms Bradshaw: I oppose amendment No 1 and the opposition to clause 3 and support all other amendments in the group. I very much appreciate the opportunity to respond on behalf of the Alliance Party to the Consideration Stage of such a much-needed and long-awaited Bill.

Before I comment on the amendments, I place on record my thanks to the Justice Minister, her department officials, members of the Justice Committee and the many stakeholder groups, charities and individuals for the tremendous amount of work that has gone in to getting the Bill to this point. The campaign by organisations such as Women's Aid, the Men's Advisory Project and Nexus, to name but a few, for a robust legislative framework through which the courts, the PSNI, the Public Prosecution Service and social workers can operate has been long, and I hope that the Assembly will deliver a law that addresses gaps in provision and, ultimately, provides appropriate protections and remedies for victims of domestic abuse.

Before I address the amendments — this is the first time that I have spoken about the Bill during its passage — I will place on record my thoughts about parental alienation and address some of the concerns that some people have about aspects of the Bill that, they think, could be used to further abuse victims. Others feel that the provisions do not go far enough in stipulating an offence. I am stating my personal opinion of that misunderstood term.

It is about when a man or woman has the strength or opportunity — it is not always about strength — to leave an abusive relationship. They leave behind the coercive control, they regain financial autonomy, they are able to reconnect with family and friends, maybe they can get back to work, and they are able to build their life away from the perpetrator. In many instances, the only link that they retain with their ex-partner is their child or children. Their abuser can no longer control them, and their abusive behaviour is no longer a factor in their life. However, when there is still contact between both parents, the abuser has the ability to perpetrate the abuse through the one thing that, they know, will have most emotional impact: their child. In that way, the abuse can continue.

Furthermore, by weaponising the child or children and using them to punish the victim for leaving, they are also abusing them. The innocent child or children are caught in the middle and left confused and conflicted. That is why they must be factored into the Bill. Indeed, it is why some of the amendments strengthen that aspect of the Bill. We are all aware of adverse childhood experiences (ACE), and the impact that childhood trauma can have. It can lead to negative lifelong emotional and poor physical outcomes. I think that Linda Dillon touched on that as well; that it is not just about Justice, but is a cross-departmental issue. ACE include domestic violence or being the victim of physical or mental abuse. Therefore, even from a public health prism, we must ensure that the legislation provides safeguards, as much as possible, to stop children's experiences of parents' abusive behaviour, no matter to whom it is directed, having a lifelong impact on them.

Amendment No 3 to clause 9, on aggravation where a relevant child is present, is a minor but significant change, as it will ensure that aggravation can be applied if any or all

aspects of the subsections of the clause are present. For similar reasons, my party is also happy, at this stage, to accept the enhancements to clause 9 and amendment Nos 4 and 7. In some ways, the Bill is substantially different from the Domestic Abuse (Protection) (Scotland) Act. However, the basis for determining how a reasonable person might consider the behaviour is fundamental and important to both. I think that we can all agree that it needs to be explicit in the legislation.

Amendment No 1 and the notice of opposition to clause 3 would fundamentally alter the offence and, therefore, the point of the Bill. The judgement, as in Scotland and elsewhere, must be that a reasonable person would consider harm to have been caused. That is the whole point of the legislation, as it refers not just to physical but, vitally, to psychological harm. Not to grasp that is not to grasp the fundamental point of domestic abuse and, importantly, coercive control.

Let the House be clear: when people normalise controlling behaviour just because it is ongoing does not mean that no controlling behaviour has taken or is taking place. Also to be clear: where a court is presented with a case where there is no intent, no harm and none of the effects of abusive behaviour, it is simply not going to arrive at the position where someone could be prosecuted and jailed for 14 years, as Mr Allister mentioned. Those who suggest that are trying to remove the idea that controlling and coercive behaviour should be a crime. They are also trying to remove the idea that a child can be harmed without being immediately aware of the harmful impact. Sadly, again, it is a basic principle of child protection, for example, that the impact may come and be acutely felt years later in life.

The requirement in the legislation is that a reasonable person would consider harm to have been caused, and that it has been carried out intentionally or recklessly. We must also remember, as some have chosen to forget, that the draft legislation also contains a provision for defence on the grounds of reasonableness if the behaviour is reasonable in certain circumstances; for example, somebody's safety.

In conclusion, amendment Nos 16 and 17 are useful to add clarity; the former as requested by the Committee. I am content that they add to the Department's ability to ensure that the legislation is used to the fairest and best effect.

Mr Frew: I rise to welcome this stage of the Bill. It has been a long road. Before I get into the Bill and amendments in depth, people need to be acknowledged. As the Chairperson has already said, they are the Committee staff. MLAs can populate a Committee. We can do as much hard work as we can in the hours that we are given. However, when we leave the Committee, it is the staff who continue that work until we, again, hit that room and function as a Committee. I want to give my deepest thanks to the Committee Clerk and team, who I have known for considerable time now, and who, I must say, are at the top of their game. There is absolutely no doubt about that. The detailed report that they have helped MLAs to produce is second to none. They have helped and facilitated us, as MLAs, to scrutinise the Bill as best we can. That is vitally important. Without that support, we cannot do our job properly and provide legislation that is fit for purpose. We do not stand a chance.

5.15 pm

Thanks also have to go to — this has already been alluded to today — the many victims and many people who have been impacted by domestic abuse, domestic violence and coercive control. Those are horrendous activities. For the first time in our history, domestic abuse will be an offence, and that is really, really important. The Assembly should shine a light of hope to not only the victims who suffer but their families, who watch it, sometimes in slow motion, and feel as though they cannot do anything to help or assist or to change the course of events that take place. That is horrendously hard for anyone to watch, even if it is indirect. Even neighbours who watch it on a daily basis cannot effect change, but maybe they will be able to do so now.

Acknowledgement must also go to the former Justice Minister, Claire Sugden. When Claire first took office, she made this her number-one priority. When I first took office as the Justice Committee Chairperson, I, too, made it my number-one priority, along with the issue of stalking. Very quickly, the former Minister and I came to an arrangement that she would push forward with a domestic violence Bill and the Committee would work on a stalking report that we could hand to the Minister when she had developed her domestic abuse Bill. She would then pick up our report and run with it to produce stalking legislation too. I commend and thank the former Minister Claire Sugden for her priorities, her activities and her work in that regard. That was right, and it was needed, so I thank her for that.

I cannot let go of the fact that I stand here today with a sense of regret, because the Bill should have been passed three years ago. This Bill should already be in statute. We should already be seeing reports about how effective the law is and what the crime statistics are, and such reports would maybe suggest that we need to introduce a second Bill to ensure that the legislation is fit for purpose. We have been deprived of that up to now, and so have the victims. That is unforgivable. Three years? Unforgivable.

I also stand here today with a sense of regret about the suffering that people had to go through while this place did not meet over those three years. Just think about that. This is only aspect of law. It is only one Bill. It is only one subject. You think about those people sitting in their home really suffering while this place was not meeting. It is unforgivable — it really is — but we are here now. What do we have to do now? We have to make sure that this law is the best law that it can be.

I must admit that I have struggled with the Bill, because of the way in which it is written and compiled. I have sympathy for the Department, but there was so much that I wanted to do and so many amendments that I wanted to add. Most Members know me by now: I would not shy away from that. I try to test things, to form things and to persuade people into my way of thinking. I wanted to try to attach a stalking offence to the Bill, but that was ruled out very quickly. When you read clause 1, you see very clearly that it states:

“A and B are personally connected to each other at the time”.

I know why that is in there. That is the reason why I could not attach even one clause on the stalking piece. I wanted just one clause to give those victims some succour and hope in the future, but, of course, we have stalking

legislation coming forward as promised. It is nearly at the door of the Assembly, and I cannot wait until I see that legislation also.

I wanted to do something on strangulation, and I reserve the right to do something on strangulation at the next stage. It is important to talk about it to engage people's minds. Strangulation is one of the most horrendous crimes in domestic violence. It is not coercive control — I will talk about that later.

Mrs Long: I thank the Member for giving way. I share his concerns, particularly about non-fatal strangulation. There is a mounting body of evidence that it is a precursor to domestic homicide. Judge Barney McElhone has said clearly that he is very concerned about strangulation. Often, it can be difficult after the event to detect whether someone had been subjected to strangulation because it does not necessarily leave marks or signs of abuse.

For that reason, as you will be aware as a member of the Committee, the Department is taking forward work around strangulation to build policy development and to find the best way to put that into a legislative mechanism. It is important that that policy development work, and consideration of and consultation on that work, is able to proceed to build the body of evidence. However, I absolutely acknowledge and share the concerns.

Mr Frew: I thank the Minister for that intervention and for putting that on the record, because that is very helpful. I await to see how that plays out.

Another issue is the rough sex defence, and I looked at doing something around that. However, the departmental officials were concerned, so we were concerned, that to add in such a defence on specific matters could hurt the Bill because of the way that the Bill is formed. So, I take that point, but I reserve the right on that, too, and will keep people on their toes.

Mrs Long: I thank the Member for giving way. Great minds think alike, and we will just stop it there, but I am also concerned about the idea around rough sex defence. That issue has been raised with me by a number of Members. There is now consultation on that issue, and we are hopeful that it can be dealt with in the miscellaneous provisions Bill. It would be at amendment stage, because it has come onto the radar later than some of the other measures that we hope to incorporate in the original Bill. However, it would be my intention to develop the drafting as quickly as possible, so that it could be considered by the Committee during the normal Consideration Stage and that we could incorporate that, if required, into legislation.

Mr Speaker: I ask Members to stay within the scope of the debate. These issues are important, obviously, and the Member is creatively putting them on the record, but please return to the amendments in front of us.

Mr Frew: I apologise, Mr Speaker, and I accept your ruling on that. I thank the Minister for placing that on the record also, because that, again, is useful and commendable. So, I thank you, Minister, and I thank you, Mr Speaker. I accept your ruling and will try to resist further distortion of the debate on the Bill.

We are talking about the formation of the offence. My experience of this issue goes back to when I was first on the Justice Committee. When I met groups of barristers and judges, even solicitors and everyone else involved

with the legal world, it was clear that everyone was grappling with how we could deal with coercive control. That has played out today with Mr Allister's interventions and his moving the debate. I understand that — I get his arguments 100% — but what we are trying to do is something completely different. Although we need to ensure, and satisfy ourselves, that this is the best legislation possible and that there can be no unintended negative consequences, I think that clauses 1, 2, 3 and 4 speak of coercive control in a way that has never been legislated for before.

Mr Allister talked about other offences and other legislation that can and could have been used, but I simply say to him at this point that that legislation has not been used. There are so many victims and, before he tells me off, alleged victims who suffer this on a daily, weekly and yearly basis who have never, ever received justice. The perpetrators and the alleged perpetrators have never, ever been brought to justice. That is why we have been moved in this House by the Minister and the previous Minister to move on a Domestic Abuse and Family Proceedings Bill. It is because it is required. When you get to the point at which you know that it is required, you have to piece it together. When you piece it together, I struggle to find how you could leave out clauses 1, 2, 3 and 4.

This is a mystery to me yet, and perhaps the Minister will refer to it in her remarks. We have a Bill that is titled the Domestic Abuse and Family Proceedings Bill, but what we really want to do is create an offence of coercive control, yet not once in the Bill is that mentioned. Not once in the Bill is parental alienation mentioned, yet we are told that it is covered. I read the clauses, and I can see where what I believe to be coercive control has been captured. I can see that. The Bill does not necessarily have to mention it to encapsulate it and capture it, so I guess that that has satisfied me in that regard. I have a fear, however, that removing any of the first four clauses would diminish that strength and remove the coercive, controlling nature of domestic abuse that we are trying to capture.

That brings me on to my point about harm. It is human nature to tend to move away from harm wherever we can. If it is a hot ring in a kitchen, we try to remove ourselves from that. It does not mean that we leave the kitchen but that we stand clear of the hot ring. It has an effect and an impact, and you will function differently around that hot hob. You will beware, change tack and change direction. That is a bit like harm in this sense, where you will modify your position and your daily habits and be conditioned because of that harm. It is not just the harm that can be inflicted but the threat of the harm. There are times that people can threaten you with the most horrendous thought that you can ever have in your head, and you will comply. You do not need to be told twice. You will comply.

To me, coercive control is the little digs, the little things and the manipulative behaviour that makes you change your course because you are reasonable, because you want to make peace, because you do not want to create a fuss and because you do not want your child to experience anything robust or even horrendous. That is at the start, but then it becomes much more than that. There is the full spectrum here. Imagine being threatened by the perpetrator not that you will be raped but that a child will be raped. Your own child, your niece, your best friend's child or your next-door neighbour's child. You are threatened with that.

That has not caused you harm, but you will comply because you know that the perpetrator is deadly serious. That is coercive control at one end of the spectrum, but it happens, and we need to capture it in the legislation. There is absolutely no doubt about that.

5.30 pm

When you are a victim of coercive control, you do not know whether you are up or down. You do not know what day it is or what is normal practice. You become conditioned and immune to the very abuse that you are suffering and living with daily. You live with it. That is why we need these clauses and the reasonable person clause to capture this. Your life is in despair and is not your own, because by that point you are trying to protect yourself as best you can, and, more than that, you are probably trying to protect someone whom you love. You have out-of-body experiences when you feel that you do not even own your body. That adds another layer. Every one of us in the Chamber will go home for a rest. We might be here late — I suspect that we will — but we will go home for a rest. You cannot rest if you live in a household where you are a victim of domestic abuse and coercive control. You do what you have to do to move away from harm. That is why this must be captured in the way that the legislation is drafted and is why I support clauses 1 to 4. I hope that I have illustrated why we cannot support amendment No 1 and the removal of clause 3.

That brings me on to amendment No 3. I see it as a tidying-up exercise, and I get that. I do not know why it is needed because I thought that clause 9 was strong enough in the way that it is drafted. However, it does not do any harm, so I absolutely support it. There is no issue there.

I now come to the clause 9 amendments. The Chairperson outlined quite well the procedure that we went through and the horrendous task of the forensic detail that we went into on clause 9. At this stage, I commend the work of the Committee. The Chamber can be quite a bear pit. I am still getting used to the robust language and am still honing my skills. However, it is in Committee that the work is done. If we are to be proud of something about our job, it is the work of the Committees. We not only scrutinise Ministers and hold them to account — let us face it, we have no opposition so Committees are the opposition — but we work together as a team. If Committees do not work as a team, something is badly wrong and they are not functioning properly. When a Committee works as a team, it works as a dream. It works well to help to scrutinise and produce legislation. I thank every single member of the Committee for their work on the Bill. Rachel Woods asked questions and persevered with a determined vigour to keep going and to push and press officials until we got to this point today, so credit where credit is due. I support her 100% and applaud her. She and I pushed and pushed. There were times when we did not think that the officials got it. We tried to formulate an amendment and were helped by the Bill Office. The Committee produced an amendment, and the Department said, "No, you are adding confusion to the Bill. It is not required". We saw straight away that it was required. There was real hole in clause 9 where it states:

“For the purposes of subsection (1), the domestic abuse offence is aggravated by reason of involving a relevant child if —

(a) at any time in the commission of the offence —

(i) A directed behaviour at the child, or

(ii) A made use of the child in directing behaviour at B”.

It then states at 9(2)(b):

“the child saw or heard, or was present during, an incident of behaviour which A directed at B as part of the course of behaviour.”

I will go into that in a minute, but when you read the EFM, it helps you to get an understanding of the clauses. That is why it is essential at this stage.

When you read clause 9 — and I do believe that there is a hole there — and then read clause 9 in the EFM, you will understand that it helps shed some light on it but confirms that there is a hole where it says:

“A directed behaviour at the child”

and the EFM states that 9(2)(a)(i):

“provides that the aggravation applies where it is shown that, at any time in commissioning the offence, the accused directed behaviour at a child. This could include the accused threatening violence towards a child to control or frighten the partner/connected person or being abusive towards the child.”

That is fair enough. That is important. However, at 9(2)(ii) it states:

“A made use of the child in directing behaviour at B”,

and the EFM states:

“provides that the aggravation applies where it is shown that, in committing the offence, the accused made use of the child in directing behaviour at their partner/connected person. This could apply where the accused encourages or directs a child to spy on or report on the day-to-day activities of a partner/connected person. The involvement of the child could be unwittingly or unwillingly.”

I always struggle with that word.

That confirmed to me and to Rachel that there was a hole in this clause. Again, we thrashed this out at the Committee, week in, week out, and we talked about the EFM and the officials said, “If we add “unwittingly and unwillingly” to the whole clause, would that help?” I replied, “Yes, that would help”. I would have been satisfied with that — although I do not know, because if Rachel had put down her amendment, I probably would have signed it anyway — but I was content at that point.

Then we were told by officials that the Committee’s amendment would add confusion to the Bill. Then, the Minister tabled her own amendments to clause 9, and that did nothing but add confusion to the Bill. I believe that it would have damaged clause 9, and I thank the Minister for not moving that amendment today, but we still have to address it and talk about it because I would not want anybody getting any further ideas before the Further Consideration Stage.

The Minister, in amendment 5, added the words, “suffer fear, alarm and distress”. You can clearly see that, throughout the Bill, it is not being descriptive. Yet, we are adding it here to the child aggravator. The second part of that amendment states:

“the child usually resides with A or B”

No, no. At no time did I or Rachel Woods, or anybody else in the Committee state that that was a requirement. In fact, it is not a requirement, we do not need it and we do not want it. We never did. Why? Because that excludes so many people who could be in danger. You have the perpetrator threatening the alleged victim. You then have their coercive controlling nature and you might have a family member coming around to check on you to make sure that you are OK. Maybe they know or suspect that something is going on, but they are going to be there to check on you and to try to protect you. Then, the perpetrator sets his sights on that person. Not you, the victim, but on your loved one, who has come to check on you and who has enough knowledge and experience to know that something is going wrong. That person has a child, and the perpetrator will threaten your niece or nephew, and you will comply.

Maybe it is a best friend who checks up on you. They have a daughter or a son, and the perpetrator threatens violence against them. You will comply. Your next-door neighbour knocks on the door and asks, “Are you OK, love?”, or, “Are you OK, sir? We heard a bit of banging last night, and we’re not sure what’s going on. Are you OK?” The victim replies, “Yes, I’m fine. Nothing to worry about”, and closes the door. The perpetrator looks at the victim and says, “Do not tell her anything”, or, “Do not tell him anything. If you run to your neighbour, you will see what happens to their son or daughter”. You will comply. You will not say a word to your neighbour.

That is what we are trying to legislate for. That is why, when we saw the Minister’s amendment, we were horrified, we really were. We were horrified because of all the dialogue, all the work that we had done, all the examples that we tried to give and all the times that we held the Committee up, yet we had this. We could not believe it. I am glad that the Minister has prayed not to move it, and I thank her for that.

What is the hole? Why do we need the reasonable person clause? Again, I commend Rachel for her perseverance and determination and for tabling the amendment. It is quite simply that the child should not need to be aware. In all the scenarios that I painted for the House, the child will never be aware that they have been threatened and that their life is really in danger. That child will never know, and that is why we need to fill the gap and why we need the clause. Rachel will speak on this at length — it is her amendment. I simply put my name to it because I support Rachel Woods, and I argued with her in the Committee right through each meeting, day in, day out.

The amendment adds the dimension that I described. I do not know that I need to go on any further, because Rachel will talk to it. Why is clause 9 in its entirety so important? I received an email from Barnardo’s and the NSPCC. They, Women’s Aid and all the groups that help people and victims in this matter will be listening in. Encapsulating why clause 9 is so important, they said:

“We know from our service delivery experience that children are adversely impacted by domestic abuse, even if they do not see or hear it, or are not present at the time of the offence. For example, they may see their parent’s injuries, feel their distress, or be impacted by the environment of fear; they may experience high levels of anxiety and instability, social isolation, or experience poorer caregiving because of a lack of parental resources or capacity. Living in a home where domestic abuse takes place can have a profound impact on a child’s short and long term physical, mental and emotional wellbeing, as well as their behaviour. The long term impacts on children include a detrimental impact on their mental health, development, risk of harmful sexual behaviour, future cycles of abuse, and the potential of youth offending.”

That cannot be overstated.

5.45 pm

Through no fault of the child, they could be propelled into a world that is alien to them, but, nonetheless, they will live through it and grow up in it, perhaps to offend. It might be other crime, it might be frustration, or it might be a cry for help. It might be all those things. The victim’s world can be normalised; they can become immune to violence and abuse and can be conditioned by coercive control, but so can the child, to the point where the child may think that such behaviour is normal. So, when that child grows up and starts to form relationships, they could become a perpetrator of domestic abuse.

Ms Dillon: Will the Member give way?

Mr Frew: Yes.

Ms Dillon: Will the Member agree with me that a child can also become a victim because when they see something, it becomes normalised, and they think that if it was good enough for their mummy or daddy, it is good enough for them?

Mr Frew: Absolutely. That is the nature of coercive control: it is a crime that goes into your very soul. That is why every art and part of the judicial system could struggle with this. That is one of the reasons why we need independent supervision and reporting, which we will talk about later. Those are the safeguards that we have to play with. That is why the Committee is strengthening the Bill, and we will talk about that later.

The offence goes right to the soul of a person; it will change everything about that person. It will change their body, their form and their mindset, and it will condition them. They become coercive or they become a victim. Sometimes, they will not even know it because that is normal to them; it is what they have to live with. They get on with it and become immune to it. That is no way to live.

So many people are living like that. That needs to change. We need to support them. Many are supporting those people, but they are fighting as if they had one hand tied behind their back. The Bill will go some way to releasing their second hand so that they can put up a fight and defend those who need defending: the victims of domestic violence and coercive control.

I will move on to the other amendments in the section. I support the change in age from 18 to 16, which the

Minister proposes. Changing “may” to “must” is something that the Committee asked for, and I thank the Minister for that. It just makes it a bit stronger. It is tidying-up language, but it is very, very important.

The message that must go out to victims from this Consideration Stage is that we hear them; we know what they are going through and we are trying to fix it. They have an ear in this Assembly, and we are going to listen to them and pass this legislation. Do you know what? We are going to report on this legislation and come back to it when we can and strengthen it if we have to. If we have to make it better, we will in order to safeguard victims. We are saying to the perpetrators, “You must stop this behaviour. In some cases, you might not even know that you are doing it. You might be as conditioned as the victim you are creating, but it has to end. We cannot abide it any more”.

We have failed our people for too long. We need to get this legislation passed as soon as possible and get it into play. We need to get all the arts and parts of the judicial system trained up to cope with this legislation, cutting-edge though it may be. We have to get to a point where we start to protect the victims of domestic abuse, domestic violence and coercive control. I support the Bill 100%.

Ms Rogan: It is a significant day for me as an MLA as I debate my first bill on the Floor. It is legislation that I have been scrutinising along with my Sinn Féin colleagues and my colleagues on the Justice Committee. The Bill will make a real difference to many lives across the North. As many of my colleagues on the Justice Committee have done, I thank those who gave such powerful testimony. At times, it was harrowing and heartbreaking to listen to, but they did it, and they did it with dignity and gusto, knowing that the small glimpses of what they had to suffer that they gave us would shape the Bill. The new domestic abuse offence is what makes the legislation such a transformative Bill and one that will make tangible differences to the lives of many.

Clauses 1 to 4 are a radical departure from the existing legislation that has failed victims for so long. We all know that domestic abuse is not just physical violence but often includes psychological abuse, threatening behaviour and financial abuse. We know that domestic abuse can involve isolating victims from their friends, family and other sources of social interaction, depriving victims of their freedom and controlling their day-to-day activities. There is humiliation, degradation and intimidation among much else. It is usually damaging and repulsive behaviour, so I am thankful that the legislation will recognise it for what it is.

The Hourglass charity deals with the abuse of older people. It warns that over 20,000 elderly people in the North are abused every year. Most of the abuse reported was psychological, including threats, intimidation and mockery. Hourglass also warned of a significant increase in the abuse and neglect of elderly across the North due to lockdown and self-isolation during the pandemic. We need to support the voluntary and community organisations that have mobilised during the COVID crisis to assist and protect the vulnerable.

I, therefore, greatly welcome clause 5, which defines broadly the types of relationships to which the new domestic abuse offence will apply. Many view domestic abuse through the outdated and uninformed lens of

intimate relationships, but clause 5 ensures that other relationships, including children, parents, grandparents or siblings, are included. It is an important clause that ensures that protections are provided in the Bill. Some organisations raised questions around that during the Committee Stage, but it was established that clause 5 is necessary in cases where an individual may have suffered considerable abuse over a period of time but, due to its extent and nature, it has become normalised and, as a result, the person is unaware that they have been abused.

As Sinéad Bradley said, the Hart case was one of the most stark. Luke Hart said that his father spent most of his time belittling his family. He used money as a way to control, stopped his wife going for a coffee, told his daughter that she was stupid and said that his sons were not real men. Then, after years of abuse, he killed them with a sawn-off shotgun. When speaking to the BBC, last year, Luke said that the violence seemed to come out of nowhere but control had always been growing. Murder is the ultimate act of control. It was the next step on his journey. The domestic homicide review in that case stated that they had been suffering intense domestic abuse for many years and did not know it, but there was no physical abuse. That is a heartbreaking case, but, as we know, that type of coercive control and abusive behaviour happens every day across the country, and there are many victims like Claire and Charlotte Hart who are stuck in abusive relationships and need our protection.

The legislation will create laws that will provide protection from all types of domestic abuse, from sibling to sibling to parents and grandparents. The Bill also includes additional protections for children. Children are the hidden victims of domestic abuse. Research has shown that adverse childhood experiences have long-term impacts on children's mental, emotional and physical well-being. Clause 8 provides for an aggravation of the domestic abuse offence where the victim in the relationship is under the age of 18. Clause 9 provides for an aggravation where a child is involved. I want to note the importance of these clauses. As we know, lots of times the domestic abuse may be targeted at a partner in an intimate relationship, but children often carry a huge burden from the abuse, and they themselves are victims. Such abuse can have a long-lasting impact on the child, and it is only right that that impact be recognised in the law through this aggravation.

I also welcome the fact that this clause provides that a child only has to see, hear or be present during the abuse to constitute the aggravation, and that amendment No 7 will provide that the child does not have to have any awareness or understanding of the perpetrator's behaviour. These clauses will go some distance to protect children from the horrors of this abuse.

Ms Armstrong: I will not be very long with this, because I appreciate that it is a very long debate, and there have been fantastic contributions so far. There have been a lot of thanks this evening, and I thank the Justice Minister, the previous Justice Minister, the Chair and members of the Justice Committee and, of course, all the staff who have been involved in getting this Bill this far. I rise, as my colleague Paula Bradshaw did earlier, to support most of the amendments that have been tabled. Unfortunately, I cannot support amendment No 1 and the opposition to clause 3, and I will explain why.

I am not on the Justice Committee, but I am a constituency MLA. Just to give a bit of an idea and a personal connection — I know that the Committee has been talking to a number of people and will realise the emotion that you can have when you are dealing with the victims of domestic abuse. I was very recently dealing with a case where the victim was a woman whose mother had been the victim of domestic abuse. This was an adult woman who was at her wits' end. We talk about harm and say that it is not defined in criminal law. All I can say is that I witnessed a person who had been absolutely harmed by domestic violence. I will not go into too many details of the case, but her mother had been beaten so badly that she now lives in a care home and has dementia. The daughter has no recourse. She is watching her mother disintegrate, and because of COVID she cannot get to visit her very often. I see her as a very definite victim of harm. She did not live in the house and she was not beaten, but she is now living with the fact that she feels so guilty that she did not protect her parent. She was not able to stop that abuse, and now her mother is dying in front of her.

Harm is horrendous. It is very hard to put a finger on or to define. I know that, when the domestic abuse Bill across in Westminster was being considered, many other options were added in. Mr Frew has mentioned some of them. He talked about strangulation and rough sex. Those are things that are within that intimate relationship between a man and a woman, a man and a man or a woman and a woman, but there are those implications, and this Bill is trying to deal with that when it comes to children of victims. I have to say that, while children of victims may be under 18 and mentioned in this Bill, adults who have been children within a family where domestic violence has taken place carry that with them. Unfortunately, in my lifetime I have spent some time with charities that work with those children who are out the other end. They have grown up and moved away, and you will see the same coercive behaviour happening and the same situations happening within households. Some girls are prepared to put up with so much, and some men are prepared to do so much. It is sickening. That is why, when this Bill is going forward, the importance of clause 3 is there.

As the Minister has said before, this is about criminalising the behaviour as opposed to just the outcome, and that is why it is so important. There are other things that we can say about harm. For instance, there are some things that are not crimes at the moment. For instance — some of the papers from Westminster that I read talked about it — if someone discloses sexual, intimate photographs of a person, that is a crime, but threatening to do it is not. So you can have control over a person without physically doing something to them, and you may have that psychological harm, but there is no criminal offence of saying, "I am going to share photographs of you". Being harmed is not covered in law, but this part of the Bill is about the impact on the victim. In Northern Ireland, we already see things and are doing things to help to protect victims. For instance, in the welfare benefits system, we have already separated welfare benefits because we recognise the threat of harm and economic control, yet we do not have anything in law to recognise the impact on victims. It is right that we have that and right that it is included.

6.00 pm

I thank those who have tabled amendments, including Mr Frew and Miss Woods. The type of considerations that have been made for this Bill are so important. All of you could be like me and be sitting in your office on any day of the week when a victim walks in to ask about something as simple as a food-bank voucher or a school place for a special educational needs student and you end up in conversation with that person and hear what has been going on with them for years. I sincerely hope that the Bill is passed as quickly as possible so that there are no more victims like the lady who was in my office and her mother, who now cannot remember her daughter's name, where she is living or that the abuse actually happened to her. I encourage everyone: let us get this done.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

I know that this will be a long debate tonight. There will be a lot of groups out there listening to this debate and hoping that we take this forward as quickly as possible. I ask all Members to work with the Minister and the Committee and let us get this passed as quickly as possible.

Miss Woods: Like others, I want to begin my remarks by thanking all the individuals and organisations that submitted evidence to the Committee; the Committee staff for all their hard work; the members who scrutinised the Bill in great detail; the Minister for bringing the Bill forward; and Claire Sugden for starting this process.

Paul has probably already made my arguments for me, so I could probably just sit back down, but I am not going to. I will address only the amendments to clause 9, which are amendment Nos 3 to 7. I take us back to what I said at Second Stage, which was that, if we want to give our children the best start in life, we must also look to the effects of domestic abuse on them and ensure that the home is a place of safety for children and young people, now and for the future. Domestic violence, as we know, has a devastating impact on children and young people that can last into adulthood, and Kellie Armstrong outlined her experience with a constituent in that regard.

A UNICEF report estimated that as many as 275 million children worldwide are exposed to violence in the home, and children are often the hidden victims of domestic abuse, and the long-term impact on children includes a detrimental impact on their mental health, child development, risk of harmful sexual behaviour, future cycles of abuse and potential for youth offending. It is important that legislation reflects that a child can be aware of and negatively impacted by domestic abuse in the home, even if they do not see or hear the moment in which it occurs. Children can pick up on a parent's distress or be impacted by the parent's compromised capacity for parenting in the context of fear. Threats to hurt and abuse children are often used as part of the course of behaviour that seeks to control, isolate or frighten the victim. Crucially, that is what the amendments capture.

Clause 9 has been debated extensively by the Committee, and I am sure that some Committee members will be glad when I stop talking about clause 9. I am looking to the Chair, in particular, but, of course, I make that assumption based on my experience of it. Clause 9 provides for the domestic abuse offence to be aggravated where it involves a child. Under the clause, as it is currently drafted, the

aggravation would apply where it has been shown that the perpetrator directed behaviour at the child, or the perpetrator made use of the child in directing behaviour at the victim, or the child saw, heard or was present during an incident of behaviour. Therefore, in order for the aggravation to be applied, one of those conditions would have to be met and appropriately evidenced by the prosecution.

The first option to apply the aggravation is clear: where the accused abused the child. The second option, where the accused made use of the child in the abuse of the victim, may include instances where, as mentioned in the Committee report, the accused directs a child to spy on the day-to-day activities of the victim or alleged victim so as to enable the accused to control or monitor their movements and interactions. The third option is also clear: when the child sees, hears or is present during incidents of abuse.

The Committee engaged with many children and young people's organisations as part of its evidence gathering, hearing a variety of concerns about the legislation and ideas for moving forward on children's rights and children's safety and well-being from abuse. That included discussions of abuse in the home, abuse between family members, abuse in youth relationships, parental responsibility and child abuse. Organisations such as Women's Aid also pointed to the realities of domestic abuse in the home and to the experiences of many that involved their children, with perpetrators directing their abuse towards the children to hurt and control them. In effect, Members, that is coercive control. Not every instance of domestic abuse will be heard or seen by a child, but that does not mean that the child cannot be affected by it. It does not mean that a perpetrator's actions are any less harmful, nor should it mean that the aggravator in clause 9 should not apply.

A number of organisations raised concerns over the wording and potential operation of clause 9. I will outline a few of those concerns for Members' consideration. Women's Aid stated that clause 9(2)(b), where:

"the child saw or heard, or was present",

does not adequately address the issue or recognise the persistent, ongoing nature of the impact of the abuse on a child living in a home with domestic violence and abuse. It called for children to be recognised as victims in their own right and not as associated persons. Action for Children agreed with that assessment by Women's Aid, noting that the experiences of those children and young people are often overlooked. Barnardo's highlighted the importance of recognising that a child can be aware of, and impacted on, by domestic abuse in the home even if the child does not see or hear it. Barnardo's specifically mentioned clause 9(2)(b) in that regard and suggested that it should be expanded to recognise that children do not need to witness the abuse to be negatively affected. The Children's Law Centre also recommended extra provision in clause 9 to account for circumstances in which the child does not directly witness an incident but has still been aware of, or affected by, the abuse.

The Northern Ireland Commissioner for Children and Young People (NICCY) reiterated the fact that children are adversely affected by domestic abuse beyond only occasions when they see or hear an incident and called for further consideration of how that could be reflected

in legislation. NICCY also noted that the Scottish Act provides that children do not have to be aware of, or understand the nature of, the abusive behaviour for the aggravation to apply and that the provision effectively captures the impact on children who may, for instance, reside in a different household from that in which the abuse occurs. The NSPCC also noted that the Scottish legislation, on which clause 9 is based, includes a reasonable person test, which means that the aggravation can be applied where a reasonable person would consider the abuse likely to adversely affect a child. It said that that provision was included in the Scottish Act in large part to avoid children having to give evidence in court about their experiences. For that reason, the NSPCC recommended adding the reasonable person test to clause 9.

The Human Rights Commission agreed that children should provide evidence directly to the court only when absolutely necessary and, where that is done, in an age-appropriate manner, with consideration given to alternatives such as live links. It also recommended age-appropriate counselling for the child before, during and after the trial. The Bar of Northern Ireland indicated that the current wording of clause 9(2)(b) suggests, in practical terms, the child being required to give evidence as to their awareness of the accused's behaviour and any adverse impact caused by it. The Bar also noted the similarities between clause 9 and provisions in the Scottish Act. It queried why the Department did not include subsections similar to that legislation that would address the concerns and issues raised, specifically section 5(5) of the Scottish Act, which reads:

"For it to be proved that the offence is so aggravated, there does not need to be evidence that a child—

(a) has ever had any—

(i) awareness of A's behaviour, or

(ii) understanding of the nature of A's behaviour".

In the light of the sheer weight of evidence, the Department's initial refusal to consider properly the concerns and issues raised, not just by me, or by Mr Frew for that matter, but by all those organisations that I have mentioned, is frankly baffling. When the Committee reiterated its concerns and suggested possible solutions, the Department claimed that the conditions for applying the aggravation under clause 9 as drafted were wider in scope than the Scottish provisions because there is no requirement for a reasonable person to consider that the abusive behaviour would adversely impact on the child. The view was that the requirement in the Bill is simply that the child sees, hears or is present during an incident of abuse: in other words, that, in comparison with Scotland, there are fewer hoops to jump through in order to apply the aggravation.

As mentioned in the Committee report, we discussed extensively with officials the wording of clause 9 and particularly clause 9(2). I continually pressed for an explanation of the Department's rationale for adopting a different approach to the Scottish legislation on this clause. To this day, I do not believe that the Committee or I have been given a satisfactory explanation. It was continually reiterated that there were three options for applying the aggravation and stated that they did not consider that an amendment reflecting the additional provisions of the Scottish legislation was required.

In my view, that represents a complete disregard for the evidence that was in front of the Department. Needless to say, the Committee began work on an amendment to strengthen the clause. It also asked whether the Department would consider adding greater clarity by amending the EFM to address the concerns.

After considering the Committee's draft amendment, the Department reiterated its stance that clause 9 as drafted had fewer hoops to jump through to apply the aggravation in comparison with Scotland and that the proposed Committee amendment would be unnecessary, add nothing to the clause and could risk confusing matters.

It was not us who were confused. After further discussions between the Committee and officials on 24 September, the Department advised that its interpretation of the Scottish legislation was wrong and therefore the advice given to the Committee up until that point was incorrect. The Department apologised for the error and clarified how the Scottish provisions work. The crux of the mistake and the misinterpretation of the Scottish provisions had formed the basis of the Department's rebuttal of the recommendations and suggestions, which were based on the evidence provided by all stakeholders up until that point. This should not be glossed over.

The Department correctly claimed that there were three options to apply the aggravation under clause 9 as drafted. It also claimed that that was preferable to the Scottish legislation because, under the provisions of its Act, the options to apply the aggravations were coupled with the requirement of a reasonable person to consider the abuse to affect the child adversely. However, that was wrong. The reasonable person test is, in fact, an additional option to apply the aggravation in circumstances or cases in which the other three may not apply.

A further option to apply the aggravation that exists in Scotland was removed by the Department because it was not understood and was an unnecessary hoop to get through. That meant, with clause 9 as drafted, we would have no option to apply the aggravator where a reasonable person would consider the abuse to affect the child adversely where it is not possible to apply it using the other three options.

To be clear, this provision exists in Scotland, so we would be left, essentially, with a legislative gap. Even though the error was acknowledged, before the Committee finalised its report, remarkably, no solution to this gap was offered, other than suggesting that they would add some wording to the Bill's explanatory notes to clarify that the child did not have to be aware of or understand the abuse. As we know, Members, the EFM is not legislation. We were then left with a suboptimal clause compared with Scotland and weaknesses in the Bill with respect to the operation of the child aggravation.

It is also worth noting that, two days after I published my amendments to clause 9, alternative amendments were tabled at the eleventh hour, so to speak, which, it is important to mention, the Committee had no notice of and was able to discuss only by virtue of the postponement of the Consideration Stage debate. I welcome yesterday's letter to the Committee from the Justice Minister outlining that she will not be moving her amendments today, specifically amendment Nos 5 and 6.

I also put on record my thanks to Mr Frew, who stuck to his word and added his name to the amendments that I had tabled, and for his ongoing commentary, scrutiny and support.

While the Minister's amendments reflect similar provisions in Scotland, it is not clear why a residency condition is included, given that the scope of our offence differs so greatly, in the sense that it applies to a much broader range of personal connections and relationships beyond simply partners and ex-partners, which is captured in the Scottish law. The Minister's amendments added another hoop to jump through, an unnecessary condition that the Department, throughout this whole debate on clause 9, was seeking to avoid.

There is nothing anywhere else in the Bill that states that those involved in abuse or affected by it have to be a resident in a particular place, so why is this in now? What if the child lived with Granny? A child could live with C, visit A and B regularly and perhaps stay over, but does not reside with A or B, or both. Perhaps the child is next door, with the headphones on during an incident. Perhaps A abuses B, but the child does not see or hear it or is not present. What would happen then? Contrary to the further confusion and uncertainty that would ensue with a residency condition, my and, now, Mr Paul Frew's amendments would finally put clause 9 to bed. I urge all Members to support them.

6.15 pm

Mr Frew: I thank the Member for giving way. Again, I hold that up as an exemplar of how MLAs can work together with a common purpose to achieve something good.

It would also lead to the example that may be common to us all, in that, when granny or grandad sees conflict or a problem in a household, they encourage children to stay with them as much as possible. Even victims would encourage that as much as possible. You then get a scenario in which A and B's child stays with granny and grandad as often as they can to get them away from the scenario and the household where the violence and abuse are taking place. They would not be encapsulated if the clause were left unamended.

Miss Woods: I thank the Member for his intervention. We must look at the impact on the children as well. We have so much to do with the Bill, but we have to put the alleged victims and children at the centre of it. I look forward to working together with you again in the future. I am certainly happy to do so, especially when we have common ground.

My first amendment — amendment No 4 — deals with a very specific issue that was raised during discussions between the Committee and officials. Mr Frew, in particular, sought clarity on what scenarios would fall under clause 9(2)(a)(ii), which states:

“A made use of the child in directing behaviour at B”.

The Committee sought clarity from officials that that provision would capture circumstances in which the accused had threatened to abuse the child as part of the course of abusive behaviour that was directed at the victim. Unfortunately, that is a common occurrence in domestic abuse cases in which children are involved. In my view, the amendment provides the required clarity.

Clause 9, as drafted, does not take into account that specific issue explicitly in its wording. It should fall under one of the options to apply the aggravation and, in my view, sits clearly in clause 9(2)(a)(i). The amendment strengthens the clause by making it clear that threats to abuse children will be captured by the aggravator and sends a clear signal from this place that such abusive behaviour should be treated with the utmost severity.

My second amendment to clause 9 — amendment No 7 — resolves the mess and confusion that are tied to the misinterpretation of the Scottish legislation and fills the legislative gap that I have outlined. It means that the aggravation can be applied where the other options do not apply but where a reasonable person would consider the abuse to have adversely affected the child.

Subsection 2(A) of the amendment works in the same way as it does for the offence to reflect that the child may not be aware of how the abuse has impacted on them or even that abuse is abuse. That subsection is also crucial to avoiding a scenario in which the prosecution is forced to rely on evidence given by the child in court in order for the aggravation to be applied.

Subsection 2(B) does not take anything away from that provision but clarifies that nothing in subsection 2(A) prevents people from consulting the child or young person. It is not a requirement for evidence, but a simple clarification. There are times when we need to reflect the child's voice, as well as deploying adequate protections and support that is covered in different parts of the Bill, but there is nothing in the amendment that forces or even encourages children to have given evidence. That is all covered in subsection 2(A)

Not all children see, hear or are present during incidents of abuse, not all perpetrators make use of children in abusing their victims, and not all perpetrators abuse children directly. Yet, there are many ways in which domestic abuse negatively impacts on children, and we must make sure that that is captured and reflected in the legislation and the sentencing. It is about coercive control.

There are victims with dependant children who suffer from economic abuse, which leads to financial strain and an inability to provide for their children. There is psychological abuse or coercive control in which the child has never witnessed behaviour but the effects on the victim have a knock-on effect on the child through the victim's reduced capacity to provide care, support the child's basic needs and so on.

The Scottish provisions are there for a reason. According to one key stakeholder in that jurisdiction, the Scottish clause was a significant compromise in the legislation between those who wanted to see children treated as victims in their own right and those who had reservations about attempting to do so. We cannot and should not accept lesser provisions than those that exist elsewhere. We should bring forward the best possible legislation for the people of Northern Ireland. These amendments would mean that the aggravation could be applied where a reasonable person considered the domestic abuse likely to have a negative effect on the child. They would help to prevent the potential of many children having to give evidence in court, where they would be forced to relive the trauma that they had already suffered. I encourage all Members to support amendment Nos 4 and 7.

Ms Sugden: I noted the Minister's comments at the weekend. I say this to her: keep going. It is certainly not my job to finish the Bill; we depend on her to do that. As Mr Frew said, the Bill is three years too late.

I will speak particularly about amendment No 1 and the opposition to clause 3. I am happy to support all the other amendments. I was going to speak briefly on amendment No 9, but Miss Woods covered all the detail that I intended to cover, so I do not need to go over that again. In relation to amendment No 9, however, I thank the Minister for specifically including in the Bill the aggravating offence in relation to children. We all know — others have spoken about it — that domestic abuse is a form of trauma that can perpetuate a cycle. It could even perpetuate a cycle of domestic abuse if children see it happening in the family home. We need only look at our criminal justice system to see the damage and trauma that it causes. Domestic abuse is a form of that trauma. I commend the Minister for committing to take that forward. I have no doubt that the House will support that amendment this evening.

I do not intend to support Mr Allister's amendment or his opposition to clause 3, but I will talk about them because I recognise and respect his practical experience from his previous career in relation to the application of criminal law. My comments are not meant to be an obstacle to the actions that the House will take; they are about ensuring that we are right in what we are doing. Legislation is one thing — we can get it on to the statute book — but it is the implementation that is really critical. Mr Allister raised valid concerns about the issue of harm and the reasonable person who considers that harm.

Mr Frew, rightly, said that the Bill does not mention coercive control. I am keen to hear the Minister's thoughts on why that was not included. Maybe it was not included because of a practical legal consideration. Perhaps it would provide clarity on the concerns that Mr Allister raised. I will play devil's advocate: we intend to put this clause in assuming that the victim does not know what harm is, but we assume that a reasonable person will. What does that mean? What does "harm" mean? Before the debate, I spoke briefly to the Minister about potentially creating a definition of harm in law. However, I recognise that that could have its own limitations, in that it could constrain the interpretation of what harm is. We need to be very careful about what we mean by that and what the intention is.

I tried to crystallise this group of amendments. Essentially, there are three elements: the intent; the action, abuse, or, as others described it, behaviour; and, finally, the harm. Essentially, it is the last bit — the harm — that conveys the sense of coercive control that is not yet defined in Northern Ireland law. Of course, I support that. That was my intention when I made it my overarching priority, because I recognise that psychological abuse often leads to more serious forms of abuse. Every Member will have heard, "The wounds and scars will heal; it's the mental torture that I have to live with for the rest of my life". That is an impact for not just the individual; it is an impact that has implications for wider society. Having intent linked to harm is absolutely right, but do we need to go further and define that harm so that, when it comes to the practical application of the law in a criminal court, it will be possible to apply this? The worst thing that we can do is give victims of domestic abuse hope, only for them to find that,

after going through the awful process of criminal justice, it will not be upheld in a court of law. I do not know. This has not been applied here before. The Minister suggested that it will be on the basis not just of the words that are down on paper but on the basis of precedent and previous decisions. I am keen to hear where there are any examples of that, just to give me comfort that the application of it, as it is written, will actually have a practical effect when it is taken through the courts.

To add a human side, the reason that I cannot, ultimately, support Mr Allister's amendment is that, for me, it would give rise to concerns about the impact it would have on the victim. How do we determine physical and psychological harm in a court of law? Is it something that, for example, a medical practitioner has to be able to state is the case? Are we getting into a situation where the victim becomes the person investigated rather than the perpetrator of the offence? I am keen for Mr Allister, if he wishes, to intervene to share his thoughts on that.

Mr Allister: The harm, as drafted in my amendment, can be "physical and psychological". Physical harm might speak for itself. However, I would have thought that, in any case such as this, particularly of psychological harm, it would be entirely appropriate, just as if it were an assault case, that medical evidence would be called as part of the prosecution. If someone is charged with assault occasioning actual bodily harm or grievous bodily harm, one would expect a medical report to be — often agreed, but if not — contested by the evidence called. More particularly, if there is an allegation of psychological harm, it, almost inevitably, would lead, as part of the proofs of the prosecution, to the calling of evidence from a medical expert.

Ms Sugden: I appreciate the Member's intervention. Those are my thoughts looking at the practical application. Yes, I absolutely recognise the sentiment. No one in the House wants it to become law more than I do, although, of course, the Minister wants that, too. I have been advocating for it for four or five years. It is long past time that we need to put it into statute. However, again, we would do a great disservice to victims of domestic abuse if we cannot put into statute something that will actually be workable and which the police and the Public Prosecution Service can understand.

I appreciate that there is an amendment that relates to training around that, but what about the general public? There is no reference in the Bill to a public awareness campaign. Maybe we need to do something to strengthen training. I am not saying that we train the general public. Where I am sympathetic to Mr Allister's comments about the interpretation of that particular line is that we assume that people know what harm is. People do not know what coercive control is, which is why it has been able to keep victims in its grip for so long. I am not saying that we should necessarily object to what is in the Bill. However, I wonder whether there is anything that we could do to strengthen it. Maybe that could be done by adding public awareness, so that the reasonable person would be able to make a reasonable judgement about what coercive control is.

I speak to many people and could nearly challenge them on their own behaviour, and they would be the first to say, "I do not behave like that". However, when that behaviour is described, they start to think twice about it. Therefore,

alongside that, I would certainly encourage the Minister to look at allowing the reasonable person, if you like, to understand what coercive control is, and maybe Mr Allister would not have the same objection. I do understand the ambiguity, and we cannot do that to victims.

Ironically, and I know that they are almost mutually exclusive, I do not support Mr Allister's opposition to clause 3 because, to come back to the point, the harm element of that clause is, essentially, the coercive control element. That was the intent and purpose of it. By including that clause, we are creating a new offence in Northern Ireland. That is important, as, hopefully, it will pave the way towards fewer instances of domestic abuse. However, I will come back to that particular line.

Mr Frew: I thank the Member for giving way. She is right to highlight the fact that it is the first time that we are putting down a domestic abuse offence in legislation. Whilst we want to create the best law possible, we also recognise that other jurisdictions have had more than one go at this. It may be the case here that we need to strengthen the legislation or add something more rigorous. I would not rule that out. That is why the monitoring and reporting of that offence is so important.

6.30 pm

Ms Sugden: I appreciate that. If there is an opportunity to get it right in this instance, we will prevent more victims being created. Other jurisdictions have had the experience of seeing the legislation in action and where its limitations are and have been able to go back and improve it. We are in the fortunate position — if you can call it that — of having seen over the past three years how it has worked in other jurisdictions. Perhaps we can do something to ensure that we do not have to come back to it for a second time. Our mistakes will affect lives. Perhaps there is something that we can do to strengthen it. I am not saying, "Remove it"; I am saying, "Strengthen it". I do not know the answers on this. I have not had the same focus on it as I would have had were I still in the role.

I appreciate the attention that the Justice Committee has given to it. I also really appreciate the evidence that the victims have put forward. I cannot imagine how difficult that has been. To an extent, it may have retraumatised them, but, if they are working towards trying to ensure that it does not happen to someone else, that is the biggest compliment that we can give them. As I said, I encourage the Minister to look at that.

In a topical question earlier, I asked the Minister about harm and how we define that in law. We have to be cognisant of the fact that, perhaps, a reasonable person would not understand what we understand. We are in a position where we have been given requested information, and we understand it, but people outside this Building may not, so is there a way in which we can strengthen their understanding so that what we have here will work in practice?

Mrs Long: If I may briefly, I want to put on record my thanks to the Justice Committee, the Chair and the Deputy Chair for their assistance in progressing the Bill to Consideration Stage, particularly during what has been quite a challenging time. Their scrutiny has been robust and diligent and, as they have said themselves, is an exemplar of best practice in Committee legislative scrutiny.

I look forward to us continuing to work together as the Bill progresses through its final stages in the House. Thanks also are due to the Committee staff for facilitating not just engagement with my Department but the many witnesses, some of whom were victims of domestic abuse, in making their contribution to the Bill. It is for them that we do this.

I thank all the stakeholders and victims and survivors who provided evidence and helped to shape the Bill. I am determined and have been determined since taking up office to deliver for them and with them so that we provide the best possible legislation.

I put on record my thanks to Claire Sugden for her work on the Bill while she was Justice Minister. I also thank my officials, who are passionate and dedicated to addressing domestic abuse. They have, despite challenging circumstances, maintained focus and pace not just in the last few months but over recent years, and legislation is only one part of the work that they do.

I thank the Committee and the Members who have tabled amendments, and I look forward to debating the issues today.

For too many people, home is not a safe place; instead, it is a place of hurt and fear. That situation has been exacerbated during the current pandemic. Now, it is more important than ever that we work together to put an end to domestic abuse and coercive, controlling behaviour. The most recent police statistics from August 2020 show that, from 1 July 2019 to 30 June 2020, there were 32,127 domestic abuse incidents reported in Northern Ireland. That represents a 1.8% increase on the previous year and is the highest level on record since reporting began in 2004-05. Furthermore, the police recorded 18,796 domestic abuse crimes during that same period. That shows an increase of 13.3% on the previous year and is one of the highest levels since reporting began. That equates to 17 domestic abuse incidents and 10 crimes committed per 1,000 of the Northern Ireland population.

It is important to note that those are only the reported figures. Many more victims suffer across Northern Ireland but do not feel able to report that to the police. It is important, too, that we recognise that it is for those people that we do this work. We have also seen an increase in male victims during this period and an increase in victims from younger and older age groups. It is important that we recognise that not all domestic abuse involves a current or former partner, but that it can, in around 35% of crimes, involve another familial relationship. It is important to put that on the record because it is for those people that we are here today.

Before I turn to my amendments in this group, I want to address the amendments proposed by Jim Allister. Amendment No. 1 would remove the condition contained in the domestic abuse offence:

"that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm",

It replaces that with the condition that the person:

"suffers physical and psychological harm"

for the offence to apply.

We had a long discussion earlier in respect of why I do not believe that that is the case, so I am not going to labour the point at this stage. In the same vein, Mr Allister has given notice of his intention to oppose the Question that clause 3 stand part of the Bill.

Clause 3, as it stands, provides that an individual does not need to have suffered physical or psychological harm for the offence to be committed. It also states that it is not necessary for the effects of the behaviour covered by clause 2, such as dependency, subordination, isolation or control, to have been suffered by the partner or connected person for the offence to be committed. That is because a reasonable person test applies in relation to physical or psychological harm and relevant effects.

The proposed amendment to clause 1 and removal of clause 3 would fundamentally and detrimentally alter the nature of the offence, and the Bill. We would be unable to provide protection, and, indeed, to secure justice, in some of the most horrific cases where an individual is suffering ongoing and extensive non-physical abuse but has normalised that within their own mind.

It would also fail to recognise the insidious and invading nature of domestic abuse, and how it fundamentally operates where physical violence is not present. As I advised the House previously, I consider those provisions vital in the fight against domestic abuse and in ensuring that the focus continues to be on the abusive behaviour of the offender and not the harm caused.

It would be a travesty were someone to be not guilty of domestic abuse despite carrying out a prolonged and detailed form of abuse on a person simply because that person was resilient. That would be completely wrong, so it is important that we recognise that, as I said earlier, the action of getting behind the steering wheel of a car and driving when intoxicated with alcohol is, in itself, an offence. It does not have to lead to harm in order for someone to be prosecuted. It is important that we understand that it is the course of action that we are criminalising, not the outcome.

Many people up and down this country are suffering abusive behaviour day in and day out but they have never known anything different. They accept it as normal, and, in some cases, consider that that is just how relationships work.

For those who know anything of this, a prime example is the case of the Hart brothers — a number of Members referred to that tragic case — whose mother and sister were killed by their father. The domestic abuse homicide review stated that they:

“had been suffering intense domestic abuse for many years and didn’t know this ... as there was no physical abuse.”

That illustrates perfectly the types of behaviours that the Bill is intended to cover.

The focus must remain on the actions of the offender, that is, whether there is abusive behaviour that a reasonable person would consider would cause harm, and that it has been carried out intentionally or recklessly to that effect.

It is vital that offenders cannot escape justice because a victim has become so used to having their movements controlled, contact with family or friends restricted, and

that it does not necessarily any longer cause them fear, alarm or distress.

In relation to Paul Frew’s comments about why we opted not to state in the legislation terms such as “coercive control”, “gaslighting”, “technological abuse” or “financial abuse”, to do so, as he rightly said, would lead to a defence that because it was not listed in the legislation, it was not an offence. Of course, how people control and abuse individuals is often complex and changes over time. Any list could become dated. It could also become a hierarchy, suggesting that some forms of abuse are more concerning than others.

Mr Allister also previously raised the concern that, even if there is no complaint of abuse and no objective finding of harm, a person could be sent to jail for 14 years and that that would be disproportionate. If a serious and prolonged course of action that is designed to intimidate and threaten has not happened and there is no evidence to suggest that it has happened, a person would not be subject to the maximum penalty. Suggesting that people will end up in jail for 14 years for doing nothing, essentially, or that someone against whom there is no coherent or cohesive evidence will be prosecuted is a false logic.

Ms Dillon: Will the Minister give way?

Mrs Long: I will, yes.

Ms Dillon: Will the Minister agree that one of the specific examples of that is when the Hart brothers talked about the point where one of them had a nut allergy and their father brought nuts into the home and sat them on the kitchen shelf, knowing that their mother would know what it meant? That would not be enough to make a case against somebody, but, along with all the other actions, it certainly would. In that circumstance, it was very clear what that was about, but that would not be the case in every home where somebody had a nut allergy and nuts were brought in.

Mrs Long: That is precisely the point. Incidences and activities that may look innocent from outside can, in the context of an abusive relationship, take on a very different colour. We spoke with victims who said that, whenever they are out in company, their partner is absolutely, perfectly fine, but that if they transgress against the rules that are being imposed on them so that they are able to go out in public, the partner will whistle a tune or hum a song. Things that to an outside observer appear trivial have significance to that person because they know the consequences of those actions. We have to capture that behaviour. We have to make sure that people who are being subjected to a consistent and persistent line of abuse cannot have it continue with no law to back them up.

It is also important to remember that inherent to the domestic abuse offence are a number of thresholds and safeguards, checks and balances that must be met before the test for the offence is met. Mr Allister is right. Alleged victims and alleged perpetrators have the right to a fair trial, and it is important that there are, therefore, safeguards, checks and balances. The behaviour must be considered to be abusive, a reasonable person would have to consider that it would cause harm and the person must either intend to cause harm or be reckless to that. Importantly, there are safeguards associated with that defence. Where the defence of the behaviour is considered reasonable in the particular circumstances of

the case, it is not considered part of this offence. I do not support this amendment, and I call on the House to reject it. Should the amendment be made, we will have failed in our bid to protect those who suffer from domestic abuse.

I will move to my amendments in this group. Amendment No 2 is a minor drafting amendment to neaten a small aspect of wording in clause 8, which deals with aggravation where the victim is under 18. I propose that the words “constituting the offence” are replaced with:

“by virtue of which the offence is constituted”.

That does not represent a material change to the provisions; rather, it is simply intended to reflect that the course of behaviour is not the sole element of the domestic abuse offence and avoids giving the sense that the behaviour alone constitutes the offence. That is similarly the case with amendment No 8.

Clause 9 deals with an aggravation where a relevant child is involved. I need to make it clear that clause 9 does not require behaviour to be abusive. It establishes aggravation of the offence for sentencing purposes. I have tabled three amendments to clause 9, amendment Nos 3, 5 and 6, on aggravation where a relevant child is involved. The purpose of the three amendments was to make, in discussions with the Committee, the provisions on the child aggravator as robust as possible, with amendment Nos 5 and 6 intended to address concerns that were raised previously by some Justice Committee members. There has been extensive debate on these clauses, including at a Committee session that I attended last week, and I listened to the concerns that were raised by some members that amendment No 6, regarding residency, would damage the Bill; for example, where a child resides elsewhere, such as via kinship care or other arrangements. Having reflected further on that and as I already advised the Justice Committee, I therefore do not intend to move amendment Nos 5 and 6. That means that the decision of the House is on the alternative amendment No 7, from Rachel Woods and Paul Frew.

I welcome the alternative amendment which, with the exception of a residency requirement, makes similar provision to my amendments.

6.45 pm

Amendment No 3 will make it explicit that the child aggravator can be applied if “any or all” of the limbs of the child aggravator are present. That is where behaviour was directed at the child; where use was made of them to direct behaviour at the victim; where a child saw, heard or was present for the abusive behaviour; or where a reasonable person would consider the behaviour to be likely to adversely affect the child. While it is considered in the current draft that any or all of the aggravators could apply, I want to make it explicit and clear that this is the case and that a number of the aggravating aspects may apply at any one time. As I have just mentioned, I will not move my second amendment to clause 9 — amendment No 5 — which provided that the aggravator would also apply if:

“a reasonable person would consider the course of behaviour, or an incident of behaviour which A directed at B as part of the course of behaviour, to be likely to adversely affect the child”.

This is, however, captured in amendment No 7, the purpose of which is to provide that where, for example, the abuser controls the victim’s movements to such an extent that they are unable to leave the house to ensure that their children get to school or to get them to appointments with a doctor, then the court can determine that this amounts to behaviour:

“likely to adversely affect the child.”

It can also cover circumstances where the effect of the abusive behaviour is such that a reasonable person would consider it likely that a child’s general well-being and development would be adversely affected.

Again, I do not intend to move my third and final amendment to clause 9 — amendment No 6. As with amendment No 5, I think that it is captured within amendment No 7. This will provide that there does not need to be evidence that a child ever had any awareness or understanding of, or was actually adversely affected by, the behaviour of the accused for the aggravator to apply. However, it does not prevent evidence of this from being laid before the courts. These provisions will have the added benefit of reducing the likelihood of a child having to give evidence at court, although good practice should already seek to reduce that as far as is possible.

The House will wish to note that amendment No 5 would have had a condition that, for the “reasonable person” aspect of the aggravator, the child would have had to live with the victim or offender. This was simply intended to reflect the fact that living in an environment in which domestic abuse is carried out is what is most likely to adversely affect a child. However, having reflected on the concerns raised by Committee members, who viewed that as damaging to the Bill, I am content that this should not form part of the provisions. For that reason, amendment Nos 5 and 6 will not be moved. I consider that my amendment No 3, along with amendment No 7, provides robust provisions to ensure that the impact of domestic abuse on children can be fully reflected in the sentencing that a court may impose, so I ask the House to support those amendments.

Amendment No 4, tabled by Rachel Woods and Paul Frew, amends clause 9 to provide that the child aggravator also applies if, at any time in the commission of the offence, the accused “threatened to direct” behaviour at a child. While I considered that the threatening behaviour aspect is already captured by the offence, with the child aggravator then applying to this, this provision would make that aspect explicit. For that reason, I will support the amendment and ask the House to do the same.

Amendment No 10 makes an addition to clause 13, “Alternative available for conviction”, to state that:

“This section is without prejudice to section 6(2) of the Criminal Law Act (Northern Ireland) 1967 (alternative verdicts on trial on indictment).”

This amendment is for the avoidance of doubt as to the effect of clause 13 on section 6(2) of that Act, which contains general provisions for alternative verdicts in indictment proceedings, and so that there can be no cross-contamination between the two enactments.

I am proposing two amendments to clause 25 in response to a request from the Justice Committee. The first

amendment — amendment No 16 — provides that my Department “must”, rather than “may”, issue guidance. I stress that there was never any doubt that guidance would be prepared, and work is already well under way on this. A second meeting of the multi-agency task and finish group was held yesterday to consider the revised content of the guidance, and good progress is being made with regard to that.

Secondly, amendment No 17 provides that the guidance issued by my Department will include:

“such other matters as it considers appropriate”

as to criminal law or procedure relating to domestic abuse in Northern Ireland. At present, the clause only refers to:

“other matters as to criminal law or procedure relating to domestic abuse in Northern Ireland.”

In conclusion, there are a number of issues that cannot be addressed by the Justice Department alone. They will require other Ministers to also contribute. I want to put on record my appreciation for the support and cooperation of other Ministers, not only for the Bill, but for their ongoing support for the wider domestic abuse landscape and the domestic abuse strategy, which will take many of those issues forward. That includes issues such as the public awareness-raising campaign, which Claire Sugden has raised and in which my Department is heavily engaged. That campaign is to raise awareness of domestic abuse in our society, to challenge preconceptions of who may be a victim or perpetrator and to increase confidence from the public that they should intervene and report when they believe that domestic abuse is occurring. Indeed, in response to the COVID pandemic, we invested additional resources in addressing public communications.

This has been a useful and helpful debate. I am happy that that concludes, at this stage, my comments on this group of amendments.

Mr Deputy Speaker (Mr Beggs): I call Jim Allister to make a winding-up speech on the debate on the group 1 amendments.

Mr Allister: Thank you, Mr Deputy Speaker. I hope that I do not have to say this, but I will say it: I am not interested in providing any refuge for any domestic abuser. Domestic abuse is insidious and iniquitous, and it deserves the full rigour of the law. I am interested in the sanctity of the criminal law, and that is why I laid out my arguments. I acknowledge that I have not convinced the House, and I have to accept that. I accept that I have not overturned the predetermined collective view of the Committee. I regret that, but it is reality.

I am glad that I made the points, because there could come a point when this legislation is looked back upon and questions are asked about why we thought that it was right to create an offence where the law requires an intent or a recklessness to doing harm but we decided that you could be guilty of domestic abuse without actually doing harm. I drew the parallel that you would not think that you could be convicted of theft without actually stealing. However, the House thinks that you can be convicted of domestic abuse without causing the harm from such abuse. In that, I respectfully suggest that the House is wrong and that it does a disservice to the certainty and sanctity of the criminal law.

I am not going to labour the point, but I will ask the question, “What is the mischief that we are trying to address?”. The mischief, surely, is that women and men — but women predominately — are abused. That is why we call the offence “domestic abuse”. It says it in there: this offence shall be called the “domestic abuse offence”. Yet, we rush our fences to the point where we decide that we do not actually have to have any abuse in order for someone to be guilty of that offence. If the direction of travel is to deal with coercive abuse, why does this legislation not make an offence of coercive abuse? Why is that not the offence? I could understand that: if that is the target, make it the offence. Make the offence “coercive abuse”, have the evidence that that was the intention, and, in those circumstances, you could lay a path to justifying external evidence that that would be perceived to be coercive abuse.

When you make the offence actual domestic abuse, however, you cannot dodge the necessity, I say, of showing that there is abuse and there is harm. Otherwise, you arrive at the ridiculous situation in which you invite a jury to convict someone who fails in their intent, who fails to cause harm and who fails to cause psychological harm, and nonetheless you say, “Convict”.

That is why I say that we are doing despite to the essence of the criminal law and the need for an actus reus and a mens rea. All that you have in this offence is mens rea and someone else, who is not the victim but some mythical, reasonable person, who believes that there was an actus reus. That is a bit farcical, but I recognise that I have not persuaded the House. I regret that, but you have your view and I have mine, and, in due course, we may see the wisdom of whatever path was trod.

Amendment No 1 negated.

Clause 1 ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3 (Impact of behaviour on victim)

Mr Deputy Speaker (Mr Beggs): Before I put the Question, I remind Members that we have debated Mr Allister’s opposition to clause 3. The Question will be put in the positive as usual.

Clause 3 ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clauses 5 to 7 ordered to stand part of the Bill.

Clause 8 (Aggravation where victim is under 18)

Amendment No 2 made: In page 5, line 24, leave out “constituting the offence” and insert “by virtue of which the offence is constituted”.— *[Mrs Long (The Minister of Justice).]*

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (Aggravation where relevant child is involved)

Amendment No 3 made: In page 6, line 6, after “if” insert “(any or all)” — *[Mrs Long (The Minister of Justice).]*

Amendment No 4 made: In page 6, line 8, after “directed” insert “, or threatened to direct,” — *[Miss Woods.]*

Amendment No 5 not moved.

Amendment No 6 not moved.

Amendment No 7 made: In page 6, line 11, after “behaviour.” insert

“Or

(c) a reasonable person would consider the course of behaviour, or an incident of A’s behaviour that forms part of the course of behaviour, to be likely to adversely affect the child.

(2A) For it to be proved that the offence is so aggravated, there does not need to be evidence that a child –

(a) has ever had any awareness or understanding of A’s behaviour, or

(b) has ever been adversely affected by A’s behaviour.

(2B) Nothing in this subsection prevents evidence from being led about—

(a) a child’s observations of, or feelings as to, A’s behaviour, or

(b) a child’s situation so far as arising because of A’s behaviour.”.— [*Miss Woods.*]

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (Behaviour occurring outside the UK)

Amendment No 8 made: In page 6, line 38, leave out “course of behaviour would constitute the domestic abuse offence” and insert “domestic abuse offence would be constituted by virtue of the course of behaviour”.— [*Mrs Long (The Minister of Justice).*]

Clause 10, as amended, ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): Members, it has been a long session. I propose, by leave of the Assembly, to suspend the sitting until 7.15 pm.

The sitting was suspended at 7.03 pm and resumed at 7.15 pm.

Debate resumed.

Mr Deputy Speaker (Mr Beggs): We now come to the second group of amendments for debate. With amendment No 9, it will be convenient to debate amendment Nos 11 to 14. I call the Minister of Justice to move amendment No 9 and to address the other amendments in the group.

Clause 11 (Exception where responsibility for children)

Mrs Long: I beg to move amendment No 9: In page 7, line 15, leave out “18” and insert “16”.

The following amendments stood on the Marshalled List:

No 11: In clause 17, page 9, line 21, leave out “18” and insert “16”.— [*Mrs Long (The Minister of Justice).*]

No 12: New Clause

Before clause 21 insert

“Definitions for child cruelty offence

Meaning of ill-treatment etc. in offence provision

20A. In section 20 (cruelty to persons under 16) of the Children and Young Persons Act (Northern Ireland) 1968—

(a) in subsection (1), the words from ‘(including’ to ‘derangement)’ are repealed,

(b) before paragraph (a) of subsection (2) insert—

‘(za) a reference to—

(i) ill-treatment is to ill-treatment whether physical or otherwise;

(ii) suffering or injury is to suffering or injury whether physical or otherwise;’.— [*Mrs Long (The Minister of Justice).*]

No 13: New Clause

After clause 24 insert

“Interim protection for the victim

24A.—(1) The Department of Justice may by regulations, within 24 months of commencement, make provision for measures which may be made for the purposes of protecting and supporting the victim or alleged victim.

(2) The regulations may include provisions about —

(a) court orders,

(b) measures other than court orders.

(3) The regulations may not be made unless a draft has been laid before and approved by a resolution of the Northern Ireland Assembly.”.— [*Mr Givan (The Chairperson of the Committee for Justice).*]

No 14: New Clause

After clause 24 insert

“Amendment to the eligibility requirement for civil legal aid

24A. In The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, Article 10 (1), at end insert —

“(ab) advice and assistance or representation in proceedings for, or in relation to, any order referred in Article 8(1) of the Children (Northern Ireland) Act 1995 where the client is a victim of domestic abuse in accordance with the Domestic Abuse and Family Proceedings Act (Northern Ireland) 2020.”.— [*Miss Woods.*]

Mrs Long: Amendment No 9 is being moved as a consequence of amendment No 12, through which the offence of child cruelty will explicitly cover non-physical ill treatment of children aged under 16.

Clause 11 as it stands provides that the domestic abuse offence does not apply where a person has parental responsibility for someone under 18 years of age. I propose an amendment to change the age from under 18 years to under 16 years. That is to ensure that non-physical abusive behaviour of a 16-to-18-year-old by someone with parental responsibility is captured under the new offence. It is necessary, given that section 20 of the Children and Young Persons Act 1968, which is to be amended through amendment No 12 to capture non-physical ill treatment of a child by someone with parental responsibility for them, applies only to persons under 16

years of age. Doing otherwise would mean that those aged 16 to 17 would not be protected from non-physical abusive behaviour.

Clause 17 provides that an offence cannot be aggravated by reason of involving domestic abuse if the partner or connected person is under 18 and the accused has parental responsibility for them. I propose an amendment to the clause — amendment No 11 — to change the age from under 18 years to under 16 years. That is for the same reasons as I have just set out for the previous amendment.

Amendment No 12 inserts a new clause on the definitions for the child cruelty offence. Evidence received by the Justice Committee during its deliberations on the Bill highlighted concerns that non-physical abuse of a child by someone with parental responsibility for them was not captured by current child protection provisions. In order to respond to that, I have tabled the amendment to amend the child cruelty offence in section 20 of the Children and Young Persons Act 1968. The amendment makes it clear that non-physical ill treatment of a child by someone with parental responsibility for them is an offence. The offence applies to those under the age of 16. It will also provide that references to an offence around unnecessary suffering or injury to a child explicitly state that that relates to the suffering or injury being physical or otherwise, again ensuring that non-physical behaviour is captured in the offence. That will enable matters such as isolation, humiliation, bullying and many others to be captured under the offence. Discussions have been held with the Department of Health on the amendment, and the Health Minister is content with the change.

While the ill treatment or abuse of a child or young person falls into the child protection arena, it is important to ensure at this point that the necessary protections are afforded to all our young people. While we can debate whether the child cruelty offence should have a threshold of under 18 as opposed to under 16, it is not possible to provide for that in the Bill. Ultimately, my focus is on ensuring that abusive behaviour against children can be dealt with through whatever means. For that reason, amendment Nos 9, 11 and 12 make it explicit that the child cruelty offence covers both physical and non-physical ill treatment of those aged 16 and under while extending the domestic abuse offence to those aged 16 and 17. Without those three changes being made together, there would not be the necessary protections for those aged 16 and 17. A failure by the House to approve amendment Nos 9 and 11 would mean that protection from abusive behaviour was not afforded to those aged 16 and 17.

In relation to those provisions, I reassure Members that we are not criminalising normal family disagreements or parental responsibility. For example, where a young person is grounded, their allowance is removed or they no longer have access to electronic communications and social media because of their behaviour, that would not be within the scope of the offence. There are more than sufficient safeguards in legislation to ensure that, given that there are three hurdles that must be passed before the offence occurs: these are that behaviour must be abusive and occur on two or more occasions; that a reasonable person would have to consider the behaviour likely to cause harm; and that the accused must intend to cause harm or be reckless as to that. There is also a

defence of behaviour being reasonable in the particular circumstances.

I turn now to amendment No 13, which is a Committee for Justice amendment. I understand that the Committee has concerns about the introduction of provisions for new domestic abuse protection notices and orders and that, to a certain extent, the provision is intended to act as a stopgap in case the necessary legislation is not made to provide for these. I have made it clear that it is my intention that provision will be made for this in the justice (miscellaneous provisions) Bill, and, therefore, I consider the amendment unnecessary. More importantly, explicitly stating a restrictive two-year time frame for the introduction of an untested policy that has not yet been subject to public consultation leaves my Department exposed to a successful judicial review and unnecessary levels of risk. There are many factors outside our control that could mean that it is not possible to achieve this, which is particularly important when we consider the current pandemic and the impact that it has had on how all of us work. There are also significant resource implications to an approach that would require my Department to progress through both primary and secondary legislation at the same time. These are resources that we simply do not have.

Inclusion in the justice (miscellaneous provisions) Bill will enable the detail of the provisions to be set out in primary legislation, as well as the necessary policy development and consultation to be undertaken ahead of this. I reassured Members of that in my earlier remarks. I consider that the notices and orders will garner much public interest and that it is only right that a full public consultation be undertaken and the House has the opportunity for the detail to be set out in primary legislation. The approach adopted by the Committee amendment would mean regulating in secondary legislation an issue that takes the form of around 35 clauses in Westminster legislation, which is, effectively, the extent of a medium-sized Bill. I consider that the Executive and the House should be aware of and pass the broad intent of such expansive provisions in primary legislation, setting out clear authority for any such measures. While the provisions will be brought forward at amendment stage of the justice (miscellaneous provisions) Bill, due to the stage of policy development that we are at, and will, therefore, not be subject to the usual Committee Stage process, I have given my commitment that the Department will engage fully with the Committee on the preparation and progress of the provisions in such a manner as the Committee sees fit to ensure that it has the appropriate scrutiny of the clauses. That approach will also ensure that the House has two opportunities at amending stage to debate the detail of the provisions in the Bill finalisation. For those reasons, I cannot support the amendment and ask Members to support me in resisting it.

Amendment No 14 would confer a discretionary power on the Legal Services Agency to waive the financial eligibility test in private family law cases in circumstances where the applicant has been the victim of a domestic abuse offence. I am deeply sympathetic to the intention behind Rachel Woods's amendment. It is clearly a laudable aim to ensure that victims of abuse are supported to establish safe and stable arrangements for the care of their children. Nevertheless, there are three important reasons why

the approach taken here is not the right one and why we should seek to provide the support in another way.

First, it is not clear to me that the amendment would provide the right protection for such victims. For example, while a waiver would provide access to legal aid, it would not be free of charge. Victims would need to make an upfront contribution to the cost of the representation. Where a victim of abuse is unable to access their resources — where they are being controlled by their abuser, for example — that would still leave a very vulnerable person without representation. Furthermore, a person who is the victim of abuse but whose abuser has not been convicted of the relevant offence under this Bill would also not be assisted by the proposal. For example, if someone was to be convicted under the alternative options available for prosecution, they would not benefit from the proposal. There is a range of protections that might be afforded to victims and a range of circumstances in which they could be made available. I take the view that the best approach to determining the form of protection is engagement with stakeholders to construct a form of protection that will address the real issues that victims of abuse face. I agree with the Member who proposed the amendment that those issues are real and need to be addressed.

Secondly, at present, I am unable to state with confidence what impact the amendment would have on victims of abuse or on the operation of the family courts generally and nor can I be clear about what its costs might be. Legal aid is a complex and contested area of law, and it interacts in complex ways with the experience of people in contact with the civil courts. Research work is still required to understand the likely impact and cost of the protections that we offer. It simply does not make sense to act hastily by introducing changes with no clear idea of the impact that they will have, unless the situation is urgent.

We are not in that state of urgency because, thirdly, the Department has powers to make secondary legislation to provide the protection that is required. Secondary legislation is the appropriate vehicle for technical amendments of this type. It is not just a question of appropriateness or propriety: by using secondary legislation to provide those powers, we give ourselves time to engage with stakeholders and understand the most appropriate forms that the protections should take and can conduct research so that we fully understand the likely impact and cost of those reforms. Crucially, it also means that we can monitor those changes and their impact and act promptly to make changes to the system if it is not having the impact that we want. If we put that provision in primary legislation, we would lose each of those opportunities, and, almost inevitably, the people whom we are trying to help would be less protected than they might otherwise be as a result. For those reasons, I cannot support the amendment, and I ask Members to support me in resisting it. I am committed to working constructively with the Justice Committee to develop subordinate legislation to address this important issue.

That concludes my comments, at this stage, on this group of amendments.

Mr Givan: I will cover the amendments in this group that were tabled by the Minister and by Miss Rachel Woods MLA, before setting out details of the Committee's proposed amendment.

On amendment Nos 9, 11 and 12, questions were raised with the Committee by a wide range of organisations, particularly those that represent children, regarding the fact that the domestic abuse offence does not apply where an individual has parental responsibility for someone under the age of 18 and whether existing children's legislation provides adequate protection for child victims of non-physical abuse. The Committee discussed the position with NSPCC and Barnardo's representatives when they attended to give oral evidence and requested further information and clarification from Department of Justice officials, who indicated that the Department had given careful consideration to the scope of the domestic abuse offence to ensure that children would be captured within it in their own right where they are in a relationship or are a family member, while preventing criminalisation of parental responsibility.

The officials also outlined that, having considered the matter further and taken account of the concerns expressed to the Committee, discussions were taking place with Department of Health officials on a possible amendment to child protection provisions in health legislation to make it clear that non-physical ill treatment of a child by someone with parental responsibility for them is an offence and to provide that references to an offence around unnecessary suffering or injury to a child explicitly state that that relates to suffering or injury being physical or otherwise, again ensuring that non-physical behaviour is covered. That should enable matters such as isolation, humiliation, bullying etc to be captured. Amendment No 12, the text of which was furnished to the Committee by the Department, provides for that by amending the child cruelty offence in section 20 of the Children and Young Persons Act 1968.

When the Department provided the wording of the proposed amendment towards the end of Committee Stage, it advised the Committee that the child cruelty offence applied only to those under the age of 16. As was explained by the Minister, to ensure that non-physical ill treatment of those aged 16 and 17 in the context of a parent-child relationship could be provided for in the legislation, the Department considered reducing the age threshold for the parental responsibility exclusion from under age 18 to under age 16, as provided for in amendment Nos 9 and 11. Although the Committee was concerned about the gap that the amendment to the child cruelty offence, if made, would cause, it viewed the proposed remedy of reducing the age threshold for the parental responsibility exclusion as a significant change and did not believe that it was in a position to clearly understand the implications or consequences of making it without the input and views of key stakeholders and further time to consider and discuss the issue.

The Department sought the views of the NSPCC and the Northern Ireland Commissioner for Children and Young People to try to assist the Committee, but neither commented directly on the proposal to reduce the age threshold. They remained of the view that children should be wholly captured in the domestic abuse offence and that the parental responsibility exclusion should not apply.

7.30 pm

The Committee accepts that child protection legislation falls to the Department of Health and, therefore, supports

the approach taken in the Bill on the scope of the offence. The Committee also believes that the law should be robust and clear regarding the position of non-physical ill-treatment or injury to a child under the age of 16 and is, therefore, content to support the amendment to the child cruelty offence.

The Committee sought but did not have sufficient information to properly consider the proposal by the Department to reduce the age threshold for the parental responsibility exclusion from under age 18 to under age 16 before the Committee Stage of the Bill was due to be completed. Therefore, it noted the proposed amendments to clauses 11 and 17.

The Committee advised the Department that, assuming that the amendment to the child cruelty offence was made, it expected it to ensure that the gap created for 16- and 17-year-olds was fully addressed. It also indicated that it would consider any further information provided on the implications or consequences of the Department's proposed remedy and/or any other options available to address the issue. The Department subsequently advised the Committee that it did not consider that there were other options to address that gap in the Domestic Abuse and Family Proceedings Bill and that the Minister intended to table the amendments to clauses 11 and 17 to change the age from under 18 years of age to under 16 years of age to ensure that non-physical abuse of a 16- or 17-year-old by someone with parental responsibility is captured by the new offence. The Department also indicated that any wider changes in that area would be the responsibility of the Department of Health and that it understood that no further changes are being considered at this stage.

When the Minister attended the Committee meeting last Thursday, the amendments were discussed further. Following that, the Committee agreed that it was content to support them to ensure that the gap is addressed. However, the Committee is of the view that that is a suboptimal solution and that work will need to be done with the Department of Health to ensure there is better alignment across the board in these areas.

The Committee has not had an opportunity to consider and reach a position on Ms Woods's amendment No 14 about the eligibility requirement for legal aid. Therefore, I will address that later, when I speak in a personal capacity. My colleague Paul Frew will also elaborate on the DUP's position on that amendment.

The Justice Committee has tabled amendment No 13 to provide for measures to protect and support victims and alleged victims of domestic violence and abuse. The Minister has outlined her objection to the amendment, and I want to set out the reasons why the Committee has tabled it and the rationale for framing it in the way that it has. As the Assembly has heard, the Department of Justice took legislative powers to provide for domestic violence protection notices and orders similar to those in England and Wales, in the Justice Act (Northern Ireland) 2015. However, for a number of reasons, the Department has never introduced them. In England and Wales, they are now being replaced by new domestic abuse protection notices and orders under the Westminster Domestic Abuse Bill. The new notices and orders will address the broader definition of domestic abuse that is being introduced there and will make other changes to address some of the

operational shortcomings that were experienced with the old-style notices and orders.

In the evidence received by the Committee on the Bill, recognition of the limitations of the old-style notices and orders and support for the introduction of domestic abuse protection notices and orders came from a range of organisations, including statutory bodies, advocacy groups and trade unions, which highlighted that they will soon be available in England and Wales. Although some of the organisations noted that the Department was considering progressing that matter in future legislation, others believed that it should be covered in the Bill.

The 2019 Criminal Justice Inspection Northern Ireland thematic report on the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland urged progress on protection notices. The Northern Ireland Policing Board, having benchmarked with England and Wales through police performance monitoring on domestic violence and abuse, is also of the view that there is considerable merit in introducing domestic abuse protection notices and orders and would support that in legislation.

The chairperson of the Northern Ireland Policing Board performance committee recently wrote to the Justice Committee highlighting the fact that the performance committee had considered police performance against measures in the annual performance plan for 2020-21, with a focus on repeat victims, repeat offenders and the delivery of effective crime outcomes on domestic violence and abuse. The performance committee had discussed a potential gap in legislative provisions in the Bill before us today to provide for domestic abuse protection notices and orders and how that could impact on the police's ability to protect victims further, and it asked the Committee for an update on progress in that area.

The Committee sought the views of the PSNI on the potential benefits for victims of domestic abuse of such orders. In their response, the police highlighted their concerns regarding the old-style domestic violence protection notices and orders that are in operation in England and Wales and that the Department was continuing to work towards in Northern Ireland and suggested that, rather than introducing them, further formal consultation in determining the most effective way ahead in Northern Ireland would be beneficial.

In August, the Department advised the Committee that it was looking at proposals for the introduction of domestic abuse protection notices and orders and, due to the policy and operational lead-in time required, that would be taken forward at the amendment stage of the proposed miscellaneous provisions justice Bill. The Minister subsequently advised the Committee in September that, given the concerns expressed by the statutory and voluntary and community sector bodies during discussions, and the issues evident from England and Wales, she did not believe that the old-style domestic violence protection notices and orders should be introduced in Northern Ireland, and the Department would instead focus on policy development on the new domestic abuse protection notices and orders. Suffice it to say, it has been a long drawn-out process by the Department to get to this point.

The Committee recognises the benefits of domestic abuse protection notices and orders in providing short-term protection to victims for a time after an incident and giving them time and space to consider their next steps. The Committee also understands that there is a need to develop the policy in this area and identify the most appropriate option for Northern Ireland. Members are, however, concerned and frustrated about how long Northern Ireland has already been without any form of protection notices, and we do not find any reassurance in the fact that legislative provision in this area will be advanced by the Department only during the progress of the proposed miscellaneous provisions Bill.

In order to ensure that progress is made, the Committee agreed to table amendment No 13 to place a duty on the Minister to provide for a scheme within 24 months of commencement of this legislation for the purposes of protecting and supporting victims or alleged victims of domestic abuse. Rather than being prescriptive, the amendment provides for the details of such a scheme to be set out in regulations, thus enabling the Department to identify and progress the most appropriate scheme for Northern Ireland. The Minister advised the Committee on 1 November that she considered the amendment to be unnecessary, and she has set out her reasons for that today.

Let me be clear: the Committee could have taken the detailed provisions in the Westminster Bill relating to domestic abuse protection notices and orders and tabled them as amendments to this Bill. However, we are aware that Scotland intends to introduce a form of protective orders for people at risk of domestic abuse. The Committee wants to provide the Department with the opportunity to develop the most appropriate policy option for Northern Ireland. Therefore, rather than being prescriptive in the Bill and setting out a particular approach or simply lifting a scheme wholesale from another jurisdiction, the Committee amendment deliberately gives flexibility by providing for the details of court orders or measures other than court orders to be set out in regulations.

The timescale of 24 months from the commencement of the Bill is, in our view, entirely reasonable, particularly given that the Department advised the Committee in August that it was already considering proposals for domestic abuse protection notices and orders. Although the Committee notes the Minister's stated intention to make provision in the proposed miscellaneous provisions Bill, as I outlined earlier, the Committee does not find reassurance in that position, particularly as the intention is to do so during the amending stages of the Bill rather than at its introduction. Until we see the proposed provisions and, indeed, the Bill being introduced, there is no guarantee that legislative provision in this area will be available. The Committee therefore sees no reason not to take the opportunity to make legislative provision in this Bill.

The Minister recently advised the Committee that she hopes to introduce the miscellaneous provisions Bill in March 2021. If that happens and the Department introduces relevant provisions for domestic abuse protection notices and orders or something similar at the amending stage, the Department can also repeal the Committee's provision in this Bill, assuming that it is made,

as it will then not be necessary. We would be content with that approach. If, however, for whatever reason, the Department is unable either to progress the miscellaneous provisions Bill or bring forward provisions for domestic abuse protection notices and orders during its passage through the Assembly, the Committee amendment will provide a legislative basis on which to progress that issue within a reasonable time frame. If we do not take the opportunity provided by this Bill to put in place that provision, there is the possibility that progress in this area may not be made until a new Assembly mandate. That is totally unacceptable, given the length of time that Northern Ireland has already been without this type of scheme.

The Committee fails to understand the Minister's lack of support for the approach that we are taking and her assertion that it places the Department at considerable risk of successful judicial review if the timescale of 24 months cannot be met, particularly given her commitment that she is bringing forward provisions as part of the miscellaneous provisions Bill, which will be introduced well within that timescale.

Mrs Long: Will the Chair give way?

Mr Givan: I therefore ask the Assembly to support the Committee amendment. I am happy to give way to the Minister.

Mrs Long: I am happy to elucidate the reasons that there could be problems. It is an untried and untested policy. There has been no public consultation. There has therefore not been the opportunity for us to shape the domestic abuse protection notices. Although I share the Committee's frustration at the domestic violence protection notices not being able to be proceeded with in a more timely fashion, the risk is that, if we go out to consultation and significant issues emerge about the operation of domestic abuse protection notices in other jurisdictions or there is significant resistance to the introduction of domestic abuse protection notices during that consultation, we will be considered to have acted in a way that is not taking account of those who responded if we are already committed in law to undertaking a course of action.

Mr Givan: I thank the Minister for that intervention. I will not repeat all the rationale that the Committee considered, because that is exactly what I would be doing, as I have already addressed it. Of course, the Minister will make the winding-up speech on this group of amendments and, I am sure, will be capable of adding more detail. The position that I have outlined on behalf of the Committee has already been stated on the record.

I will speak briefly in a personal capacity. My colleague Paul Frew will address amendment No 14 in more detail. Suffice it to say, as the Minister has outlined, there is a lot of sympathy and, indeed, support for the rationale behind it. The Minister outlined in her comments some concern that there would still be upfront costs to address the impact on victims, even if the amendment were to be made; indeed, she highlighted some concerns around costs. As I said, my colleague Mr Frew will deal with the amendment. If the amendment is passed, some of the concerns that the Minister has outlined could be addressed at Further Consideration Stage. As far as the DUP is concerned, however, we are very sympathetic to the intended purpose of amendment No 14. At this point, I am content to resume my place.

Mr Sheehan: I welcome the opportunity to speak in the debate. I was on the Justice Committee when Claire Sugden was Minister, and I was on it when the institutions were resurrected earlier this year. I have since moved on. The issues that I want to deal with overlap with Health. It is clear that there are overlaps in the Bill between the realms of Justice and Health. That is most apparent in clauses 9, 11 and 17, which deal with the child aggravator and the exception to the aggravation where the perpetrator has parental responsibility over a child.

7.45 pm

I recognise that organisations raised some issues about the parental responsibility exception, specifically the question of whether existing child protection legislation provided adequate protection for child victims of non-physical abuse. That was raised by organisations such as the Commissioner for Children and Young People, Victim Support, Barnardo's, the NSPCC, Women's Aid, the Children's Law Centre and many others, and I thank them all for their important contributions. It is directly because of those important contributions to the discourse on the Bill that the Department of Justice decided, in consultation with officials from the Department of Health, to amend the Bill to provide for more explicit protections for children. It is my view and that of my party that, quite clearly, abuse, be it domestic abuse or child abuse, is not limited to physical abuse. It is important that all victims of abuse are afforded the same protections from non-physical abuse.

Such abuse has a stark, damaging and lasting impact on a child, and such adverse childhood experiences — they are known as “ACEs” — can lead to serious damage to a person's life. ACEs are a growing topic in academic and political discourse due to the increasing awareness of the impact that they can have on a child in later life, including mental health issues, addiction issues, educational, social and economic inequalities and more.

The UN Convention on the Rights of the Child must be the baseline used when making decisions on protecting children. More specifically, I want to draw attention to paragraph 1 of article 3 of the UNCRC, which states:

“the best interests of the child shall be a primary consideration.”

I believe that amendment No 12, which amends child cruelty legislation to make it explicitly clear that abuse can be non-physical, is important, because it will engage the UNCRC much more meaningfully and provide much greater safeguards for children who may be subject to abuse. The amendment will make it clear that it is an offence to cause suffering or injury to a child, be it physical or psychological in nature; for example, isolation, humiliation or bullying. That goes further than provisions in legislation in all other jurisdictions of these islands, and that is to be commended.

Ms S Bradley: First, I will speak directly to amendment Nos 9 and 11.

The SDLP recognises that the lowering of the age to 16 ensures that victims aged 16 to 18 who cannot seek legal redress through other provisions will be captured in the new offence. We note that the Bill is not intended as the legislative pathway for persons under the age of 16 for domestic abuse offences against them. Unlike 16- and

17-year-olds served by the amendment, they are reliant on the Children and Young Persons Act.

I was going to quote from the letter from the Minister at this point, but I think that that is sufficiently on the record at this stage. In the letter, the Minister talks us through the reasoning behind the Department's thinking, and I accept that. What I will say is that, while I support the Minister's amendment in that regard in wanting to cover all young people, the SDLP shares the concerns raised by others that an inequality in sentencing will arise from that disjointed approach. I appreciate that I had the opportunity to speak briefly to the Minister about that during our last Justice Committee meeting, and I accept that the outcome is not entirely within the Minister's gift to resolve. Although, arguably, it is the correct thing to do, I urge her, along with the Minister of Health, to ensure that, if any inequality is raised at the time, urgent action is taken to swiftly rectify that.

Amendment No 12 would insert a new clause, “Definitions for child cruelty offence”. Again, I see how that is required to ensure that there is alignment on the age factor, so we will support it.

The Chair of the Committee outlined very well the Committee's position on amendment No 13. It is a reasonable presentation at this time, and it allows for a reasonable period for the Department to act. Rather than reiterate what has been said and further to the Minister's intervention, I highlight that the amendment is sufficiently vague about the regulations. The amendment states that:

“The regulations may include provisions about—”,

so any consultation process will have sufficient regard to what is heard during that consultation. I do not accept that that is a valid ground not to move and support amendment No 13.

The Member who tabled amendment No 14 will know that I have huge sympathy for it. It was my intention, although that has been unsuccessful to this point, to genuinely try to understand the position of the victim. In very many cases, unless we have right the piece where we talk about supporting the victim, victims may never present themselves. They may never have the confidence to come forward. We had to look at all the empowering tools that we could reach for in order to help those victims to come forward and present their case. One concern that I had and continue to have is that financial restraint — the perpetrator restricting access to finance — could mean the person fails to come forward. That could be the deciding factor in not taking action.

Likewise, the amendment speaks to legal aid. It is that recurring effect, and I know that the Member who tabled the amendment will speak to that. The perpetrator is trying to break the person in every way they can. If one of the tools for them to do that is to continually and persistently bring that person to court over minor and unfounded offences, just the process of having to do that and defend yourself is another form of abuse. I can see how the legal aid system stepping in would prevent the effect that the perpetrator hopes to achieve. The victim who is being dragged to court perpetually will not become financially broke by that if legal aid sweeps in and supports them. As the Minister said, however, this piece has not been developed as fully as it could be. What of those victims

who may not run the full course of the Bill but are taking a case outside it? They, too, would deserve that support.

I spoke at length with the Member who tabled the amendment. I am torn, because I see that it is not a perfect piece at this stage. That said, the SDLP will support it because to anchor it now in the Bill is the right thing to do and allows us to tease out those further conversations around it.

Mr Beattie: I will be brief, because a lot of information has come across already that addresses an awful lot. There is no point in talking just for the sake of talking. There are others who I need to listen to before I can make a fully informed choice, if I am really honest.

We absolutely support amendment Nos 9 and 11, which would move the age down from 18 to 16. We understand what it is trying to achieve. It is not ideal, but we will support those amendments.

The new clause proposed by amendment No 12 really is welcome. A definition for “child cruelty offence” is really needed. I am glad that the Minister tabled that amendment, because it will give us so much power to protect children.

I am struck by this line in amendment No 13:

“protecting and supporting the victim”

Clearly, the whole Bill is about protecting and supporting the victim in one way or another, and domestic abuse protection orders and notices are one of the ways to do that.

I guess that nearly everybody in here has come across someone who has been a victim of domestic abuse in one way or another. I certainly have, and the individual whom I know was a male who was being abused by his wife while the children were in the house. When I say “abused”, I mean that he was physically abused. After he had been abused, he would leave the house because that is what men do; they leave the house and leave the children and the wife there. When he went out the door, there was nothing to protect or support him legally. All he could do was traipse back into the house to be abused all over again. That cycle continued until I got him out of the house and into accommodation. I moved him away from there, and I went through a system of getting him access to his children.

The new clause introduced by amendment No 13 is a justified and a good clause, and we should definitely support it. My party will support it. I have absolute sympathy with the Justice Minister, and maybe, in the Further Consideration Stage, we can enhance it. However, it needs to be in the Bill. To use a phrase that has already been used, it needs to be anchored in the Bill.

I am absolutely minded to support amendment No 14. We have discussed it with Ms Woods, and I absolutely understand what she is trying to achieve. However, I need it expanded a little more. I do not think that I have as much information as I want. At the start I said that I want to finish because I want to hear other Members. One of the other Members whom I want to hear from is Ms Woods. I want her to give us some information on this. I think that Mr Frew will talk about it as well. It says a lot for the Assembly that you can listen to other Members and possibly change your mind on a clause. I am minded to support it. It certainly is a clause that we can get into the Bill and enhance at a later stage, but I would like to

hear more information about it. I do not know whether this addresses it or not, but we all know of occasions where one parent in an abuse case is getting legal aid and the other is not and one is financially drying the other one out completely. That is another form of domestic abuse. It is an endless cycle, I suppose. A little more information on that would help me out, but I am certainly minded to support amendment No 14.

Ms Bradshaw: I support amendment Nos 9, 11 and 12 and oppose amendment Nos 13 and 14.

Amendment No 9 is an important clarification that non-physical ill treatment of someone aged 16 or 17 will be captured by the offence. It has been placed in the group alongside amendment No 11 to clause 17 because it does the same thing: it clarifies that the domestic abuse aggravator also applies if the victim is aged 16 or 17.

Amendment No 12 is an additional clause that enhances that, based on evidence received by the Committee, making non-physical ill treatment of a child by someone with parental responsibility for them an offence and clarifying that any suffering or injury need not necessarily be physical.

I have concerns about amendment No 13, not because I oppose its intent, but because, in fact, I support it. I do not believe, however, that such an important process — a significant element, amounting to 35 clauses of the equivalent Bill for England and Wales — should be taken forward through regulations; instead, it should be properly consulted on with the public and scrutinised by the Assembly, not least the Justice Committee, as part of forthcoming primary legislation in this Assembly term. In my and my party’s view, the interests of victims are best served by a thorough process, making sure that we get it right.

While I suspect that I have sympathy with the intent of amendment No 14, I am unclear about the wording. I simply do not believe that it would be workable as it stands.

It should be emphasised that legal aid is already available to anyone who needs it to secure a non-molestation order. People with high incomes make a small contribution towards their representation, but no one is paying thousands or even hundreds of pounds for that. Nevertheless, we will continue to look at this, particularly because one common means of control is to remove access to funds. If the intent is to ensure that no one is unable to bring a case of domestic abuse due to a lack of funds, we would like to achieve that in the Bill, via an appropriate amendment, if necessary.

Finally, it is worth emphasising that no one is removing parental responsibility. There is a reasonable behaviour defence, and standard penalties such as grounding or removing access to social media, do not fall within the scope of the Bill.

8.00 pm

Mr Frew: This is the second stage of the debate, which has been a good one, and I have really enjoyed it. This is definitely the business end of our job. We have a certain group of amendments and clauses to look at.

Amendment No 11 reduces the age from 18 to 16. I think that we all recognise the gap, and there is no problem with that. There is no issue with lowering the age in regard to aggravation and also lowering the age in regard to the

other issue. We could see the anomaly that had been created, so there is no problem there.

There is no problem with amendment No 12, which is a new clause on the meaning of ill treatment etc in offence provision. Doug told a story about that, and I agree with his assessment.

I will move on to amendment Nos 13 and 14. I remember tabling an amendment in the last Assembly mandate. I think that was an amendment to the Justice (No.2) Bill, but, as my memory is sketchy, it could have been the Justice (No.1) Bill. It was to do something similar with regard to orders. The Minister at the time was Mr David Ford, and he gave me a commitment in this very House that, if I withdrew my amendment, he would carry it on. He criticised the wording and said that it was untidy — I agree with him; it probably was — but I felt that having that amendment on the list and forcing the Minister to talk to it would mean that I could effect change in that regard. That change did not happen. It did not happen anytime soon. I thought that I was doing a good thing by removing the amendment and not pushing it — I had the word of the Minister — but, with all due respect to the Minister, time moves on, things happen and things do not get done. I understand that, and I understand why it was critical that the Committee, having had the opportunity to table the amendment, grasped it.

Amendment No 13, which is a new clause on interim protection for the victim, is a gift for the Minister. It is a gift that the Committee has presented to the Minister. The Committee could have gone down a more arduous route. It could have taken legislation from other arts and parts — other jurisdictions in the United Kingdom — and put it in this Bill. However, the Committee recognised that that would not be the right thing to do, because our Justice Minister and Justice Department needed to make sure that whatever vehicle they use is fit for purpose for Northern Ireland, which is important. It is important that we adapt the vehicle to suit us. That is why it is so vague in the way in which it is written:

“The Department of Justice may by regulations, within 24 months of commencement, make provision for measures which may be made for the purposes of protecting and supporting the victim or alleged victim.”

This is all about protecting and supporting the victim:

“(2) The regulations may include provisions about—

(a) court orders,

(b) measures other than court orders.”

You cannot be any more vague than that.

When I brought my amendment, away back then, during the Justice (No. 2) Bill, I think, to Minister David Ford, it was very prescriptive. I basically nailed my colours to the mast and asked David Ford, who was the Minister at the time, to do something. I withdrew that amendment, and, to be honest with you, I regret it. We should not withdraw this amendment; we should move this amendment.

The amendment should be passed in this House because it is affording the Justice Minister of today the ability to shape the vehicle that she wishes to use to take it forward in a timely fashion. Twenty-four months should not be too ambitious, and, if it is, there is something badly wrong with

the system. We know that cogs turn slowly in this place — too slow for my liking — but 24 months to get something that is desperately needed —

Mrs Long: Will the Member give way?

Mr Frew: Yes.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

Mrs Long: Will the Member accept that, within that 24-month period, there will be a change of Executive? There will be a general election called in respect of the Assembly. The Executive will have to enter into negotiations to reform an Executive, and that can take a considerable time. During that period, officials would not be in a position to take direction from a Minister.

We also know that, this year, with the onset of COVID, there are other indeterminables and unforeseeables that could happen in that period. Putting in primary legislation a duty to do something within a time frame of two years places the Department at high risk. The difference between us is not whether this needs to be done but whether it is wise to place the Department — not me — at risk of judicial review should this fall. No doubt, it will be a different Minister who will end up having to fight that case in court.

Mr Frew: I thank the Member for the intervention. I hear her appeals. If we want to amend this so that it is a shorter time, I am up for that debate. Twenty-four months is enough time. What the Minister failed to point out is this: she has told the Committee and the House that she will bring forward legislation that will deal with the issue straight away.

Mrs Long: I thank the Member again for giving me the opportunity to clarify. This would place a duty on my officials to do two things: to engage in nugatory work to bring forward secondary legislation, which we do not believe is the correct vehicle, and, at the same time, the same officials and the same resource would be split to try to advance primary legislation where the matter can be dealt with properly.

I realise that the Member gets frustrated at the pace of change, but each person has only limited capacity to deliver. If they are to do both those things, one of those things will suffer, and one of them is unnecessary. It is not helpful to ask a small team — it is a small team — to divert all its attention to producing secondary and primary legislation on the same issue and divert them from all the other work, including the domestic abuse strategy. The Member would be the first to criticise us if we were to do that.

Mr Frew: I thank the Minister for her intervention. She can make all the excuses for her Department that she wants, but the Committee wishes to see the amendment through, and I hope that the House sees the rationale for why we need to see the amendment through.

It is not duplication, and it is not placing a burden on the Department when it is the same thing that we are asking for and the outcome will be the same. Surely the Minister and her officials can see that this is the endgame. This is where we need to get to. For the life of me, I cannot see why the Minister and the Department are so against amendment No 13, which asks her to do that. Her Department shapes the vehicle for her to move forward

to protect victims of this heinous crime. For the life of me, I do not see what the problem is with that. It is happening everywhere else but here.

Mrs Long: Will the Member give way?

Mr Frew: Yes.

Mrs Long: The Member said that he does not understand why there is a duplication of resources. I know that it is unusual for a Minister to ask a question of a Member, but does he understand that primary legislation is a completely different vehicle, a completely different drafting exercise and has completely different standards from secondary legislation? They are not the same thing. It is not about drafting legislation that will either be primary or secondary: primary legislation is different from secondary legislation. Does the Member understand that that requires us to do two things at the same time and split our resources between them, rather than focus on the one thing that he wants, which is to get these delivered?

Mr Frew: I thank the Minister for her intervention. However, she must realise that an amendment to a Bill can be cooked up and produced in hours or in days. That is the process that, the Minister outlined, she will use as the vehicle. We can have a tennis game all we want tonight, but it will not serve any more purpose. I plead with the House to consider the amendment and everything that I have said about my history and my experience in this place in trying to effect change. The Committee gave the Minister as wide a scope as it could. This is a gift to the Department and the Minister. I wish and hope that she takes it.

I will move on to Rachel Woods. This is becoming a habit, and I will have to stop it. I will get into real trouble with my party, because I will have to praise her once again. Here is the thing, and it is very important: Rachel Woods came onto the Committee, and she gets the Bill. I think that this is her first attempt at the legislative process, and she gets it. If every Member was as committed as she is, what a Chamber and Committees we would have. I will really have to stop this. Why am I so passionate about this? I thank Rachel for her amendment because it ticks a very big box. I admit that it has taken me a while to see what the amendment does, and I would suggest that we probably need to go further. I am up for that debate. We are probably a wee bit limited in the time available before Further Consideration Stage, but I put the Minister on notice.

Why is the amendment needed? My colleague Jonny Buckley organised a meeting a number of months ago with a young lady — she will remain nameless, of course — who wanted to meet me and the Chairperson, Paul Givan. She outlined in great detail the absolute devastation caused to her life and her children's lives because an ex-partner would not let her go and tormented her, day in, day out. That was not through nuisance phone calls, stalking, rumour or gossip but through the court. I am sure that Members will know of such experiences and will have heard such stories, but make no mistake: people use the court as a weapon, and it is a powerful tool in the hands of the wrong person. Here is how that can happen: a perpetrator of domestic violence or any other crime can go to court to gain access to children, and they can keep going back. There are meant to be safeguards in place in court. If a certain Member were in the Chamber, I am sure that he would remind me about that, but those safeguards seem to be failing. There are people in this country —

female and male — being taken to court over and over and over and over and over and over again. Hansard will enjoy that. People keep being taken to court, and their financial capacity is being reduced to zilch, to zero, to niets. That is not fair. It reduces the capacity for people and their children to move on with their lives.

8.15 pm

Mr Buckley: I thank the Member for giving way and for his particular reference to my constituent's case. I have listened to what the Member has said and seen what the Committee has done on the Bill. I thank the Chair of the Justice Committee and the Member for giving her the opportunity to speak to them and tell her story. She has been empowered by the actions that have been taken by the Justice Committee.

Does the Member agree that the continual attempts to bring her and her family through the courts affected the young lady not only financially but psychologically? They financially crippled her in such a way that her grandmother had to give up so much to ensure that the young lady could keep her family together. I thank the Member for his comments on the case.

Mr Frew: Yes, and you can see the unfairness in that. You can see where hard-earned cash and life savings have been reduced at each stage of the way. Court proceedings are not pretty. It is not a case of going in on the Tuesday and coming out on the Wednesday. A court process has stage upon stage and lasts month after month. There are solicitors to pay and sometimes barristers, and there is no legal aid available. The perpetrator can get legal aid, however. The perpetrator has nothing to lose, but the victim has everything to lose. It is the case that court is being used as a weapon. The house of justice — the very place of justice — is being used against a victim: a person who is a single mum, with, I think, three children. That has to be stopped.

Mr Givan: I appreciate the Member giving way and elaborating on our party position. I also thank my colleague from Upper Bann Mr Buckley, who brought the lady to see us. Miss Woods will no doubt elaborate on this, but my reading of the amendment is that it relates to victims of the offence that is being created, so there is not a retrospective nature applicable to it, or a wider net for other types of offences. Nevertheless, it could be the catalyst for the wider changes that we as a party would like to see made to support victims of domestic abuse and ensure that the courts are not used for the very reasons that the Member has outlined.

Mr Frew: I could not agree more. I thank the Member for putting that on the record. When the Committee spoke about the issue last week, departmental officials were unclear on what the cost burden of the new clause would be. To be fair, it is not their area of expertise, so we got further clarification. It was cited that it could run into tens of millions of pounds, if my memory is right.

Miss Woods: I thank the Member for giving way. I believe the term was "double-figure millions".

Mr Frew: Thank you for that clarification. My memory is not what it used to be. When I heard that in Committee, my mouth hit the floor. If that is the cost burden to legal aid resulting from the Bill, equate that to a single mum's purse, equate that to a single dad's purse, equate that to

a nurse, equate that to a spark, equate that to a binman or binwoman. If that is the case, that amount of money is then going out of the hands of people who have worked hard to earn it. The Department cannot have it both ways. If it is millions upon millions — yes, I will give way to the Minister, who raises her hand.

Mrs Long: Will the Member accept that, equally, Members cannot have it both ways? They cannot demand that the Department bring the bill for legal aid under control and reduce it and, at the same time, argue that the bill for legal aid and the rules for legal aid should be changed without due diligence on our part and without checking how much it will cost so that we can quantify the changes and make sure that they are effective, proportionate and affordable.

Mr Frew: I thank the Minister for her intervention. It was very powerful, and she has hit the nail right on the head. Why is legal aid not protecting people like this? In fact, why are we financing people to use this as a weapon against the victims? Yes, the Minister has indicated by putting her hand up.

Mrs Long: I thank the Member for being generous in giving way, because it is important that we deal with the issues as they arise. It is already within the gift of the judiciary to rule that claims to go back to the family courts are vexatious. The judiciary must reach a decision. If a partner continues to drag his partner into court on a repeated basis for no reason other than to cause them harm, the judiciary can already say that they should not be allowed to do that and can exercise that power at any time.

Currently, there is also a waiver in place that will allow people to access legal aid in cases where they do not meet the financial threshold, but that relies on them still being able to make some contribution to the costs, which, at the higher courts, can be very significant. We are not talking about a complete waiver, and it would affect only those who are convicted of these specific offences, not other offences that might also constitute domestic abuse, for which alternative provisions have been made, in terms of prosecution. We discussed them earlier. The reason why some people can do this and others cannot is simply about their means. If you have the money to fund your case, you are expected to do so, and, if you do not, the Legal Services Agency is there to support you in order that you can access justice.

Mr Frew: I thank the Minister for further clarification, but, as I understand it, this amendment from Miss Rachel Woods allows the director of legal aid services to disapply financial eligibility rules for victims of domestic abuse in family proceedings — for example, child contact and residence orders. This will go some way to providing financial support and access to justice for victims who are having their resources drained and are subject to retraumatisation and further abuse by perpetrators exploiting the justice system. If I am wrong in that, I am happy to give way to either the Minister or the proposer of the amendment.

Women's Aid will be watching this, and I am sure that they are screaming at the TV, because this happens every day. That organisation has to fight tooth and nail for the victims daily. I received an email from Women's Aid not long ago, on 13 November — I have lost track of time — that outlined the cost burden for a victim in this regard. I will not go into the itemised costs, because it would take me all

night, but, from May 2019 to October 2020, there were six sittings of court. From May 2019 to October 2020, which has just ended, you can imagine the psychological burden on a victim of having to prepare for the next court sitting. May, November, July, September, October, October: when is there a free month there? When is there a month in that space of time when that victim can get their head showered? Then, of course, you have your counsel fees, your solicitor's fees, your court fees and everything else. The professional costs and outlays for that period were £2,950.50. The person involved is a single mum with a job, trying to provide for her family, with a mortgage, with car payments, with school fees and with lockdown.

Mrs Long: Will the Member give way?

Mr Frew: Yes, I will give way to the Minister.

Mrs Long: To save the Member and the Chamber some time, I will say that there is no need to convince me that there is an issue. I acknowledged that in my opening remarks. There is an issue. It is a serious issue that I wish to address. However, I do not believe that the amendment has the policy development behind it to ensure that it is adequate for purpose or that, in how it addresses the issue, it allows us to look at all the other mechanisms that are in front of us. There is no need to labour the point about the seriousness of the issue: we, in the Chamber, are all agreed on that. It is simply about the appropriate way to address the problem that we have a slight difference.

Mr Frew: I thank the Minister for her intervention, but, yes, it is correct that we clearly define the problems that are out there. It is correct because we have a problem here. We have an amendment. You disagree with it. The House will decide. It is important that we elaborate on these issues and stress the importance of this and how it impacts on people's lives so grievously. It is important for the people involved that we lay all that out.

That is only one court session that I described. There was then defending the appeal in the family care centre, which robbed that person of another £1,000. Again, the person involved is a single mum with child maintenance for two children and everything that goes with it. These people are being deprived of their funding and their hard-earned cash. That is money that they were prepared to save in order to ensure that their children get everything that they need — everything that is required for school, for holidays, for breaks away and for food on the table. They are being deprived. Their money is going down, and it is the court and all its legal services that are taking it off them because a perpetrator is using court as a weapon. That is the long and short of it.

That is why I support the amendment. That is why the amendment is needed. I do not think that it goes far enough, but it could be the start of a journey that leads us there. If it takes the whole gamut of legal aid to do it, let us do it. There should be no mountain too big to climb for the Assembly, Executive or any Minister. Let us tackle legal aid once and for all. Let us get it sorted, and let us not beat about the bush. I support Miss Rachel Woods's amendment. Let us see where it takes us. I make this plea to the House tonight: you have the time to support Rachel Woods's amendment No 14 and to support the Chairman, who has tabled amendment No 13. That is important. Do not lose the opportunity. Do not waste the time. Take it

now. Grasp it. Do not be like me. I withdrew an amendment on the sound commitment that the Minister made in the House on the record. It did not work for me. Pass the amendments. Let us get this done.

8.30 pm

Mr Lynch: As a former member of the Committee and a current member of the Policing Board, I speak in support of amendment No 13, which is a Committee amendment that would place responsibility on the Justice Minister to make provisions for domestic abuse protection orders and notices within 24 months of commencement or other measures aimed at protecting and supporting victims of domestic abuse.

Current legislation provides for domestic violence protection orders and notices, but they were never introduced. I also note that, as outlined by the Chair, the orders and notices were replaced by new domestic abuse protection orders and notices in England and Wales to address the broader definition of domestic abuse and some operational shortcomings that were experienced in relation to the orders. There is widespread support for the introduction of the new orders; indeed the issue was considered by the Policing Board, which agreed that there would be considerable merit in their introduction and that they would provide victims with protection for a period after an incident. Although there is no outright objection to the introduction of those orders, the PSNI highlighted concerns about existing arrangements and suggested that further consultation prior to their introduction would be beneficial.

It is concerning that victims of domestic violence in the North of Ireland have already gone a considerable time without any form of protection notice and would like to see them introduced. However, I understand the need for more consultation to ensure the best possible form of protection. Victims must be afforded all possible protections to ensure their safety and that cycles of abuse are ended. I welcome the amendment, as it places a duty on the Justice Minister to provide a scheme within 24 months of the commencement of the legislation, and I would welcome its introduction through the justice (miscellaneous provisions) Bill, which, I believe, will come next year.

The success of legislation depends on its effective implementation. Although the reporting of domestic abuse has increased, particularly since the introduction of lockdown due to COVID-19, it remains an under-reported crime. The figures outlined earlier by the Minister are stark. I welcome the proactive focus of the PSNI on tackling the increase in domestic abuse cases seen during the COVID-19 pandemic.

The Domestic Abuse and Family Proceedings Bill will be landmark legislation that, once implemented, will make a huge difference to the lives of so many. I have full confidence in the PSNI's ability to implement the legislation; however, it will need support in its efforts to do so. The legislation will be transformative to the lives of many victims. It must be a priority for the Department to ensure that appropriate resources are dedicated to that work so that the full potential of the legislation is realised.

Mr Dunne: I welcome the opportunity to speak today on the important issue of domestic abuse. I welcome the significant steps that have been taken over recent years

to get us to this advanced stage. I will not go in to all the details. I am very fortunate, as a DUP Member, to have two colleagues with great experience: the Chair, Paul Givan, and the former Chair, Paul Frew, who have covered the amendments in great detail. I am willing to follow their lead in relation to those issues. I do not always follow their lead, but I will do on this occasion.

I acknowledge all the victims' agencies across the community and voluntary sector and the officials and justice agencies, including the PSNI, that continue to support victims of that most horrific form of abuse and which have constructively engaged in the process to get us to where we are today. The dedication of organisations that work to support victims and survivors of domestic abuse in Northern Ireland must be commended. They have, literally, been a lifesaver to so many people across our communities, giving victims security, safety and hope for the future. There is no doubt that there is greater public awareness of domestic abuse. That is down to the hard work of many groups and organisations across society that work day and night to tackle this serious issue. I pay tribute to North Down and Ards Women's Aid, which is based in Bangor in my constituency. I have had engaged with it and know that it plays a valuable role in supporting victims of domestic abuse.

Considerable work has been done to get to this advanced stage, and we have heard about that in great detail during the debate. That includes work by all members of the Committee, who have worked constructively to tailor the Bill to best meet local needs. From the various evidence-gathering engagements and sessions that the Justice Committee has had, I know that there is a united desire — almost united — to ensure that no stone is left unturned as we seek to eradicate this appalling abuse, which, unfortunately, still happens every day and night across Northern Ireland.

As has been said, domestic abuse can affect everyone, regardless of their age, race, religion, gender, wealth, address or disability. Very often, it has no end point. It is torturous and, sadly, can result in generational harm that can never be repaired. Home should be the safest place for everyone. However, tragically, it can become the most dangerous place to be.

Throughout the COVID pandemic, with the lockdowns and periods of restrictions, places to escape from the home may have been closed, whether that was simply going to a football match or going out for a coffee, a haircut or a chat with friends or family members. Domestic incidents and crimes in Northern Ireland were already at a 15-year high before the COVID-19 pandemic, and data from the Northern Ireland Statistics and Research Agency (NISRA) shows that, in the last year, the number of domestic abuse crime cases rose to 18,796. That is an increase of 13% on the previous year and an average of 51 incidents per day. According to the Department, over 8,300 incidents of domestic abuse were reported to the PSNI during the COVID-19 lockdown period between April and June of this year, and a further 567 domestic abuse calls were made to the police in the final week of March. Those alarming statistics confirm the need for action to tackle domestic abuse.

Those statistics were replicated across the UK, but, alarming as they are, just as alarming, if not more so, could be the number of cases of abuse that were not reported

due to the fear of repercussions. Tragically, we will never see that figure — the number who remain silent — in our newspapers or in a Minister's answers, but those people must never be forgotten. That is why we need further progress on the issue.

The PSNI must be given tools that are robust and far-reaching, with legislation to support victims through any form of domestic abuse and, ultimately, bring the perpetrators to justice. I regularly engage with the PSNI in my North Down constituency and often hear of incidents of domestic violence. The fact that we are the only part of the UK that does not have non-physical abusive behaviour, including coercive control, as a criminal offence, limits the powers of the PSNI to tackle the problem effectively.

Operation Encompass was discussed extensively by the Committee. That provides the option of notifying schools when domestic abuse incidents have taken place the night before in a child's home. That tool has the potential to support children who may have directly or indirectly witnessed a form of domestic abuse. However, those notifications would have to be carried out in a sensitive and confidential manner to ensure that children are not further victimised through, perhaps, peer bullying in the classroom, should the PSNI notify the school in a non-discreet way.

Prevention and early intervention are crucial, and domestic abuse can have an impact even on unborn children. Research has identified that domestic abuse is an adverse childhood experience and a contributing factor to a wide range of issues, such as educational underachievement, which our Education Minister, Peter Weir, very much recognises and is working to address through a partnership approach in his Department. Children are often the unseen victims of domestic abuse, and those who are the victims of domestic abuse can suffer from a wide range of long-term mental, emotional and physical effects.

I welcome the progress to date, and I trust that we will continue to see further progress through the House. I look forward to hearing from the Minister, from whom we have heard quite a bit, but I look forward to that as, finally, we seek to support victims of domestic abuse, many of whom suffer in silence.

Mr Gildernew (The Chairperson of the Committee for Health): I am delighted to speak tonight on this important legislation. Earlier in the debate, someone mentioned that this is possibly some of the most important legislation that will be considered during this mandate. That is absolutely true. In my previous career as a social worker, I became aware of the hugely pervasive and pernicious nature of this type of offence and behaviour in our society, so I am glad. I am also struck tonight by recalling that the first meeting that I attended officially after becoming an MLA was, in conjunction with my two colleagues here, Jemma Dolan and Seán Lynch, with Women's Aid in Enniskillen. We committed to try to do something, as MLAs, on the issue. I am pleased and proud to, at least partially, do that tonight.

In speaking as the Health Committee Chair, I recognise that the vast majority of the work on this has been done by the Justice Committee. I am impressed by the level, quality and rigour of the debate tonight on every element of the Bill. It is a fascinating process to see the work that goes into that.

As Chair of the Health Committee, I wish to speak to amendment No 13, in particular, in this group. The Committee took evidence from Women's Aid, the Men's Advisory Project and the NSPCC, who flagged the range of areas in which more could and should be done to support survivors of domestic abuse, to ensure that the justice system does not exacerbate an already difficult situation for victims and to reduce the risk of people staying in abusive and dangerous relationships due to practical fears around financial support or losing their home. The regulation-making power proposed in amendment No 13 could create an opportunity to address some of the deficits identified, and I would like to set out three areas where this power could usefully be considered as a means of providing support.

First, the Committee agreed that the case has been made for speeding up and streamlining the handling of domestic abuse cases from start to finish. The victims of these crimes are particularly vulnerable. The abuse has a high and enduring impact, which can be compounded by protracted proceedings. A commitment to a shortened time frame could encourage people to come forward and make use of the new offence.

Secondly, the Health Committee was persuaded by the stakeholder evidence of the need for paid leave to facilitate victims of domestic abuse making arrangements to separate from their partner. For a victim to extricate themselves from such a situation creates enormous upheaval, and worries around finance and job security can tip the balance away from making the right choice for an individual or a family. Paid leave could alleviate that pressure somewhat.

Thirdly, a key concern highlighted by stakeholders is the risk of homelessness. The Committee noted the inherent problem in expecting the victim to move out of the family home — often with children — as a key step in dealing with abuse. There is an added difficulty where, for example, the home is adapted to cater for disability. The Committee also acknowledged that the absence of sufficient refuge places could also limit effectiveness of the Bill. The Committee heard evidence from Women's Aid that refuges are usually running at 100% occupancy, while the Men's Advisory Project stated that there are no refuges for men experiencing domestic abuse. The Committee was concerned that consideration should be given to help to avoid situations where people stay in abusive relationships through fear of losing their home. I welcome, therefore, the indication given in the Chamber that the Minister for Communities is considering that issue.

I thank the stakeholders who assisted the Committee with its deliberations around the parts of the Bill related to health.

The Health Committee has not formally considered amendment No 13 but would wish these objectives to be achieved by that or other means.

8.45 pm

Ms Armstrong: As I did with my comments on the group 1 amendments, I will not take too long. The House has had much debate so far, and people mentioned issues that I wanted to talk about. I stand tonight in support of amendment Nos 9, 11 and 12. However, having listened to the debate, I agree with the Minister and must oppose

amendment Nos 13 and 14. With regard to the new clause that is created by amendment No 13, the rationale for my opposition is that the domestic abuse protection notices and orders provisions should be included in future primary legislation. The Minister said that those provisions are being planned for inclusion in the miscellaneous provisions Bill, where the details can then be set out. While it may not intend to do so, amendment No 13 would relegate to secondary legislation provisions that are made under 35 clauses in English and Welsh legislation, as others mentioned.

Moving on to the new clause that is created by amendment No 14, as the Minister said, the judiciary can prevent repeated cases being brought to court. However, we must also remember that that would confer discretionary power on the Legal Services Agency to waive the financial eligibility test in private family law cases in circumstances in which the applicant has been the victim of a domestic abuse offence. While I can certainly understand the intent of the amendment, there are several technical reasons why it would not do what it is intended to do. As the Minister said, victims may need to pay something up front. That makes it very difficult for someone who is on benefits and may have been denied access to money. If we are thinking about the victim here, we need to think about that cost. A victim of domestic abuse whose abuser has not been convicted of the relevant offence would not be helped by that amendment.

Legal aid is complex. I absolutely support Mr Frew when he says that legal aid needs to be sorted out. As much as that needs to be sorted out, unfortunately, the Bill will not do that. More work needs to be done on that to scope out its consequences, including any unintended consequences — for instance, the victim may not be the only person who gets legal aid.

The Department of Justice already has the power to do some of that. To do it more slowly, after engaging with stakeholders and scrutinising it properly, is the way forward. I appreciate the fact that Women's Aid and other groups have put their positions across. I am one of many people whom they have emailed. However, we need to look at the unintended consequences. That is why, at this point, I support the Minister and oppose the new clause that would be created by amendment No 14. There are ways in which we need to help people. I do not believe that amendment Nos 13 and 14 are the way in which to do that.

I am delighted that the group 2 amendments deal with parental alienation. How many of us have dealt with men or women who no longer have access to their children, with children being used as a battering ram against them? The new clause that would be created by amendment No 12 is fantastic. Parents who do not live with their children and are being alienated from them need that sort of provision. I welcome that. I said that I would be brief tonight.

Ms Dillon: Thank you, Mr Deputy Speaker, for the opportunity to speak on the amendments in group 2. The Chair and the Minister referred to bullying. This is anti-bullying week. We should acknowledge that in the Chamber tonight. We do not need to go into detail; we have heard on many occasions on the Floor about the impact of bullying. Domestic abuse and coercive control are bullying by another name. I want to make that point and remind Members that it is anti-bullying week, that we should speak out and that, at every opportunity, we should

make people aware of it and the fact that we will do what we can to prevent bullying. The Bill is part of that.

The Chair outlined the purpose and intention of amendment Nos 9 and 11, which relate to changing the age from 18 to 16. It is not a perfect solution, as Sinéad Bradley outlined. In fairness to the Minister, however, to deal with it in a more rounded manner, she would have to go outside the scope of the Bill and outside the competency of her Department, because this needs to be done in conjunction with the Health Department. The Minister and her colleague in the Health Department, Robin Swann, have come up the most suitable solution. It is not a perfect solution, but the law is very rarely perfect.

That leads me on to some of my other comments. We want to get the best legislation possible, and we have made that clear. Not the Minister, not one Member, not any officials and not any Committee staff who have worked on the Bill do not want to see the best legislation, but it will not be perfect. It just will not, and we have to accept that. Mr Frew has already said that we may have to come back to the issue. I hope that we do not have to come back to it too soon. In our comments on reporting and oversight, we will probably talk more about the importance, if we indeed have to come back to it, of coming back to it based on good-quality information. That is why the amendments that we will speak to later will be so important.

We also support the Minister's amendment No 12. It is a very welcome introduction to the Bill, in that it provides the meaning of "ill treatment".

Amendment No 13 is a Committee amendment, and it is about domestic abuse protection orders and notices. Although I take on board and accept all of what the Minister said, and, indeed, I have sympathy with what she said about how difficult and challenging a job her Department has, we as a Committee feel that the provision is too important not to be in the Bill. At the beginning of Committee Stage, one of the issues that I personally raised was that of non-molestation orders, the difficulties with them, the difficulties that people seem to have in accessing them and the fact that, within weeks of being given a non-molestation order, a person is back in court to get it removed. My hope is that protection orders and notices give some relief to victims. I hope that that is what they deliver. I urge the Minister to bring forward such a provision. She has already said that she will bring it forward in the miscellaneous provisions Bill. I absolutely welcome that intent. If it is included in that Bill, it will resolve all our issues. We are concerned that the amendment may not serve the purpose that I and the Committee want it to serve, so we look forward to seeing what comes forward. I will be supporting the Committee amendment tonight, however.

I have concerns about amendment No 14, and I have raised those concerns with Rachel Woods. To be honest, I have been back and forth on this one with different Members, including Rachel and Members from our party. I have spoken to other parties, and I have listened to what the Minister had to say. Again, I have a lot of sympathy for what the Minister says about the amendment. My main issue with it is that, as Mr Frew outlined, it does not go far enough. I do not think that it serves the purpose that I want it to serve, much like I fear that the amendment on protection orders and notices does not go far enough. I really am concerned that amendment No 14 does not go

far enough, however. To be fair to Ms Woods, she accepts that she would have liked it to go further. I agree with the Minister that the issue needs to be dealt with in the round. In the absence, however, of something else — something better — I feel that we have to support it, so we will be supporting amendment No 14 tonight. I would certainly welcome discussions with the Minister on the issue, as, I am sure, would other Committee members. I do not doubt the Minister's sincerity when she says that it is an issue that she wants to deal with in the round, because it does go much deeper. Very often, it is the working poor and people whom other Members already talked about who are affected.

Paul Frew spoke about the cost being £2,900. For some people, it might as well be £2 million. If you have not got it, you have not got it, so it does not matter how much it is. I can certainly speak from experience, not on this issue of legal cases, but I know many people — my family included and people whom I care about — who have been in that situation. If you do not have money, it does not matter whether it is £30 or £300,000 — you do not have it, and that is it. That is a real issue.

The Committee would probably have liked more time to scope this out and to delve further. I told the officials on Thursday that we would be open to amendments at Further Consideration Stage if it would improve this. As I said, we are open to having that conversation with the Minister to address the issue, because the threshold for people to access legal aid is probably going to be too high. From my understanding, and from what Miss Woods told me, it is similar to accessing help in relation to non-molestation orders, and I outlined that that is a challenge. The threshold is probably too high.

The one effect that we are hoping that it might have is that, if people think that their partner, ex-partner or other person will have access to legal aid, it may well prevent them from taking them to court continually. They do that as a further means of abuse. It is financial abuse and mental —.

Mr Buckley: I thank the Member for giving way. She addresses acutely the point about the crisis that many working poor face. Does she agree that, albeit the lure is to quit their job and become unemployed to follow the legal aid route, the fact that they want to have the ability to break free from coercive control by controlling their own life and family budget is testament to their courage? The fact is that they cannot access fair and adequate treatment from the state in legal aid while those coercive partners try to take them to court to take from them everything that they hold dear.

Ms Dillon: I absolutely agree, and, as the Minister outlined, she is open to the argument. We are pushing at an open door, so I hope that we have a fuller discussion on that issue. There are also those who have had to say, "I'm going to have to give up my job and go onto benefits. That's the only way that I'm going to protect myself, my family, my children". We know that that happens. There is a cost to the public purse, somewhere along the line, when we push people to that stage.

That is our position on group 2.

Miss Woods: I seem to be rising quite a lot, with a lot of Members needing me to clarify things. Hopefully, I will be able to do that.

Initially, I want to speak to the amendments laid by the Minister that deal with necessary changes to legislation residing in the Department regarding the child cruelty offence and the issue of parental responsibility. I hope that further work can be carried out to fill in the cracks that have been uncovered by this, as others have stated.

In response to concerns raised by organisations around the parental responsibility exclusion, the Department stated that it had given:

"careful consideration to the scope of the ... offence in order to ensure that children could be captured within it, in their own right, where they are in a relationship or are a family member".

It was indicated that having considered the matter further, and taking account of the concerns, the Minister was going to table this amendment to make it explicit that, where a child was ill-treated, it would include non-physical abuse. I welcome that.

Discussion on that and how it interacts with parental responsibility exclusion in the Bill raises important issues, essentially due to the fact that the legislation that covered child protection and the child cruelty offence applies only to those under the age of 16. Therefore, amendments to clauses 11 and 17 had to be tabled to ensure that non-physical abuse of 16- and 17-year-olds in a parent/child relationship was provided for and to ensure that there was no gap. It exposed clear differences between the two pieces of legislation on what constituted an offence. The abuse committed against a 14-year-old as opposed to a 17-year-old carries different consequences. Whilst I understand that the amendments in question — amendment Nos 9 and 11 — are necessary right now, they do not address those differences; in fact, they create an arbitrary distinction between children of different ages and mean that abusive behaviour receives different maximum sentencing depending on age. That concern was brought to the Committee by children's organisations, including the NSPCC and NICCY, and I fully support them in seeking to resolve it.

The Department has stated that no other jurisdiction locally provides for criminalisation in relation to parental responsibility under domestic abuse legislation and that the provisions in the Bill covering the offence on children go further than others already provide for.

9.00 pm

Nevertheless, I agree with the view that there should be no such arbitrary distinction in legislative protection or a sentencing ceiling that is based simply on age, and that is why I raised the possibility of introducing an equivalency in the maximum penalty across the two offences. Officials responded by saying that it was not possible to do that in the Bill given that it was a matter for the Department of Health. Even though amendment No 12 would change the child cruelty offence, it is also a matter for the Department of Health. So, I hope that the Justice Minister can work with Executive colleagues to look at that, and I also encourage the Health Committee to gather the relevant evidence in order to consider any possible solutions. I welcome amendment No 12, which would strengthen the child cruelty offence to amend the definition of ill treatment.

(Mr Speaker in the Chair)

I turn now to amendment No 14 and the need to help victims and survivors of abuse in family proceedings. Again, Mr Frew set it out. I am going to have to stop making a habit of this. I am sure that this will come soon, no doubt, or is that possibly tempting fate? The issue was first raised at the Committee on 17 September during the informal deliberations, when Mr Frew said:

“The other piece is about using the court, itself, as a weapon. You have the scenario where one parent gets legal aid and the other does not. The parent with legal aid goes to court all the time, and it drains the resources of the other parent, who sometimes has responsibility for the child; it drains the family assets or savings. There is a potential conflict around access to justice, which we have to be mindful of, but I think that something needs to be put in here. I am not convinced yet that family proceedings and the other bits cover it at all; I do not believe that it does. For me, the struggle is trying to get something that I have in my head down on paper, but we need to do something.”

I totally agree. We do need to do something to address that, and that is why I tabled the amendment. At the time, I asked the Committee whether access to legal aid was something that we could look at, but I recognise that, with the sheer number of issues that are not covered in the Bill that we explored and deliberated on, somewhere along the line this one was overshadowed by focusing on working out potential improvements that would definitely fall within the Bill's scope. I also recognise that there may not have been the appropriate political consensus for me to try to push the issue further through the Committee's work, and that is why I came to table the amendment on my own.

Returning to the very brief discussion that we had on 17 September, I first want to elaborate on the main problem that the amendment seeks to resolve, which is perpetrators and former abusers exploiting the court system in order to further harm victims. In 2015, Women's Aid published research that looked at women's experience of the family court in Northern Ireland. It found that roughly one in five women did not have access to legal aid and that the respondents reported the cost of litigation as a deterrent to seeking court orders.

Members may be aware that the Department introduced a waiver for financial eligibility limits for civil legal aid through regulations in 2015, which essentially means that those who are above the income and capital threshold who apply for non-molestation orders are still eligible for legal aid. That was an important step and reflected what Women's Aid was calling for at the time, namely the extension of the legal aid system to provide for free legal aid to women seeking protection orders. The study also identified significant wait times, women having to travel long distances in order to attend court and women having to attend court anything from six to 10 times, particularly with child contact cases. Indeed, the vast majority of the women surveyed were in court for child contact cases.

That brings me to the amendment. The Bill in its current form does not address all the difficulties that are faced by victims in the justice system, and many issues remain with how the courts are used by former abusers and convicted perpetrators in order to further harm and inflict misery on survivors. The amendment deals with

one of the most common methods used by perpetrators to further the abuse, that is, disputes over children and court proceedings relating to orders under the Children (Northern Ireland) Order 1995. The most common court orders made under that legislation are, of course, child contact orders, which are tools that are essential to protect children who have been living in a violent or abusive domestic situation. When orders are made that place restrictions on access, visitation and residence on former abusers, they can, of course, be appealed. That is the nature of our justice system, and it is important to reiterate that the amendment would in no way interfere with the rights of citizens to appeal or to challenge court decisions, nor does it tamper with the rights of appellants to seek legal aid. Those two things remain unchanged. Nevertheless, there is a fundamental problem with the nature of some of these cases and, indeed, others types of proceedings more generally relating to court orders. That is where a perpetrator continuously and relentlessly challenges decisions of the court or seeks other ways to heap pressure and strain on their former victim. This behaviour, which should be recognised as a form of abuse in itself, is deeply damaging on a psychological and emotional level for the survivor of the abuse.

Mrs Long: I thank the Member for giving way. Part of the reason why this domestic abuse legislation is so important is because it will specifically criminalise that kind of behaviour, which is not captured under the existing law. Therefore, it potentially makes the changes proposed with regard to legal aid unnecessary, as well as peremptory and without the proper research backup. I entirely agree with the Member about how the system is abused, but I reiterate that judges already have the ability to rule such repeat applications to the court as vexatious and to say that they will no longer be heard.

Miss Woods: I thank the Minister for her intervention. I welcome that. That is why I supported clauses 1 to 4, which include this type of abuse. However, it does not address the point that I will come to, which is the financial aspect. The judicial system has that option, but it is clearly not being utilised enough, which brings me on to a further point that I will make about amendment No 15 in group 3 about the requirement for training.

I am speaking about court cases that are not optional or elective. In fact, if you speak to advocacy and support organisations, such as Women's Aid or Victim Support, you will soon hear the extent to which some victims are dragged through the courts for no clear reason other than to further the abuse. You will read some personal stories and quotes from victims and survivors in the 'Women's Voices' document, which was submitted by Women's Aid to the Committee in June. Here are some of the things that they said:

“Judges need to recognise that the abuser is also using the court to abuse their partner”,

“He's using the system to torture me”,

“My ex had no interest in my daughter, by taking me to court was just another chapter in his game which was to cripple me financially as it cost me to go but not him as he was unemployed. I had to go several times but he did not turn up on several occasions. He thought

this was funny. This caused me stress, anxiety and put me into debt paying court fees”.

I also ask Members to consider the evidence provided at one of the informal meetings by someone whom I will call “Joanne” in order to protect her identity. I will quote her directly for the record. Joanne had a very poor experience of the family courts. She has been very nervous in being in the same building as the perpetrator, and she states that:

“Being in the same building as someone who has so much control over you can have an effect on the quality of evidence that you give”.

Her ex just has to give her one of his looks to make her nervous, and he has done that whenever she has been giving evidence. She and her eldest child describe it as:

“A look that still makes them want to run and hide”.

With regard to the evidence of abuse, she was told that the judge would not want to hear details of abusive text messages and was told that financial abuse was not relevant to her case. She said that:

“Victims can be told what they feel is important is of no relevance”.

On an occasion in child contact proceedings, Joanne was told that her evidence regarding domestic abuse, which included details of rape and other abuse, was not relevant to the case and was not proven. When supervised access was discussed, Joanne said that she would ask her child, who was then 12, how she would feel about it. However, the judge called her an “irresponsible parent” and was told that she would be required to ensure contact. The child’s review does not matter, despite their having witnessed traumatic incidents. She feels that if you try and keep your children safe by withholding contact then you are being a bad parent. However, if they go and are subjected to abuse then you are a bad parent for not protecting your children.

Joanne’s ex has taken three cases to the family court, which he subsequently dropped. He gets legal aid, but Joanne is not eligible as she works, so she has to pay the legal expenses and childcare costs and to take time off work. He went through with the fourth case and was allowed unsupervised contact, but he has not gone ahead of the majority of the scheduled contacts. Joanne can apply to prohibit him from bringing any further orders against her to the family courts. Her solicitors are applying for two years, although their normal duration would be for one year, which means that she will face the same situation again and again, and that adds to trauma. Joanne has other examples of the cases that her ex has taken against her that are without merit, and she does not understand how he can continually be able to be funded through legal aid to take those cases. She feels that it is in the interests of solicitors to take the cases and prolong them. Joanne said that, in her view, it would be in her interest for cases to conclude more quickly, but she is so concerned for the well-being of her children that she will fight them. She feels that there is enough evidence to show that he is using the court system to further the abuse, but his parental rights seem to trump everything that is good for the child.

Joanne’s experience mirrors those of other victims and survivors who have no access to legal aid while their former abusers do. That is absolutely abhorrent. It is totally

unacceptable that anyone should have to endure that. As one support organisation expressed to my researcher, “They are being bled dry”, and that puts an enormous strain on their mental and physical health and their ability to care and provide for their children, not to mention revisiting all the trauma through having to see and be present with their former abuser in a court setting. I also have friends who have been in that situation. For 10 years, I have had to listen to a close friend who has been dragged through the courts and bled dry to the extent that she had to give up her job. I thank Hannah, which is not her real name, who contacted me yesterday. I thank her for getting in touch with me recently. It is devastating to hear what some victims and survivors have had to endure. Her story is very similar to the one that I have just outlined.

We cannot stand by and allow this to continue. It is an awful, tragic ordeal that no victim or survivor who has done everything that they can to leave an abusive situation should have to endure. Many will have to take time off work to attend court or pay for childcare. As legal costs for their solicitor pile up, the strain on their finances increases, and therefore their means of providing for their children get more squeezed. The amendment, through allowing victims to access legal aid, would go some way to remedy and help to prevent that injustice.

Mr Beattie: I thank the Member for giving way. She has made some really important points, but I want to add a bit of balance, if I may. As we speak, I am getting emails about the very subject that we are talking about. I have received one from a man. It is not always women who are affected; men are affected too. Sometimes, we forget about that. The man who has just emailed me was given custody of his children three years ago but has never been allowed to have access to them. Why? His ex-partner has used the legal aid system to take the case to court in order to keep him away from them. He has had to fight that, and the email that he has just sent to me says, “And now it’s too late. My kids are that old that there is no point in fighting on with it”. I fully appreciate the Member’s point, but I wanted to provide some balance. Men are suffering, maybe not as many, but they suffer in exactly the same way.

Miss Woods: I thank the Member for his intervention. Rest assured that the amendment makes absolutely no distinction between men and women. This is a victim-focused amendment, and the Bill should also be victim-focused.

As I mentioned, under article 10 of the 2015 regulations, the director of legal aid services can disapply financial eligibility rules for victims of abuse in the case of non-molestation orders, but there is no such help or support when it comes to child orders. That means that victims and survivors of abuse who have modest incomes or savings are falling outside the financial eligibility limits and have no recourse to legal aid.

The system, as it sits, is, effectively, saying to victims, “We will provide you with financial support to obtain a non-molestation order, but you cannot receive any financial help for child dispute cases if you fall outside the financial limits”. Those limits currently stand at any disposable earnings over £234 per week and disposable capital over £3,000 for the lower courts. We are not talking about people missing out because they have a lot of money.

I appreciate that this might be a catalyst for further reform. I welcome that, and I raised it at Committee. However, what if, on paper, it looks like you are loaded? What if it looks as though you have thousands of pounds in the bank, but you do not because your finances are being controlled by your abuser? I am more than happy to look at expanding this to take into account the reality of financial abuse, which is outlined in this offence.

I will move on to another aspect of the comments on contribution of costs. This aspect misses the point, and it has been addressed. Abusers often leave or refuse work in order to financially abuse and bankrupt victims through the courts. We are talking not about people with a lot of money but about victims and survivors who may be teachers, nurses, admin staff or hospitality staff. Depending on their circumstances, earnings and savings, that could mean that they are not eligible for legal aid, and, all the while, their abuser keeps bringing them to court. Their legal fees continue to rise while the financial and psychological harm to them continues.

9.15 pm

This amendment would grant victims the right to access legal aid and take away some of the burden of what they are going through. I recognise that the amendment does not, and cannot, address the entire issue, but it will go some way to help victims and survivors. It would give the director of legal aid services discretion to disapply the financial eligibility rules for civil legal aid where the client is a victim of abuse and involved in court proceedings relating to the child disputes. This is exactly what currently happens when a victim requires a non-molestation order for their protection. Members, it already exists, it is not new. Many survivors are vulnerable single parents with modest incomes and with mouths to feed and whose job or occupation means that they fall outside of what is currently deemed to be eligible. It is not right that former abusers can use the courts to drain their finances and retraumatise them. I believe that the amendment will go some way to provide the help and support and access to justice that they deserve.

I understand that some Members will have concerns around the cost and who the waiver will apply to, or, to put it simply: how do you define a victim? Clearly, these are issues that will need further work, and, in many respects they are interlinked. I would, of course, welcome further engagement with the Minister, the Department and the Committee as to how these things can be clarified should the amendment be made. I believe that these issues can be resolved, and I urge Members to consider the principle and the merit of the amendment.

First, on costs, I was extremely disappointed to hear the words “double-figure millions” last week. There was no rationale or basis given for that figure other than the fact that the waiver would be uncapped. Guesstimates such as this are unhelpful, but as Paul Frew pointed out at the time, if this really is the scale of the problem, then it strengthens the case to do something —.

Mrs Long: Will the Member give way?

Miss Woods: I will.

Mrs Long: Given that the Member has brought this proposal to the House, could she give us her financial assessment of the likely costs?

Miss Woods: I thank the Minister for her intervention. No, I cannot. I have been trying to obtain calculations and figures from the Legal Services Agency that could be used to come up with more sensible estimates, but I am still waiting to hear back from it. Again, I would welcome input and help from the Department, the Minister and the Committee in bringing this back for further clarification at the Further Consideration Stage.

Mr Givan: Would the Member give way?

Miss Woods: I will.

Mr Givan: Would the Member agree that every time the Committee raises the issue of legal aid and how we can control the budget, the Department repeatedly advised the Committee that this is a demand-led issue? Therefore, to have a fixed amount of money for the legal aid budget is not possible. Therefore, what the Minister is asking the Member to do is equally applicable to the Minister.

Mrs Long: With respect, if the Member will give way [*Inaudible.*]

Miss Woods: Yes.

Mrs Long: The issue is not the same. It is, of course, a demand-led service. What the Member is proposing is to add to the demand at the same time as the Committee is asking for the demand to be reduced. You cannot present a fixed budget for something which is demand-led, but you can cap and control the demand. I have no issue with the principle of this, and I have said that tonight in the Chamber. What we are doing here is entering into a situation where we create additional demand, the extent and the cost of which is unknown. That is a risky strategy to take, given that the Finance Minister was clear that he agreed the Bill on the basis that it did not incur additional costs.

Miss Woods: I thank the Member and the Minister for their interventions. To comment on the demand-led service and adding to that demand, it is adding to the demand where it is needed for victims. I do not believe that I have asked for the legal aid services bill to be reduced. That is a different matter.

Mr Frew: I thank the Member for giving way. Access to justice is incredibly important for everybody who needs to obtain it. What we are talking about here is the need for a level playing field. If we are concerned about cost, then hear this: that cost, if it is not on the Department or legal aid services, it is in the hands and the pockets of the victims. I know where I would rather have that cost.

Ms S Bradley: Will the Member give way?

Miss Woods: Yes.

Ms S Bradley: Perhaps it is unfair to ask the Member to give way. However, on the issue of demand, is there not an argument to be made that there is a perpetual habit of bringing the victim to the court and having this system in place would diffuse that? Demand would, therefore, reduce, and costs that are being incurred at the court, which should not be required, would fall. Is it also true to say that, at this stage, nobody can truly put a figure on this, because we have never had a Bill that deals with domestic abuse? How do we measure it? How do we measure the numbers, which we hope will come out of the woodwork and be captured via the Bill?

Miss Woods: I thank the Members for their interventions. Ms Bradley's point brings us into the group 3 amendments and the importance of reporting and having adequate data on the functioning of the Bill. One thing that we are trying to get is the current number of uptakes of the waiver in relation to non-mols. My researcher has been fundamental to this, and I put on record my thanks to him. I would not be standing here today without him. He has found that the take-up of non-mols is not what it could be. I ask the Minister to comment on that. It is my understanding that the Legal Services Agency is trying its best to spread awareness and boost take-up among solicitors, but, clearly, there are victims and survivors who could access that financial support for protection orders but are not doing so.

The Women's Aid research, which I mentioned, noted that 80% of women surveyed in the family courts were receiving legal aid. The study is outdated, and we need more up-to-date figures, but, if we are to assume that one in five of abuse victims who find themselves in the family courts in relation to child orders would benefit from the amendment to introduce the waiver, I do not think that we would be talking about gigantic sums of money. I also encourage Members to reflect on the big difference that this could make to victims and survivors who find themselves in that situation. I do not think that you can put a price on preventing abuse or putting a stop to the awful scenario in which victims are having their finances drained through the legal costs of their former abuser dragging them through the courts.

I understand that Members may also have concerns about how a victim is defined for the purposes of applying the waiver. The text of the amendment is open in that regard. In my view, it is important to be wary of how prescriptive it is, because that would have the potential to exclude. Committee members have had that argument put to them on a number of things that they wanted to be included in the Bill. I pick up on what Mr Frew said about stalking, strangulation and so on. We cannot be prescriptive. We also had that argument about the insertion of coercive control, and that argument was successfully made by the Department. The Legal Services Agency needs clarity on that in order to operate the waiver effectively. I will continue to engage with them on that to ensure that it is practicable.

I note that the power is also written into the Bill by the Department by the insertion of article 11A on future regulations on court proceedings. It is, therefore, already in the Bill under clause 26. It is the prohibition of cross-examination in family proceedings, with the Department having a duty to bring forward regulations that specify what evidence of domestic abuse will be sufficient for the purposes of the court prohibiting cross-examination by the perpetrator. In response to Women's Aid's concern about what a specified defence will be, the Department has stated that regulations will not be drafted until the Bill becomes law and that they will be consulted on. It also said that the types of evidence that might be specified include a letter from a health professional or organisation that provides support services to victims of domestic abuse. The multi-agency risk assessment conference (MARAC) programme could also be used. In that programme, a number of statutory bodies such as the PPS, the public protection unit and the PSNI use a victim-

focused meeting to assess risk, identify a safety plan and refer on. I will engage with those groups.

I believe that, if any changes or more detail are required, it can be done at Further Consideration Stage. My argument for its having to go in at Consideration Stage is the same as Mr Givan's argument on interim protection for victims. If it is not in legislation, how will we be guaranteed that it will happen? I encourage all Members to support amendment No 14 at this stage. We must make the Bill victim-focused.

Mr Speaker: I call the Minister to make a winding-up speech on this group of amendments.

Mrs Long: Thank you, Mr Speaker, and I thank Members for their contributions. As I stated, amendment No 12 is to make clear that the non-physical ill treatment of a child under 16 by someone with parental responsibility for them is an offence. Amendment Nos 9 and 11 are linked, reducing the parental responsibility exclusion threshold from under 18 to under 16 in the context of the new offence, as well as the generic statutory aggravator. Together, those close a legislative gap, by ensuring that non-physical abuse of a child under 18 by someone with parental responsibility for the child can be dealt with. I welcome the support for those changes, and I concur that further work is needed on the issue in the health sphere. I commit to working with Minister Swann to support any changes that he may wish to develop.

Sinéad Bradley raised the issue of the difference in offences and penalties that will occur as a result of the means by which we have included 16- and 17-year-olds in the Bill. For the domestic abuse offence provisions, that not only will cover non-physical abusive behaviour but could include serious violent and sexual assaults, and that is reflected in the higher penalty of 14 years.

Children under 16 are being dealt with under Department of Health child protection legislation. The penalties associated with that are a maximum of 10 years and have been in place for some time. As Justice Minister, I cannot alter that, and any changes would have wider ramifications for the Department of Health, which has policy responsibility for the area. It is therefore appropriate that I allow the Health Minister to take the matter forward. I will support him when penalties are being discussed.

I turn now to amendment No 13.

Mr Givan: Will the Member give way?

Mrs Long: I will, yes.

Mr Givan: Apologies. Before you move on to amendment No 13, I want to make a point. Forgive me for intervening on you, but I ran out of time to raise the point with the Chairman of the Health Committee. At the start of proceedings, I thanked the Health Committee for the work that it did and for its engagement with the Justice Committee, which we appreciate. The Chairman raised an issue around special paid leave, as well the housing issue, which is to do with the Department for Communities. The Committee looked at that issue, and it is in our report. The Minister for the Economy has asked her officials to consider special paid leave for it and other employment issues, and, if provision can be made and consensus reached with the Executive, a suitable legislative vehicle will be taken forward. Minister, I just wanted to address the issue that the Chair of the Health Committee raised

and thank him and his Committee for their work with our Committee.

Mrs Long: It is very much appreciated, and I will move on to the issues that Colm Gildernew raised in his contribution; in fact, given that they have now been raised, it may be worth doing that now.

The issues that we have to address span more than the Justice Department; indeed, a number of issues raised this evening extend beyond the responsibilities of the Department of Justice. I did not, however, leave those issues simply to gather dust on the shelf. I wrote to Minister Dodds, because she is, as you know, taking forward a review of statutory leave provisions, and I asked her to look into this as part of her review of employment law. Furthermore, Minister Ní Chuilín, as you rightly say, has said that she will look at the issue of housing and the availability of shelter accommodation, because it falls to the Department for Communities to do so, and I am happy to work with her in that regard.

It is, however, also the case — this needs to be stressed again, because it is often forgotten — that there is already good work being done in this field, and there should not be an automatic assumption that, when someone is subject to domestic abuse or domestic violence, they should have to flee their home. Provision is already in place for someone to be excluded from the home if they are a domestic abuser, and the Safe Places work that is being done with the Department for Communities and my colleagues across the Executive allows people to create a safe space in their own home so that they are able to remain there and in their own community, with the benefit that that brings of having social contact and support that they need. Instead, it is the abuser who is asked to leave the home and made to stay away from it to allow the family to continue living there. The moving of those who are subject to abuse has serious ramifications for, for example, children and their schooling, so there is a genuine challenge around how we deal with the issue. It is therefore important that we do not presume that it is the abused party who has to leave the family home.

I turn now to amendment No 13. I intend to bring forward detailed primary legislation to provide for domestic abuse protection orders and notices. I will resist the Committee amendment for that reason. By stipulating a restrictive two-year period, it places an unnecessary risk on my Department.

I am hugely sympathetic to the views of the Committee when it comes to this matter. I have been clear in my intention that I want to do this under the future miscellaneous provisions Bill, that I consider this amendment unnecessary, and that the risk to my Department is great. I have sought the Executive's permission to add the domestic abuse protection notices and orders to the miscellaneous provisions Bill. Explicitly stating a restrictive two-year time frame for the introduction of an untested policy, which has not yet been subject to public consultation, leaves my Department exposed to a successful judicial review and unnecessary levels of risk, including financial risk. That would impact on not only the Department of Justice but all Ministers because, ultimately, it is for the Executive to bear those risks. Including provision in this Bill does not enable the detail of the provisions to be set out in primary legislation, ahead of which necessary consultation must be undertaken.

9.30 pm

The Committee is understandably concerned — a number of members have referred to it — about why the domestic violence protection orders and notices were not progressed. First, it could not happen during suspension of the Assembly, so there are three of the years that are taken out of the mix. When the Assembly was restored, I sat down with officials to look at what needed to be done to introduce them. However, by that point, we were aware, through operational experience gained in England and Wales, that there were considerable problems with the operation of the notices and orders, and that they were going to be superseded by domestic abuse protection notices and orders in the new Domestic Abuse Bill. It seemed to me to be a waste of resource in the Department to bring forward the domestic violence protection notices and orders when, as part of my programme of work in the Department, I intend to bring forward the new and improved domestic abuse protection orders and notices. It was not that we, as a Department, simply decided not to bother, as seems to have been insinuated by some in the debate today. There was good reason why the Department did not bring these things forward despite the fact that they were allowed for in previous legislation.

The detail of this policy is being discussed with voluntary and community sector partners. Therefore, I hope to be in a position shortly to consult on my policy proposals. As explained, however, given the timings of that consultation and the introduction date for the miscellaneous provisions Bill, which will be an expansive piece of legislation and will take a considerable time to pass through the House, these measures will instead be brought forward as amendments, ahead of the Consideration Stage of that Bill. It is going to take time for us to be able to get the Bill through the Assembly. We also have the pressure on the Office of the Legislative Counsel in the drafting of this legislation and all the legislative pressures that will come at this time. Bringing this forward as an amendment will allow us to do the full policy development that is required and then amend the miscellaneous provisions Bill. I have said that I am happy to bring those amendments forward so that, while they will not be in the Bill as introduced, they will be available to the Committee in order for it to be able to take evidence and to work with us in developing them.

Despite our disagreement on how to proceed at this juncture, I welcome that the Justice Committee and its Chairman have indicated that it is supportive of the development and progression of these measures in due course. I believe that primary legislation is the right place for that to reside. As I have explained, it will not be possible to have formal Committee scrutiny of the provisions on those notices to the same extent as normal. However, I will take whatever steps are necessary in order to ensure that the Committee has the opportunity to consider and comment on those draft clauses ahead of their being brought to the House for consideration as part of the Consideration Stage. The inclusion in primary legislation will mean that there is also Executive oversight of the policy proposals and draft amendments. This House, crucially, will also have the opportunity to debate the details of those provisions during the amending stages of the Assembly legislative process, both at Consideration Stage and Further Consideration Stage. While that might not be as fulsome as is usual, it is certainly better than being relegated to a short clause in this Bill. It will be

enhanced greatly by the public consultation that we intend to take forward. In fact, in his contribution, Seán Lynch rightly highlighted the need for further consultation and policy development in this area. Yet, he has indicated that he will support a means of proceeding to secondary legislation at this stage without either being in place.

Members have again said that they do not understand why the Department will not be able to deliver regulations on protections within two years. It is simply not feasible for my Department to work on bringing forward detailed and extensive primary legislation, the size of a medium Bill, while progressing regulations on the same issue. That is the duty that that proposed clause would place on the Department. We simply do not have the resources to do the job twice in two different ways. If we allocated resources to that, they would be taken from elsewhere, particularly from the front-line work that we do on domestic abuse and support for victims. If we are to be victim-centred, we need the officials in my Department who lead on that to focus on it rather than to replicate work that will have nugatory effect. As I said, provision through primary legislation is a more appropriate vehicle for a change of that nature. For that reason, I will not support the amendment.

Amendment No 14 proposes a technical change to the rules on financial eligibility for legal aid. It is well-intentioned; no one in the House tonight believes that that area does not need to be looked at and developed. However, by acting with such haste, we would lose the opportunity to undertake the research and engagement that would result in stronger proposals whose impact we better understand. We would also reduce the ability to evaluate, review and, if necessary, amend the provisions in order to ensure their effective operation in practice, which would be gained if the Committee took it away and looked at it with me as secondary legislation. There is a place for secondary legislation. This is precisely such a place. Placing those duties in primary legislation would create significant difficulties for the Legal Services Agency and the Department. The potential cost of amendment No 14 is unqualified. Without clarity, it could be many millions of pounds annually, and we would not be able to say that it will afford the protection that is required. It is not only potentially expensive and uncosted, which is not the way in which we should do business in the House, but it would not necessarily provide the protection that some Members seem to believe that it will.

We need to make sure that proposals that come here are effective and affordable. The Department of Finance approved the Bill on the basis that it would not require additional resources. The Minister of Finance could not have been clearer about that. If passed, amendment No 14 would drive a coach and horses through that and would have implications for every other Minister, from whom money would have to be taken in order to fund it. It also flies in the face of the Committee's demands that the cost of legal aid be reduced and brought under control because it would introduce uncosted and uncapped demand into the system. That is a serious matter that is in conflict with what has been said all along. Many Members said that, if the costs are not carried by the Department and the Legal Services Agency, they will be carried by someone else. The costs that we are concerned about are a reflection of not just the scale of the problem but of the poor framing of the amendment. The fact is that it may not be sufficiently

targeted to deliver the results that people wish. The amendment, despite its expense, would not, as some seem to believe, stop someone's financial resources being drained by repeated court actions. If you have capital of more than £3,000, you will still have to pay a contribution amounting to the whole cost of proceedings in the higher courts. The waiver does not help that person at all.

I understand where Sinéad Bradley is coming from, but she assumes that the only reason that people drag partners through the courts is to financially damage them. That is not true. People will drag their partner through the courts even where there is no financial detriment because they are using it as another means to exert control, fear and anxiety on their partner. It is another form of abuse. The suggestion that removing the financial incentive will remove the behaviour is simply not coherent. They will continue to do that —.

Ms S Bradley: Will the Minister give way?

Mrs Long: I will draw this to a close.

They will continue to do that. What we need to do and what we are trying to do in the Bill as a whole is to capture that kind of abusive behaviour so that dragging people back to court becomes an offence in itself, therefore placing more pressure on the judiciary to exercise the law that it already has to hand in order to rule against bringing people repeatedly back into the court system. It has the capacity to do that.

In good conscience, and as a member of the Executive, with my responsibilities and duties to other Executive members and Departments, I cannot stand over or support amendment No 14. I agree absolutely that there is a need to reform legal aid, and I remind Paul Frew, who said that there is a need for legal aid reform to be reviewed, that my predecessor tackled legal aid. It was not too big, painful or difficult for Minister Ford. He took it on, and I am happy to take it on — via the correct vehicle. The Bill is not that vehicle. This is not a Bill for legal aid reform; it is a Bill to deal with domestic abuse. By developing secondary rather than primary legislation, we can ensure that the issues are addressed correctly with due diligence, that it captures what Members want to achieve, and that we can refine it in light of the experiences that we have in the courts when we introduce such changes. For that reason, I do not support amendment No 14, and I ask Members to think carefully before they support it. Once it is in the Bill, we will be unable to change or reduce the onus that it will place on the Department at Further Consideration Stage. The duties on the Department can only be increased at Further Consideration Stage, so I ask Members to think carefully about how they vote on the Bill. That concludes my remarks on the second group of amendments.

Amendment No 9 agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 (Defence on grounds of reasonableness)

Mr Speaker: No amendments have been tabled to clause 12, but the Chair of the Committee for Health, Mr Colm Gildernew, has indicated a desire to speak to the clause standing part of the Bill.

Question proposed, That the clause stand part of the Bill.

Mr Gildernew: Before the Question is put on clause 12 stand part, I would like to put two questions to the Minister, based on stakeholder concerns raised with the Health Committee. First, will she outline the safeguards that are in place to protect victims with mental health conditions from the inappropriate use of the reasonable person defence? Secondly, does she have any plans to review the operation of the clause?

Mrs Long: The Department has considered the issue of capability with respect to the abuse of the reasonable person defence. However, that would be one of the considerations that the reasonable person test would take into account. In the same way that, for example, denying children their pocket money or access to their digital devices would not be captured by the defence, if someone is using or taking care of someone else's money for reasons of incapacity, the proposed victim would be captured by the reasonable person defence.

On the second question about the review of the clause, it is intended that the entire Bill will be open to report and review throughout its operation. We will get to the reporting when we discuss the next group of amendments, but it is hugely important. I certainly believe that there is a role for the Department of Health and the Health Committee in reviewing the Bill and feeding into our responses and the changes that may be necessary once it is in operation.

Question put and agreed to.

Clause 12 ordered to stand part of the Bill.

Clause 13 (Alternative available for conviction)

Amendment No 10 made: In page 7, line 40, at end insert “(3) This section is without prejudice to section 6(2) of the Criminal Law Act (Northern Ireland) 1967 (alternative verdicts on trial on indictment).” — [Mrs Long (The Minister of Justice).]

Clause 13, as amended, ordered to stand part of the Bill.

Clause 14 ordered to stand part of the Bill.

Clause 15 ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17 (Exception regarding the aggravation)

Amendment No 11 made: Leave out ‘18’ and insert ‘16— [Mrs Long (The Minister of Justice).]

Clause 17, as amended, ordered to stand part of the Bill.

Clauses 18 to 20 ordered to stand part of the Bill.

New Clause

Amendment No 12 made: Before clause 21 insert

“Definitions for child cruelty offence

Meaning of ill-treatment etc. in offence provision

20A. In section 20 (cruelty to persons under 16) of the Children and Young Persons Act (Northern Ireland) 1968—

(a) in subsection (1), the words from “(including” to “derangement)” are repealed,

(b) before paragraph (a) of subsection (2) insert—

“(za) a reference to—

(i) ill-treatment is to ill-treatment whether physical or otherwise;

(ii) suffering or injury is to suffering or injury whether physical or otherwise;”.— [Mrs Long (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clauses 21 to 24 ordered to stand part of the Bill.

New Clause

Amendment No 13 made: After clause 24 insert

“Interim protection for the victim

24A.—(1) The Department of Justice may by regulations, within 24 months of commencement, make provision for measures which may be made for the purposes of protecting and supporting the victim or alleged victim.

(2) The regulations may include provisions about —

(a) court orders,

(b) measures other than court orders.

(3) The regulations may not be made unless a draft has been laid before and approved by a resolution of the Northern Ireland Assembly.”.— [Mr Givan (The Chairperson of the Committee for Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 14 proposed: After clause 24 insert

“Amendment to the eligibility requirement for civil legal aid

24A. In The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, Article 10 (1), at end insert —

“(ab) advice and assistance or representation in proceedings for, or in relation to, any order referred in Article 8(1) of the Children (Northern Ireland) Act 1995 where the client is a victim of domestic abuse in accordance with the Domestic Abuse and Family Proceedings Act (Northern Ireland) 2020.”.— [Miss Woods.]

Question put, That amendment No 14 be made.

Mr Speaker: Order, Members. Before I put the Question again, I remind Members present that, if possible, it would be preferable to avoid a Division.

Question, that the amendment be made, put a second time.

Mr Speaker: Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I also remind Members to ensure that social distancing continues to be observed while the Division is taking place. Please be patient at all times

and follow the instructions of the Lobby Clerks. Clear the Lobbies.

The Assembly divided:

Ayes 44; Noes 7.

AYES

Mr Allen, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Ms S Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dunne, Mr Durkan, Mr Easton, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Mr Middleton, Mr Nesbitt, Mr Newton, Mr O’Toole, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Ayes: Mr Frew and Miss Woods.

NOES

Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lyttle, Mr Muir.

Tellers for the Noes: Ms Armstrong and Mr Lyttle.

The following Members voted in both Lobbies and are therefore not counted in the result: Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Ms Rogan, Mr Sheehan, Ms Sheerin

The following Members’ votes were cast by their notified proxy in this Division:

Ms S Bradley voted for Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty and Mr O’Toole.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Ms Cameron, Mr Dunne, Mr Easton, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Newton, Mr Robinson, Mr Stalford and Mr Storey.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr Dickson voted for Ms Armstrong [Teller, Noes], Mr Blair, Ms Bradshaw, Mrs Long, Mr Lyttle [Teller, Noes] and Mr Muir.

Mr O’Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O’Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Miss Woods [Teller, Ayes] voted for Ms Bailey.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

Mr Speaker: That concludes the debate on the group 2 amendments. I propose, by leave of the Assembly, to suspend the sitting until 10.25 pm.

The sitting was suspended at 10.15 pm and resumed at 10.26 pm.

Debate resumed.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Mr Deputy Speaker (Mr Beggs): We have come to the third group of amendments for debate. With amendment No 15, it will be convenient to debate amendment Nos 18 to 26. I call the Minister of Justice to move amendment No 15 and address the other amendments in the group.

New Clause

The following amendment stood on the Marshalled List:

No 15: Before clause 25 insert

“Requirement for training within relevant bodies

24A.—(1) Each of the following must provide such training on the effect of this Part as it considers appropriate for its personnel —

- (a) the Police Service of Northern Ireland,
 - (b) the Public Prosecution Service for Northern Ireland.
- (2) The Department of Justice must provide such training on the effect of this Part as it considers appropriate for staff within the Northern Ireland Courts and Tribunal Service.”.— *[Mrs Long (The Minister of Justice).]*

Amendment No 15 not moved.

Mr Deputy Speaker (Mr Beggs): I will call the Chairperson of the Committee for Justice, Paul Givan, to move amendment No 18 and to commence the group 3 debate in a moment. Before that can happen, we must dispose of amendment Nos 16 and 17, which have already been debated.

Clause 25 (Guidance about domestic abuse)

Amendment No 16 made: In page 13, line 28, leave out “may” and insert “must”.— *[Mrs Long (The Minister of Justice).]*

Amendment No 17 made: In page 13, line 30, leave out “other matters” and insert “such other matters as it considers appropriate”.— *[Mrs Long (The Minister of Justice).]*

Mr Deputy Speaker (Mr Beggs): We return now to the third group of amendments for debate. With amendment No 18, it will be convenient to debate amendment Nos 19 to 26. I call the Chairperson of the Committee for Justice, Paul Givan, to move amendment No 18 and address the other amendments in the group.

Mr Givan: I beg to move amendment No 18: In page 13, line 31, at end insert

“(1A) In supporting the operation of Part 1, the Department may by regulations make provision for informing the school of a child who saw, heard or was present during a domestic abuse incident.”.

The following amendments stood on the Marshalled List:

No 19: In clause 25, page 13, line 34, leave out from “may” to end of line 35 and insert

“must —

(a) keep any guidance issued under this section under review, and

(b) revise any guidance issued under this section if it considers revision to be necessary in light of review.”.—
[Mrs Long (The Minister of Justice).]

No 20: New Clause

After clause 25 insert

“Guidance on data collection

25A.—(1) The Department of Justice —

(a) may issue guidance to the relevant bodies about the sort of information which it seeks to obtain from them for the purpose of the assessment by it of the operation of this Part, and

(b) must have regard to information which it obtains from the relevant bodies in relation to the operation of this Part when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of this Part.

(2) The relevant bodies are —

- (a) Police Service of Northern Ireland,
- (b) Public Prosecution Service Northern Ireland,
- (c) the Northern Ireland Courts and Tribunals Service, and
- (d) such additional bodies as the Department considers appropriate.”.— [Mr Givan (The Chairperson of the Committee for Justice).]

No 21: New Clause

After clause 25 insert

“Training

25A.—(1) It shall be the duty of the Department to ensure that sufficient training of policing and criminal justice agencies, including but not limited to —

- (a) Police Service of Northern Ireland,
 - (b) Public Prosecution Service Northern Ireland, and
 - (c) the Northern Ireland Courts and Tribunals Service, and
- is made available to allow for the effective operation of this Act.

(2) Training must be provided annually.

(3) Training is mandatory for all those involved in the disposal of domestic abuse cases in policing and criminal justice agencies, including but not limited to the agencies listed in subsection (1).

(4) Having identified the relevant staff in subsection (3) at the beginning of an annual reporting period, the Department must publish the uptake of training by each relevant organisation at the end of each year.”.— [Mr Givan (The Chairperson of the Committee for Justice).]

No 22: As an amendment to Amendment No 21, in clause 25A(1) after “sufficient” insert the words “resources and”.—
[Miss Woods.]

No 23: New Clause

After clause 25 insert

“Independent oversight

25A.—(1) The Department of Justice must not later than 1 year after the commencement of this Act appoint an independent person to —

(a) contribute to the development of the guidance under section 25, and

(b) review, report and make recommendations in relation to the operation of Part 1.

(2) The person must produce a report annually on the activities in subsection (1), starting not later than 2 years after the commencement of this Act.

(3) The Department must —

(a) lay the report before the Northern Ireland Assembly, and

(b) arrange for it to be published.

(4) The Department may by regulations set out the date, not less than 7 years after commencement, when the independent person may cease the duties in subsections (1) and (2).

(5) Starting on the date when the independent person ceases duties, the Department must publish a report on subsection (1)(b) every 3 years thereafter.”.— [Mr Givan (The Chairperson of the Committee for Justice).]

No 24: New Clause

After clause 25 insert

“Report on the operation of this Act

25A.—(1) The Department of Justice must prepare a report on the operation of —

(a) an offence under section 1(1), and

(b) an offence that is aggravated as described in sections 8, 9 and 15.

(2) The report must set out, in relation to those sorts of offences —

(a) the number of cases for which criminal proceedings are undertaken,

(b) the number of convictions in criminal proceedings,

(c) the average length of time —

(i) from service of the complaint or indictment,

(ii) to finding or verdict as to guilt (including plea of guilty),

(d) information about the experience of witnesses (including witnesses who are children) at court,

(e) such additional information as the Department of Justice considers appropriate.

(3) The report must, in relation to those sorts of offences, include distinct statistics for each of them.

(4) For the purpose of the report, the Department of Justice must seek information on how court business is arranged so as to ensure the efficient disposal of cases involving those sorts of offences.

(5) The report must also include —

(a) activities and associated timespans for delivering the guidance in section 25 and any plans for review,

(b) strategies to communicate the provisions of Part 1 to the public and to victims in particular, and
(c) any additional activities which support the operation of the Act.

(6) The Department must prepare a report under this section —

(a) not more than 2 years after commencement, and
(b) thereafter, at intervals of not more than 3 years.

(7) The Department must —

(a) lay the report before the Northern Ireland Assembly, and

(b) arrange for it to be published.”— *[Mr Givan (The Chairperson of the Committee for Justice).]*

No 25: As an amendment to Amendment No 24, in subsection (2)(b), at end insert —

“(ba) the number of cases where it has been –

(i) specified that the offence is aggravated by reasons as described in sections 8, 9, and 15.

(ii) proved that the offence is so aggravated,

(bb) information on A and B as described in Section 75 of the Northern Ireland Act 1998.”— *[Miss Woods.]*

No 26: As an amendment to Amendment No 24, in subsection (2), at end insert —

“(2A) The report should also include the number of offences recorded within each police district in Northern Ireland.”— *[Miss Woods.]*

Mr Givan: I will cover each of the Committee amendments in this group in turn. I know that the hour is late, but this is the culmination of the Committee’s scrutiny process over several months, which I outlined in great detail at the start. We make no apology for giving it proper justice and the Assembly continuing to carry out its role. Members have been doing that, some at length, but that has been necessary. I commend them for the way in which they have carried themselves in the debate so far. They have gone over this in great detail. As Chairman of the Committee, I need to convey the wider issues that the Committee has considered and try to reflect all of that. Therefore, my speeches, necessarily, have been longer than those of other Members. I am doing that on behalf of all of the parties where we have agreed on that. That is why some Members do not need to be as elaborative as I have been. However, I need to keep doing that, despite the hour being 10.30 pm and we are now into the seventh hour of our consideration of this. I will continue the proper deliberations that are required.

10.30 pm

I will begin with amendment No 18. The first time that the Committee became aware of Operation Encompass was when the Chief Constable gave oral evidence in February 2020, not long after the Committee was established. He stated that it was a programme operating in England and Wales that he was familiar with and that he wished to see introduced in Northern Ireland. There were, however, legislative impediments that he hoped could be overcome with the support and assistance of the Committee and other partners.

When providing evidence to the Committee on the Bill, a number of organisations also highlighted their support for the introduction of an Operation Encompass-type approach in Northern Ireland. They believed that it is complementary to the intentions of the Bill and merits consideration, given that it ensures that schools are in a better position to understand and be supportive of the child’s needs and possible behaviours as a result of being notified when a domestic abuse incident has occurred the night before to which the police have been called out. The provision of support in the school environment means that children are better safeguarded against the short-, medium- and long-term effects of domestic abuse.

The Committee requested further information on Operation Encompass, and the Department of Justice indicated that a multi-agency task and finish group was exploring how such an approach could be introduced locally and that the intention was to undertake a pilot project later in 2020. The Department also advised that both the police and the Safeguarding Board for Northern Ireland were of the view that there is currently insufficient legislative cover to enable the sharing of information between the police and schools for well-being as opposed to child protection purposes and that legislative change is needed to facilitate that. Given the absence of the necessary legislative cover, the pilot project would operate on a consent basis. The Department informed the Committee that, in its view, such legislative provision could not be provided in the Domestic Abuse and Family Proceedings Bill.

The chair of the south-eastern area domestic and sexual violence partnership, which covers the locality where the initiative will be piloted, subsequently informed the Committee that, while the partnership is keen to have Operation Encompass rolled out in Northern Ireland and agreed to the pilot in the Down sector of the Newry, Mourne and Down District Council area, there will be limitations, as the pilot will operate on a consent basis, so the PSNI will be able to notify a school only when there is concern for the well-being of the child if it has the consent of the victim to do so. The partnership believes that there may be fewer notifications made as a consequence and that the victim could be at greater risk if the perpetrator learns that they gave their consent for the notification to be made.

The Committee requested clarification on the legislative gap preventing the introduction of the scheme in Northern Ireland and how it could be addressed. The Department advised that, as the purpose of the information sharing is to ensure child well-being and as the delivery will be in an educational setting, it considers it a matter for Education legislation as opposed to Justice legislation, and discussions were therefore ongoing with officials in the Department of Education to determine the appropriate legislative vehicle for the changes. The Department reiterated that, in its opinion, the required legislative provision in this area could not be provided for in this Bill.

The Committee is very supportive of this type of information-sharing scheme being available in Northern Ireland and believes that legislative provision to enable the PSNI to share information with a school on well-being grounds to support children in the context of domestic abuse should be provided at the earliest opportunity. The Safeguarding Board would welcome the necessary legislative provision being included in this Bill, and the

Education Authority also believes that inclusion of such provision would strengthen the Bill.

To provide the necessary legislative cover as soon as possible, the Committee decided to table an amendment. In light of the Committee's amendment, the Minister advised us that, while it was not yet clear that the Committee amendment would be deemed admissible, she was in agreement with the Committee that there is considerable merit in provision being made available to enable information to be shared for the purpose of an Operation Encompass approach. While she considered tabling an alternative amendment to ensure that any provision is as robust as possible and fully provides for the necessary regulations to be brought forward, following further discussion and assuming that the Committee amendment is made today, the Minister now intends to table such an amendment at Further Consideration Stage. It will build on the wording of our amendment and provide increased detail and clarity to ensure that the provision will fully meet its intended purpose. The Committee welcomes the approach now being adopted by the Minister and her support for our amendment. We will be happy to consider further amendments to improve our amendment before the Bill completes its passage through the Assembly.

I will now address amendment Nos 20, 21 and 24. Their context relates to the consistent theme running through the evidence received by the Committee of the importance of how the legislation will be implemented. Many organisations and individuals expressed the view that the legislation will be only as good as its practical implementation and that how the legislation is implemented is as important as what it covers. The Committee believes that for this legislation, and in particular the new domestic abuse offence, to be effective and achieve the desired result of better protection and criminal justice outcomes for victims of domestic violence and abuse, getting right the implementation of training for those involved in gathering evidence, in prosecuting and enforcing the new law, in monitoring and reporting on it and in increasing public awareness of it is crucial. The Committee therefore tabled amendments on data collection, training and reporting. Although the Committee agrees that raising public awareness and recognition of the new offence will be very important and welcomes the work that the Department intends to undertake in that area, specific legislative provision is not required for it. The Committee has, however, included a requirement for the Department to report on the strategies to communicate the new offence to the public and victims as part of the reporting obligations on the operation of the new offence as part of amendment No 24.

Amendment No 20 specifically provides for the Department to issue guidance on the type of information and data required to be collected to assess fully and properly the operation of the new offence. The importance of strengthening data collection on domestic abuse and violence, both generally and specifically, in the implementation of the new legislation was highlighted by a number of organisations. Views outlined a range of gaps, including the nature, extent and impact of domestic violence and abuse on each of the section 75 equality groups and the lack of disaggregated data by sex, gender, ethnicity, disability and age and for children. The need for data — including data on the number of initial reports; on the number of case files referred to the Public Prosecution

Service; on how many of those reach the different stages of the court process; on how many reach the prosecution stage; on what the resulting remedy is; and on how many involve repeat offences — to track the journey of abuse investigations through the criminal justice system in order to enable an accurate assessment to be made of how the legislation is working was also emphasised.

The Department advised the Committee that it recognised the importance of robust data and was reviewing how best to secure that for the new offence with partner agencies as part of the operational arrangements. The Department indicated that a range of information is already available, or will be, including information on applications for protection orders and on the number of convictions, as well as higher-level information on the length of processes. The Department further indicated that the PSNI statistics branch currently publishes statistical data on domestic abuse crimes, disaggregated by sex, gender and ethnicity. Information on disability and sexual orientation is not currently available, but the PSNI has been in contact with the Equality Commission about the issue of further data collection on section 75 groups for all crimes. The Committee recognises the importance of the availability of robust data to enable the legislation's effectiveness to be assessed. The data also needs to be consistent across the various criminal justice agencies — something that is not always available — to allow for tracking of cases and analysis at each stage of the process. To ensure that, the Committee tabled amendment No 20 and welcomes the Minister's support for it.

I move now to amendment No 24, which places a requirement on the Department to report on the new offence. The amendment will require the Department to report on the operation of the new domestic abuse offence and the aggravating factors provided for in clauses 8, 9 and 15 in a range of areas, including the number of cases taken; the number of convictions; the average length of time for cases; the experiences of witnesses; the provision of the guidance required by clause 25; and the communications strategies implemented by the Department to raise public awareness of the new offence. The first report must be available no more than two years after the commencement of the legislation. The report must be laid in the Northern Ireland Assembly and published. Further reports are required no later than every three years. The amendment aims to provide for the effectiveness of the legislation to be monitored and assessed in a transparent manner.

The Committee considered including a reporting requirement in relation to the section 75 groups but decided not to pursue that following advice that that may take our amendment beyond the reasonable limits of the Bill's collective purposes. The Committee is also conscious that, although it wishes to place a reporting requirement on the Department, there is a need to consider what the criminal justice agencies can actually deliver in terms of figures and statistics to enable the Department to fulfil its reporting requirements.

The Committee welcomes the Minister's acknowledgement that there is merit in reporting on the operations of the Bill's provisions and her support for the Committee amendment today. Rather than having two amendments that deal with the same issue for the Assembly to consider, the Committee appreciates the approach that the Minister

has adopted by not tabling an alternative amendment and is happy to consider any amendments that the Minister wishes to bring forward at Further Consideration Stage that will build on the intent and purpose of the Committee amendment and refine some of the language so that it more closely aligns with practice in criminal proceedings. I am sure the Minister will expand on that when she speaks in this debate.

Rachel Woods has tabled two amendments to the Committee amendment to add additional reporting requirements. The Minister advised the Committee that she intends to support amendment No 26 but not amendment No 25 due to the section 75 element. I am sure that the Minister will elaborate on her reasons around that. Although the Committee did not discuss those amendments, I suspect that it would have no difficulty with supporting amendment No 26, which provides for reporting on the number of offences recorded within each police district. The PSNI has confirmed that that could be provided. In relation to amendment No 25, the Minister highlighted to the Committee last week that the operational partners indicated that they do not have the capacity in their IT and reporting systems to provide that level of data and that doing so would have substantial operational and financial implications and would require major IT changes.

Amendment No 21 relates to the requirement around training. The Committee brought it forward to ensure that the appropriate and adequate training of relevant personnel takes place. The Minister advised the Committee that she could not support its amendment regarding training and that she would bring forward an alternative amendment. Following discussions at last Thursday's Committee meeting, the Minister has decided not to move amendment No 15. In relation to its amendment, the Committee agrees with the views of a wide range of organisations that stated that there is a need for comprehensive training for anyone involved in gathering evidence and in prosecuting and enforcing the new law and that the legislation will be effective only if that takes place. The ability to investigate and prosecute the new offence will hinge on training police first responders to recognise and identify the signs of psychological abuse and coercive and controlling behaviour, which is manipulative, subtle and, often, covert. It will be vital that appropriate evidence is gathered if full use is to be made of the new offence.

A number of organisations recommended mandatory training for the PSNI and the other criminal justice organisations involved in the prosecution and enforcement of the new offence and that the training should cover issues including the impact of domestic violence and abuse on women and children; a wider understanding of men as victims of domestic abuse; the particular needs of different groups of people, including LGBT and other marginalised and vulnerable groups, such as migrant victims; and the obligations to take appropriate action in suspected cases of domestic abuse affecting children. The PSNI advised the Committee that it recognises that officer training on the definition of the new offence and examples of the behaviours that it involves will be pivotal to the successful enforcement of the legislation. When the Chief Constable attended the meeting of the Committee on 24 September, he outlined that training was being developed in conjunction with the Women's Aid Federation to familiarise front-line officers with what coercive and

controlling behaviour looks like. The training, which will be a mixture of online and classroom-based training, will be rolled out from December. Particular roles will also receive specialist training where required.

The Public Prosecution Service outlined that it is considering the establishment of specialist domestic violence and abuse prosecutors. It is envisaged that those prosecutors will receive more intensive training on coercive control and the identification of patterns of domestic abuse behaviours and will act as the first point of contact for police to assist in providing prosecutorial advice and ensure that all reasonable lines of enquiry are pursued in order to maximise the opportunities for bringing fair but robust prosecutions.

10.45 pm

During the Committee Stage, the Department outlined that discussions were being held with the Judicial Studies Board about raising awareness among the judiciary of the new offence. That included considering what lessons can be learned from other jurisdictions. The Department also advised the Committee that it recognised the importance of training but did not consider that a requirement for it needed to be placed in statute. The Committee, however, views training for relevant personnel crucial to the effective implementation of the legislation given that the new offence is a course of behaviour offence that will require the exercise of judgement by the police when gathering evidence and a clear understanding and recognition of the behaviours that are associated with non-physical abuse for others who are involved in the prosecution and enforcement of the new law. The Committee, therefore, decided to table amendment No 21, which places a duty on the Department to ensure that "sufficient" and appropriate training:

"is made available to allow for the effective operation of"

the legislation.

"Training is mandatory for all those involved in the disposal of domestic abuse cases in policing and criminal justice agencies"

and "must be provided annually", and:

"the Department must publish the uptake of training by each relevant organisation at the end of"

each annual reporting period given the importance of training to "the effective operation" of the legislation.

The Committee has some sympathy with the point that the Minister made during our discussions last Thursday that it would be more appropriate to place the duty for training on PSNI and PPS personnel rather than on the Department. Therefore, if it is made today, the Committee is content to tidy up the wording of its amendment in order to reflect that at Further Consideration Stage. The Committee does not, however, accept that there is no need for the training to be mandatory and that, by requiring annual training, it could become a tick-box exercise and would place significant problems on the organisations from a capacity perspective. Those were points that the Minister made to the Committee last week. The Committee also questions the Minister's understanding that the PSNI currently does not undertake annual recurrent training in any area, as

members are aware of a range of training that it provides annually.

The Committee believes that annual training is an important requirement, and making the training:

“mandatory for all those involved in the disposal of domestic abuse cases in policing and criminal justice agencies, including”

the PSNI, the PPS and the Northern Ireland Courts and Tribunals Service emphasises the crucial role that training will play in the implementation of the legislation and the new offence.

Mrs Long: Will the Chairperson give way?

Mr Givan: I am happy to give way to the Minister.

Mrs Long: Rather than hold this for my speech later, the point that I made is that the PSNI does not provide annual training for any particular offence. It does, of course, have to provide training that is specific to its operational needs, but it does not provide training on any other offences. That could create a precedent that means that newly introduced offences would be subject to annual training, and that could be burdensome if it were to continue in perpetuity.

Mr Givan: That neatly takes me on. Our amendment is drafted in order not only to ensure that appropriate training is provided but to give flexibility to the organisations to deliver different tiers of training as appropriate, including initial training, annual refresher training and specialist training for particular roles. It does not require the same level of training to be undertaken by every member of staff in every criminal justice agency. The framing of our amendment will also provide parameters against which the Northern Ireland Policing Board can hold the PSNI to account. I ask the Assembly to support the Committee amendment today.

Amendment No 23 provides for the independent oversight of and reporting on the implementation of the legislation for at least seven years. The Committee sees great merit in providing independent oversight of the implementation of the legislation for a period of time until it has fully bedded in. Independent input in that way would hold government to account and build confidence amongst the organisations that support victims that the legislation is operating effectively. Such oversight could also provide valuable input, advice and assistance to the criminal justice organisations when addressing any issues that arise.

Many of the organisations that provided evidence to the Committee noted that the Westminster Domestic Abuse Bill includes provision for a domestic abuse commissioner and supported the call from the Women’s Aid Federation for the introduction of such a commissioner in Northern Ireland.

A wide ranging role was envisaged for such a commissioner to include oversight and scrutiny of the implementation of the legislation. While the Committee had sympathy for the calls for the appointment of such a commissioner, and did consider whether it should attempt to pursue this, following further consideration and discussion we decided that the key issue was to provide for an independent oversight function in relation to the implementation of the legislation, and we therefore tabled amendment 23.

The Department can bring the independent oversight function to an end after a period of seven years by regulation, by which time the new offence and the legislation more generally should be well bedded in and any issues or difficulties with its application should have been addressed. The Minister advised the Committee that she agrees with the need for oversight and scrutiny of how the new offence operates. In correspondence to the Committee at the beginning of November, the Minister indicated that she considered our amendment to be akin to a domestic abuse commissioner in all but name.

Following our discussions, I hope that the Minister is now clear that that is not the intention of the amendment; rather it is to create an independent oversight function. Victims of domestic abuse have waited a very long time — much too long — for this legislation. We must ensure that there is confidence that it is being fully and effectively implemented and that any issues that arise are identified quickly and addressed properly.

Yesterday, the Minister advised the Committee that she is now content to support the amendment, which, she has indicated, will, when taken with a range of other oversight and scrutiny arrangements, ensure that there is a robust consideration of how the offence is working in practice. I welcome the change in the Minister’s position and ask the Assembly to support this Committee amendment.

Finally, I want to confirm that the Committee supports amendment No 19 brought forward by the Minister, which I covered in when I spoke in the debate on the group 1 amendments. I do not intend to revisit the issue.

Mr Deputy Speaker, that concludes my remarks as Chairperson of the Justice Committee. My colleague, Paul Frew, will elaborate on the amendments to give the DUP perspective on each of them, so I do not intend to labour the point. However, I will make a couple of remarks.

Operation Encompass was raised by Committee members extensively. The Chief Constable raised it with the Committee, and Linda Dillon raised it at nearly every meeting and pursued it relentlessly, with the Committee’s support, so I am pleased that we can address the issue by way of amendment. Ultimately, the Committee decided that we needed to test whether the Speaker would rule it in or not. I was pleased that the Speaker ruled it admissible.

Ultimately, it is about a case in which a child at home witnesses an event or there is a dispute in the home to which the police are called. It makes sense that the police should have the ability to inform the school the next day, rather than a child coming in with no lunch, or without completed homework and the teacher, unwittingly, challenging the child for not having its homework done or coming in without lunch.

The Committee saw it as a common-sense approach that the police, where they decide to do it, should have the ability to pass that information on appropriately to the school authorities. Issues were raised about the general data protection regulation (GDPR) and information sharing. I am pleased that the amendment, which will be enhanced at Further Consideration Stage, will put that into practice. It is just good common sense and I am pleased that the Committee was able to identify that.

Independent oversight was an issue that my party wanted to see included, because we knew that the

role of Domestic Abuse Commissioner was included in the legislation in Westminster, and we have received significant representations about it. However, we recognised that that was unlikely to be within the purposes of this Bill and would be part of wider legislation that would need to be taken forward. Critical to that was having a form of independent oversight. I am pleased that we are going to get that, because for this legislation to be effective it needs to have that level of scrutiny applied to it. Independent oversight can, subsequently, make recommendations, and from that may flow a domestic abuse commissioner. That may well still happen in due course. It is important that we provide that independent oversight.

In respect of the amendments tabled by Rachel Woods, my party is minded to support amendment No 26, which relates to the gathering of data by the PSNI. I was persuaded by the Minister's evidence on amendment No 25 with regard to collecting information. I am sympathetic to what it seeks to do. However, it is important that we are satisfied about the capability to provide that information. The Minister may well touch on that later. At this stage, my party is minded not to support amendment No 25 from Rachel Woods. If it can be addressed at Further Consideration Stage, we would be certainly open to that.

In respect of amendment No 22, which relates to resources, again, I was persuaded by the Department's position on whether it was necessary. Of course, I want appropriate resources to be provided to give effect to what we are trying to do. However, at this stage, my party is not convinced that amendment No 22 is necessary. Therefore, again, on this occasion, we are not minded to support it. We will support the other amendments.

Ms Dillon: I do not intend to repeat much of what the Chairperson has said. However, I would like to thank the Minister for not moving amendment No 15. That has been helpful to us this evening. As the Chairperson outlined, we are certainly open to working with the Minister on an amendment at Further Consideration Stage. Again, that would be helpful to us in making good legislation. As I outlined earlier, at the end of the day, that is what we want to do here.

I want to focus a little on amendment No 18. As the Chairperson said, I raised the issue of Operation Encompass repeatedly. I first heard of it at a meeting with the Safeguarding Board when I was a member of the Policing Board. I was not really sure what it was, but it sounded good. I asked the board to send me more information. I also asked whether we could have further conversations about what it was and how it worked so that I could explore with the Policing Board the potential for how it could be delivered. I did so at every opportunity at the Policing Board, but I was told repeatedly that it could not be delivered because of issues around the General Data Protection Regulation (GDPR) and information sharing. The phrase that was used continually was that there was a "legislative gap". On numerous occasions, I asked what the legislative gap was so that we could, hopefully, address it. I never got an answer to that. Therefore, I took the opportunity, when the Chief Constable came to us, knowing that the Bill was coming forward, to ask him about Operation Encompass and what the legislative gap was so that we could, hopefully, incorporate that in the legislation.

I am delighted that the Committee gave its support to Operation Encompass. While it might seem a very small part of the Bill — in some ways, it is, and we were concerned that it would be found not to be within its scope because it also falls within the responsibility of the Education Minister — the fact that it was found to be within the scope of the Bill means that we will now be able to deliver that for children. We outlined earlier in the debate how important it is that we look after children who are impacted by domestic abuse. That is a really important element because, when a child witnesses or is a victim of a domestic abuse incident, and they go into school the next morning, they may well not have slept all night. They may not have been in their own home. As the Chair outlined, they may not have done their homework or have brought a lunch with them. Teachers will challenge them because that is what they do. When a young person at school has not done what is expected of them, on many occasions, teachers challenge them without knowing what that child has been through the night before. Earlier, we talked about adverse impacts. It would make an immeasurable difference to that child if someone in the school were to ask, "Are you OK?" or "Do you need lunch?", said, "Do not worry if you have not done your homework" or "So what if you do not have the correct uniform?", or asked, "Would you like to go to another room for half an hour?".

11.00 pm

Around the time that we were discussing that, I saw a quote on social media from a teacher. I do not often quote from social media, because I do not like it, to be honest, but this is a really good quote. The teacher said, "If you meet a child at the gate who is coming in late, you can make a difference to their life by, instead of shouting, 'Why are you late, Johnny? What kept you?', saying, 'Are you OK, Johnny? Is everything all right?'. You do not know what that child is going through or why they are late to school." I thought that that was very relevant. It certainly had an impact on me. I would love it if more teachers thought like that. I know that we have lots of brilliant teachers, but the truth is that, sometimes, they are under so much pressure trying to do what they have to do that they forget those things, and this might be a way of reminding them. I am sure that lots of teachers in our schools do not realise how many children in their classroom come from homes where there is domestic abuse occurring daily. I have no doubt about that. This could potentially make a massive difference to children's lives. At the end of the day, that is what we are about.

The PSNI has said that it wants to do it, and I welcome that. I also welcome the Education Minister's move to roll out the pilot project. Whilst there are limitations to it, and I accept that, hopefully, when it comes to the roll-out, it will help us in flagging up some of the issues, problems or stumbling blocks. That can only be a good thing. For me, Operation Encompass is an absolutely vital part of it. I welcome that the Minister intends to bring forward an amendment at Further Consideration Stage. Again, I believe that the Minister's amendment will further improve this amendment and the legislation. Again, that can only be a positive outcome.

I just want to say that I will support amendment No 19, which provides for a minor amendment to the wording.

I will now speak to amendment Nos 20, 21 and 24. I do not intend to go over the issues that the Chair has already highlighted. Nobody in the House can fail to know that data collection, training and reporting on anything, be it policy or legislation — it does not matter what it is — are vital, because resources follow information and statistics. If we do not have the statistics, we will not get the resources. We already know that from some of the groups and organisations that have highlighted the fact that there is a lack of resourcing directed towards them. Rachel Woods will speak to some of that later. She has raised, on numerous occasions, the fact that there are groups and organisations, particularly from the migrant population, that do not get adequate funding because we do not have the data and the statistics. It is important that we look to data collection. Again, the reporting feeds into all that. Hopefully, the reporting will answer some of the queries that Mr Allister raised about how many cases will be brought to court. We will know that. If people come to us and ask, “How good is your legislation? How effective is it? How well does it work?”, we will not say, “We’re not sure. We can’t give you statistics”. We will be able to say, “This is how good it is; this is the report on how effective it is on the ground”.

Lastly, I want to speak about training. Training is vital. The PSNI has said that it could take up to a year for it to implement the legislation. I know that some of my Committee colleagues challenged the Chief Constable on that and said that it needs to be quicker and that a year is too long. Maybe it is, or maybe it is not. I do not want quick training. I want good training, I want effective training and I want the right training. When those officers get the training that they need, I want them to be able to implement the legislation in the way in which this House intended. We have scrutinised the Bill. We are debating it tonight. We are giving it every bit of attention that we possibly can to ensure that it will have the biggest impact on people’s lives. We therefore need those who are going to deliver on it at the other end to do the same, and they can only do that with effective training.

I can certainly say that, when the Bill was put down in front of me at the beginning of the process, it looked like double Dutch.

I read through it and understood bits and pieces, but, truthfully, could I have spoken to it on that day and said that I fully understood everything that was in it, its implications on people’s lives and the issues that were raised? No, I could not. However, I gained that through a very steep but good training and learning curve on the Committee.

We had a good mix on the Committee of people who had experience, and those of us who were new to the experience, to say the least. However, we all had life experience and experience of previous roles, my own on the Policing Board, as I outlined, and dealing with constituents. All those things added to the Bill because this is about real people and real life. It is not about something that is pie in the sky or does not affect people every day. The Bill will affect people every day, so we need to ensure that those who will be delivering it will get adequate training.

I would love to support Miss Woods’s amendment No 25 to include section 75. It calls for everything that I just outlined that we need. We need the data and the statistics.

Unfortunately, I know from experience on the Policing Board that it is a requirement that the Department and organisations may not be able to meet. Therefore, I am not able to support the amendment at this time but would like to have further conversations with the Minister and the Department on whether it could be included at Further Consideration Stage. I would like more detail on how it could be done because that is what it boils down to. I want to see it done; I just need to understand how it can be done.

Amendment No 26 is also from Rachel Woods. We will support it, and the Minister has said that she and her Department will support it. It calls for statistics to be broken down by council and policing district, and the PSNI has confirmed to the Minister that it can do that. That is important because it boils down to resources. Where will resources go? They will go to where you have data and information, so you need to be able to break that down. As elected representatives, to break that down to a constituency, council area or policing district gives us information on what we should be focusing on.

All those amendments are positive, and I support them. I say again that I welcome the Minister’s indication that she will add to Operation Encompass. I hope that the PSNI and the education sector buy into that because it will make a real difference to children’s lives. I know that that is what most teachers want to do; that is why they are there. They want not only to give those children an education but to see them come out of school as better and more resilient people — young people who are able to have a better life because of what they did for them.

Ms Hunter: I will speak in support of amendment No 18. I am not a member of the Justice Committee, but I thank its members and the Minister for their meaningful, valuable and insightful contributions to the debate.

I welcome the opportunity to speak on what is a deeply emotive and sensitive topic. Reading the legislation and hearing testimonies from survivors earlier this week has been eye-opening and, frankly, emotional. The detrimental impact that domestic abuse has on victims, families and children has been truly revealing.

There are many aspects of abuse: physical, sexual, mental, emotional, financial and, of course, psychological. Incidents of abuse can be engraved on the minds of victims. Despite how much time has passed, it can be difficult for victims to free themselves from the grasp of their abusers. No sentence sums that up better than: in the mind of the victim, trauma has no timeline. It stays with them.

Many people recovering from a violent domestic relationship can experience complex PTSD, which presents itself in emotional flashbacks. If we turn our eyes to the pandemic, it is horrifying to have read about increased rates of domestic violence during lockdown. The ability to be monitored by an abusive partner around the clock is deeply disturbing. I thank Women’s Aid, the NSPCC, Nexus NI, Barnardo’s and all other community and voluntary organisations out there for their continued efforts to support victims, especially during this difficult and challenging time. I welcome the fact that our Minister, Minister Mallon, has worked closely with Minister Long on providing free transport for victims, which is a key and necessary support for victims right across the North.

While speaking today, I feel that it would be reckless of me to have the opportunity and not use it to address domestic abuse in teenage relationships. I welcome point 82 of the Committee for Justice's report on the Bill, which states:

"Schools and colleges may need to be involved as part of the co-ordinated response to provide education and awareness so that relevant professionals from this sector can understand the risks the young person may pose to other young people."

I welcome amendment No 18 and the discussion on utilising regulations similar to Operation Encompass, the initiative that enhances communication between the police and schools where a child is at risk from domestic abuse. The amendment will help ensure that schools have more information to support the safeguarding of our children here in the North.

Discussing the amendments before us today further highlights the fact that we should enable our young people to acquire decision-making skills, in order for them to have a knowledge base and the skills to interpret what abuse actually is. I feel that it is both a moral obligation and a professional duty on our education institutions to educate our teenagers as they navigate their first relationships and to equip them with the knowledge that will help enable their growth and help them engage in healthy relationships. Having spoken with representatives from Women's Aid prior to today, I know that that organisation reiterates the message to young people that being a victim of domestic abuse is never their fault.

Abusive control is not always obvious. It can be manipulation, gaslighting or someone convincing you that you are not worthy of opportunities, that you are not smart enough and that nobody likes you. Your partner can be one person in a room of many or in front of their parents yet someone very different behind closed doors. Being humiliated and intimidated by your partner is not a natural part of the process. Being told what to wear, where you can go and whom you can or cannot see is not the norm. Let us be reminded that, although the steps taken today with this legislation are to be welcomed, we need a cross-departmental approach to tackle the issue in order to protect potential and hidden sufferers of all ages from domestic abuse.

Mr Blair: Before I begin, I declare an interest as a member of the Northern Ireland Policing Board, which oversees the Police Service of Northern Ireland and would therefore oversee some of the actions suggested in the group of amendments to which I speak.

I take an opportunity at the beginning, as one of the Members who did not have the chance to contribute earlier in the debate, to express my thanks to the Minister for bringing this Bill to the Assembly and to the departmental officials for assisting in doing that. The Minister has paid particular attention to the issue of domestic abuse, and she should be commended for following through on her pledge to endeavour to deliver on it through this Bill. In addition to her determination to deal with the issue, she has taken on board the incredibly destructive practice of coercive control. Indeed, she has been helpful on that issue in her responses to me and other Members who have asked questions in the Chamber. I also express my gratitude to members of the Committee for their scrutiny and for the detail that they have brought to the debate.

In my remarks, I will refer mainly to the amendments dealing with training and oversight. Training is undoubtedly fundamental to delivering appropriate outcomes on the offence, but amendment No 21 on training does not stipulate the quality or nature of that training. That could lead to the most basic level of training, with it perhaps being as little as online exercises, which, as I hope Members will agree, is not what we want to see. I acknowledge that the Chair indicated earlier that the Committee will look at it again. That is very welcome, because we know that the situation might well be that the practice of practical, in-the-field or inter-agency training biannually could be more effective than basic online training annually.

Additionally, the amendment suggests that the Department of Justice has the power to direct the Police Service of Northern Ireland on that training. As we know, that is not the case. The PSNI reports on such matters to the Northern Ireland Policing Board, whether in full board or through its relevant committees, and it is that body that should work with the PSNI on training. Ministerial or departmental control of those issues is undeliverable and undesirable. Reference to the Department bearing responsibility for training, funding, delivery and reporting for other agencies —

11.15 pm

Ms Dillon: Will the Member give way?

Mr Blair: Sorry, go ahead, Linda.

Ms Dillon: Apologies to the Member. Thank you for taking the intervention. We agree with you about who should be responsible for the training. That is why we have spoken to the Minister about an amendment at Further Consideration Stage. However, I am sure that the Member — as a previous member of the Policing Board — knows well that, sometimes, we find it difficult to tie these issues down because they are not there in legislation for us to hold them to account to. When we ask the PSNI about training, we can be given all sorts of reasons why that training cannot happen — that the training has been pushed back, that it will happen, and that it was done three years ago and they will try to do it again in two years. We have real challenges around that. We need to have something to hold them to account to. If this is not the right way to do it, as I said, the Minister will be bringing forward amendments at Further Consideration Stage.

Mr Deputy Speaker (Mr Beggs): I encourage Members who wish to make an intervention to use their microphone so that everyone can clearly hear it.

Mr Blair: I thank the Member for the intervention. I will not rehearse all the detail of the PSNI's operational independence under the control of the Chief Constable. However, I should point out that all of us in the House who are members of the Executive's parties have representatives on the Policing Board, and we can challenge our wishes on delivery through them.

I have covered the reference to the Department bearing responsibility for training, funding and delivery. There is precedent and established practice that agencies have to prepare for, train for and adapt to new and emerging legislation. There is also policing and criminal justice oversight responsibility through, for example, the Criminal Justice Inspection. That can highlight training need or

additional training required, and that has been done previously. The suggestion in amendment No 23 of an additional oversight role is something that could potentially be delivered through existing structures. That would avoid additional time and financial resource, and it requires further examination.

I am hopeful that the Minister and the Committee can look further at the details around the desirable levels of training and at the most effective methods of training, at later stages. That could include scoping the existing training capacity, which is something that the Deputy Chair of the Committee referred to a moment ago.

Speaking generally, I urge caution around amendments that require considerable IT system investment by the PSNI or other criminal justice agencies. We must be careful with the additional capital requirement on time frames for the planning, procurement and delivery of such systems and how that might adversely affect progress on the eagerly awaited aspects of the Bill.

Therefore, my position is that I hope for progress, at later stages, that will reflect the practicalities around the original requirements of amendment No 21. I am opposed to the departmental direct delivery theme of amendment No 22, which is for the reasons that were given previously around accountability and because we expect independent delivery by the agencies involved. I believe that the intention of amendment No 23 can be met through existing resources, and that should be further explored, along with other matters on which a commitment has been made to discuss them further. I hope that the Minister, the Justice Committee and Members of the House can reflect on the matters that I have raised. More than anything else in relation to this debate, I hope that neither our words nor our actions, as the Bill progresses, will divert attention from the original purpose of the Bill and the needs of the victims.

Mr Beattie: We are fast approaching the witching hour. I am not quite there yet, but it is on its way. I think about this time of sitting at home with a nice glass of an Isle of Jura 18-year-old single malt, with my slippers and pyjamas on *[Laughter.]* It is not a great thought, but that would be me.

Mr Frew: Will the Member give way?

Mr Beattie: Yes, of course.

Mr Frew: How can the Member ever go past Bushmills?

Mr Beattie: Yes, well.

I am not going to rehearse, but I want to feed into a couple of the amendments. Amendment No 18, which is the Operation Encompass piece, is a two-line amendment, but it is so incredibly important. Ms Dillon has been very articulate and steadfast in support of that. I just wanted to say that, because it is really important. The amendment has only two lines, and we hope that we can develop it at Further Consideration Stage.

Amendment No 20 is on data collection, which feeds in to pretty much everything. We do not know how things are progressing unless we gather the data to see how they are working. It certainly feeds in to Ms Woods's amendment No 14, which is about legal aid. It is incredibly important that a new clause is in there. Without doubt, I will support it.

Amendment No 21 is about training. I am absolutely sympathetic to the first part of it, which would put the duty

for training on the Justice Department. We can look at and possibly change that, and I would certainly be happy enough to do that.

One thing that I will say about that proposed new clause is that the Minister came before the Justice Committee, and we talked it through. She took away her clause, so ours stood alone. That, to me, is good collaboration. That is exactly how we should do things. We should talk it through and then make a decision, and we can then change it at a later stage.

I commend the Minister for taking that approach. However, there are two things in that amendment that are incredibly important. The Chair already said this, and I said it at the time, and those two things are the words "annually" and "mandatory". We would have to provide training annually. How we would do that in order to create less pressure on the organisations is something that has to be thought through, but it has to be done annually and it must be mandatory for those people who deal with domestic abuse on a day-to-day basis.

However, the reality is that every organisation would need to be trained from the very top to the very bottom. So, in the police, it would need to be from the Chief Constable all the way down to the new recruit. They would need to have an understanding of how this works, and then, the second tier of training would be for those people who will end up as experts on the subject, so to speak, on domestic abuse. Again, we will support that, but I will be sympathetic to the Minister if she brings forward any amendments to that.

The last amendment that I want to feed in to is amendment No 23. That is another proposed new clause, which is on independent oversight. People said this before, and I will say it again: we had lots of people who wanted a domestic abuse commissioner. They will be incredibly disappointed that they will not get one, and I accept that. Some Members will know that I want a victims of crime commissioner, because domestic abuse fits into crime of all shapes and sizes. It bleeds into financial crime, denial of rights and of freedom of movement, false imprisonment, grievous bodily harm, attempted murder and, in extremes, it gets into murder. Domestic abuse is not a stand-alone thing; it just moves into and blurs with other offences. I believe that a victims of crime commissioner can cover in the long term the role that a domestic abuse commissioner would cover.

This proposed new clause covers the medium term. It covers the first seven years so that we can have oversight in order to make sure that it is working. That is because this is new legislation, and we need to make sure that it is doing exactly what it is designed to do. We need an independent person to look at it in order to make sure that it is doing what it is designed to do.

I will support amendment No 26. I cannot support amendment No 25, unfortunately.

Mr Frew: This is my opportunity to applaud Ms Linda Dillon, another member of the Justice Committee, for her work and determination. I am mindful that my Chief Whip is behind me, and he is always encouraging us to be rough and robust. I am going weak at the knees here on him, but I just want to say that Linda Dillon has done tremendous work pushing this issue right to the forefront of the Committee and into its mindset, because it is important. It is a very small amendment, but it is the little things that

count when you are under the cosh and under pressure as a parent or a child. Teachers know their pupils very well; they are caring individuals who want the best for their pupils. I suspect that they can tell when something is awry or that something is up. What this does is assure them that what they are doing and saying is the right thing. I applaud Linda Dillon for her work and her perseverance on this, because it is right that we insert this in the Bill.

Ms Dillon: Will the Member take an intervention?

Mr Frew: Yes, I will.

Ms Dillon: Does the Member agree that, for this issue, as with all the other issues, training will be vital, because we want to ensure that information is shared in the appropriate way to protect everybody? We want to support and protect those children.

Mr Frew: Yes, absolutely. I will come to training in a wee minute.

For Operation Encompass, the puzzling thing for the Committee was that we identified that there was a problem and that there was a gap — the police, no less, were telling us that there was a gap — but we could not identify the cause of the gap, which was puzzling. Therefore there is absolutely no doubt that it needs to be in to give us a cast-iron guarantee.

Mrs Long: I thank the Member for giving way. I draw his attention to the fact that the Department wrote to members and set out what the gap in legislation was, but that it was our view that it was primarily an education issue. Subsequently, however, we continued to receive written questions asking what the gap was, after we had sent a letter describing it.

Mr Frew: There is no doubt, and I will admit to the House for the Hansard report, that I am still confused on the issue. On the one hand, we are told by the police that there is no provision and that they worry about information sharing; on the other hand, a live pilot scheme is ongoing. That added confusion to the round as we debated this in Committee. I am glad that the amendment will give the PSNI some reassurance. However, if this amendment does not do it, let us fix it at the next stage.

It is important to note that, because I will have to heap praise on the Minister too, the amendment that she brought forward is very thick and is very good reading. It deserves super merit, and I suspect that that is what we will be looking at in the Further Consideration Stage. I thank the Minister for her input and her engagement with the Committee on this. There is a real spirit of coordination and teamwork, and, at the end of this, we will have a very good piece of legislation, because it is the little things that matter.

When a child who has just witnessed a horrendous scene in the night, or even the hours, before school time, the teacher knows that that child may not come in or may be late, may not have their uniform on or have their homework done and that the child's behaviour may not be appropriate. You can understand all the reasons why that would be. We talk about joined-up government. In the real world, people need joined-up services.

Mrs Long: I thank the Member for giving way again. He said that he is not clear about what the gap was. The police already have the power to share information with

educators where it relates to safeguarding. For example, where a child has not been fed or does not have a coat, those issues can already be reported to educators, and that information can be shared. They cannot do it for the purposes of well-being, for example, to support a child emotionally through those difficulties. That is where the gap in the law exists.

Where abuse does not lead to actual harm, which is the debate that we had earlier, there may be no vires for the police to share information with schools to allow them to do that. That is the distinction, if that makes it any clearer for Members.

11.30 pm

Mr Frew: I thank the Minister, because it does make it clearer. When you are going through all this in your head, you tend to miss things — I do anyway — so I thank the Minister for that clarification.

There is no doubt that it is a good thing that these services can engage and give as full a picture as possible to teachers and educators. Given the child's experience of adverse behaviour and everything else over the night before, the week before or the month before, getting into trouble in school can only cause them to spiral into even deeper depths. We need the educator to be informed so that they can give the child some support. That is what we need to do, because the child is at the centre of all this legislation. Does Miss Woods want to come in?

Miss Woods: I thank the Member for giving way. I was going to address this in my speech later, but the lack of well-being provision has been brought up. Provision for well-being is already on our statute book. The Children's Services Co-operation Act received Royal Assent in 2015. It was brought to the House by my predecessor, Steven Agnew. The stated aim of that Act is:

“to improve co-operation amongst Departments and Agencies and places a duty on Children's Authorities, as defined by the Act, to co-operate where appropriate as they deliver services aimed at improving” —

and this is crucial

— “the well-being of children and young people.”

Mr Frew: I thank Miss Woods for that intervention. Again, it is very helpful.

Mrs Long: Will the Member give way?

Mr Frew: Yes, I will give way to the Minister.

Mrs Long: I want to clarify that I did not say that it was not possible for the agencies to cooperate. The issue is specific to information and data sharing — private information about families — and that is not, as has been suggested, covered.

Mr Frew: OK. Thank you, Minister. It is great fun being a conduit between two Members; it really is.

That is why Operation Encompass is so important, and that is why we had to put it into the Bill. I am glad that the Minister supports that, and we will no doubt work with her to strengthen it at the next stage.

We support the Minister on amendment No 19.

Amendment No 20 is about guidance on data collection.

We heard earlier from Mr Allister about his angst at this new offence. It is vital that data is collected and that we can use that data in good ways. It reassures all of us that we will be able to test this legislation to ensure that it is fit for purpose. However, there is absolutely no doubt about it: if the training is not fit for purpose, this legislation will not be fit for purpose either.

What do I mean by that? I have experience of this. I brought to the Assembly the child protection disclosure scheme. It was my amendment to, I think, the Justice (No. 2) Bill, or maybe the previous Justice Bill; I cannot remember. I brought that amendment, and the child protection disclosure scheme was passed by the House. It is fair to say that that legislation was ignored by the PSNI. It went nowhere. I kicked up, asked questions, met and fought with the police, and there was also a change of position in the PSNI. After that, two police officers, one male and one female — it is not fair to name the officers, one of whom has moved on — picked it up and ran with it. They relaunched the child protection disclosure scheme through which parents get to find out information about someone who could be a threat to their child. Why is the parent always the last to know? The police ignored that legislation. I am glad to say that it has been relaunched and reinvigorated and is being promoted and advertised on the internet.

Mr Deputy Speaker (Mr Beggs): Can I draw the Member back to the amendments that are before us at this late hour?

Mr Frew: That is why it is so important that there is training to ingrain the legislation into the mindset of the services that will use it. It is vital that the police, and others, get adequate training. Independent oversight is also important in ensuring that the legislation is being enacted and used, serving the public, serving and protecting the victims, and putting the perpetrators behind bars. That is why we need training and independent oversight.

I move now to the report on the operation of the Act. This is too important, cutting-edge and new for us to let it go into the ether when it leaves the House. We need to keep an eye on it, keep on the ball and ensure that the legislation is fit for purpose and works to serve the people. I would have doubts about that being the case if the training were not sufficient and routine. I get the Minister's point that the police do not train on any particular offence and that this could set a precedent. I say, "Why not?" If an offence is new and fresh, and if it is a new concept, we can see how the judicial system could struggle with it.

Mrs Long: Will the Member give way?

Mr Frew: Yes, I will give way to the Minister.

Mrs Long: To clarify, again, I said that the police do not train people annually with regard to any offence. I did not say that they did not train people with regard to new offences.

Mr Frew: I am happy to clarify that position and to correct myself. However on annual training, it is fair. Doug Beattie will have massive experience, and I have a wee bit, of the annual training that the Royal Irish go through to hone their skills, keep them fresh and keep them alert on the presence of the standard operating procedure and, as is the case here, the law. There is no reason why we cannot have a rigorous training routine. It does not necessarily

have to be overwhelming. It can be an annual occurrence that keeps everybody on their toes and alert, and keeps things fresh in their mind. That is what we have been asking for. Training, along with the independent oversight, data collection and the reporting on the operation of the Act, is vital. This is key legislation. It cannot, and should not, be ignored. We need to keep on top of it. I will leave it there.

Ms Dolan: I remember clearly the first time I was introduced to the term domestic abuse and what it meant. I was 16 years old, and Fermanagh Women's Aid had come into my school to give a presentation to our year group. What stood out to me from that presentation was hearing that domestic abuse was not just physical. That was about 14 years ago. To this day, that presentation remains one of the more valuable things that I learned in school. In 2018, I went on to partake in training on domestic and sexual violence awareness with Fermanagh Women's Aid. Given that, it has been a privilege to be a member of the Justice Committee and to be able to shape the Bill to ensure the protection of the thousands of victims who, through no fault of their own, are abused at the hands of their spouse, partner or family member.

On this, my first opportunity to speak on the Bill, I commend my fellow Committee members for their thorough scrutiny of it, the Minister and the Department of Justice for bringing it forward in a timely manner and all of the groups and organisations who provided written and oral evidence to help better inform us, and, of course, I give special thanks to the victims who provided written and oral evidence of their experience. It is unfortunate that legislation of this nature is required, but, from listening to those groups and the victims, there is no denying that it is absolutely necessary. Incidents of domestic violence are at an all-time high, but that is not a high of which we can be proud. As shocking and harrowing as the statistics are, in some cases, they are only the tip of the iceberg. As most of us know, it usually takes several incidents before the victim realises that they are being abused or builds up the courage to lift the phone. In some cases, that phone call or plea for help never happens.

'Is This Coercive Control?' was a special one-off documentary on BBC Three comprising a social experiment in which a group of young people aged between 18 and 30 came together to consider whether they truly understand what constitutes coercive control. Seventy per cent of people failed to see the signs of coercive control in that documentary. That highlights the education and training that is required around this behaviour. Therefore, I welcome amendment No 21, which would insert a clause and put a statutory duty on DOJ to ensure sufficient training of policing and criminal justice agencies, including PPS and Courts and Tribunals Service staff.

Throughout the Committee's considerations of the Bill, one of the most prominent recurring themes from organisations was the need for comprehensive training for anyone involved in gathering evidence and prosecuting and enforcing the new law. The success of the Bill will depend on the effectiveness of that training. It is essential that all first responders and criminal justice agencies fully understand what coercive control is and are able to recognise the signs of coercive and controlling abusive behaviour. Indeed, that was recognised by the PSNI

in its written submission to the Committee. The PSNI recognised that officer training on the definition of the new offence and examples of the behaviour that it involves will be pivotal for the successful enforcement of the legislation, a view that was echoed by the Chief Constable. That also requires appropriate resourcing of and investment in training, and I fully expect the Minister to step up in that regard.

A great example of this training is Fermanagh Women's Aid's undertaking of an education programme targeted at those in the beauty industry, among other sectors, so that they are able to spot the signs and signpost if a client confides in them that they are a victim of domestic abuse. Similar to the training that I took part in in 2018, that is an invaluable exercise in trying to eradicate domestic abuse. As a society, we should all take some responsibility to educate ourselves. We need to know the difference between abusive and non-abusive relationships. We need to challenge assumptions about gender and power. We need to help young people to understand that abuse is a crime.

It has been mentioned — so, I apologise — that we had hoped to table an amendment proposing a statutory entitlement to 10 days' domestic violence paid leave for all workers. Domestic violence can affect employment, productivity and health and safety. Domestic violence often follows —

Mr Deputy Speaker (Mr Beggs): I remind the Member that we are debating the amendments in front of us. Those are the appropriate issues to comment on at this stage.

Ms Dolan: Yes, I am coming to a conclusion. There is a growing recognition that domestic abuse is a workplace issue. In the absence of workplace policies, colleagues and managers are not equipped to support victims and ensure that they are safe. Earlier today — yes, it is still today — Sinn Féin TDs introduced legislation in the South that would provide a statutory entitlement to 10 days' paid leave for victims of domestic abuse, regardless of what sector they work in. We were informed that that is outside the scope of the Bill, and we accept that. The Minister for the Economy said that she would bring this forward in the future. I want to make sure that it is brought forward, because it is a vital issue and an absolute priority.

Mr Durkan: My colleague and the SDLP justice spokesperson, Sinéad Bradley, will set out the SDLP's position on each amendment, so I do not intend to take up too much of the House's time at this late, late hour. Suffice it to say, I support the Bill and those amendments that will help to tackle the scourge of domestic abuse. Lockdown has been a challenge for all of us. However, for many victims of domestic abuse who have been confined to their homes when home is not a safe place, lockdown has been extremely dangerous.

11.45 pm

I will focus my remarks on amendment Nos 21, 23 and 26. It was not that long ago — certainly within the lifetime of many of us here — that the prevailing attitude was that these were private matters, but there is, at last, a recognition that domestic abuse is a public concern and a realisation that it requires a strong public response. This group of amendments is crucial to ensuring, monitoring and measuring the effectiveness of that response.

Making psychological abuse and coercive control an offence, as clause 1 of the Bill would, reflects how public understanding of domestic abuse has evolved. Just over four years ago in the Chamber, I proposed an amendment to a motion on domestic abuse, rape and sexual crime, in which I called on the then Minister of Justice to criminalise such patterns of abuse and coercive control that victims are subjected to by their abusers. The Minister, Claire Sugden, was most receptive. I am sure that she and many others in here and outside share my frustration that, due in no small part to a three-year political stand-off that left us with no Assembly, we are able to do that only now. Let us hope that that is all behind us. I do not know how many people follow debates in here at the best of times, let alone those taking place close to midnight, but anyone watching this tonight could not fail to be impressed, and perhaps a wee bit surprised, by the collegiate approach, and even camaraderie, that the parties have shown to legislating on this significant and sensitive issue. Well done. Let us have more of it.

Interestingly, during that debate four years ago, I referenced a pioneering storyline from the long-running radio soap 'The Archers' that highlighted the issue of coercive control in a gripping but sensitive manner. Four years on, all the major TV soaps have done coercive control storylines. They are more than titillating story arcs that grip viewers, however. Those stories save lives. There are people — women and men — who have been subjected to that type of abuse for years without even recognising themselves as the victim of anything. It may not be until they see what is happening to Yasmeen in 'Coronation Street' or Chantelle in 'EastEnders' that the penny drops. That is why it is important that we piggyback such vehicles to get out vital public information, messages of support and, crucially, offers of help to victims.

Sadly, however, domestic abuse is not confined to our airwaves and screens, nor does it manifest only through physical violence. Often, physical attacks occur only after victims have been cut off from support networks, emotionally abused and manipulated to the point at which they are more likely just to accept physical violence or are too afraid to leave. Many of us will know people who have been through that. More worryingly, many of us will know people who are going through it, but we do not even realise it. That underlines, as if it needed underlining, the importance of amendment No 21 and training. If agencies cannot spot abuse, what chance do they have of stopping it?

(Mr Speaker in the Chair)

While coercive control can pre-empt or reinforce physical abuse, it is a form of abuse in its own right, with lasting harm to victims. As others have done, I welcome the progress made, but I recognise the particular difficulties that other jurisdictions have seen in securing convictions for that type of abuse, which are not just the difficulties that we already face in securing convictions for physical abuse. There will be other evidential challenges that are particular to the type of behaviour that causes psychological harm. That is why amendment Nos 24 and 26 are so important. They will ensure that the data is there to monitor and understand how this translates from statute into practice.

Victims need to have confidence that their experiences will be recognised as abuse and to have confidence in

the process. The opportunity that the Bill presents will be squandered if, first, cases are not brought where appropriate and, secondly, convictions do not follow. Amendment No 23, which provides for independent oversight, is also important in that regard, particularly given the lack of a domestic abuse commissioner.

On another point that I will deal with quickly, I know that the Committee has considered the issue of parental alienation. I also know that La Dolce Vita Project in my constituency has been to the fore on that issue. Many of the cases that the Bill will be relevant to will be those that mean that children will be safer with supervised contact or with no contact at all with a parent. However, there are other cases in which abuse by one parent of another is not the issue, but children's relationships with one parent suffer as a result of a breakdown in the adult relationship. I would be grateful if, in her response, the Minister would confirm the aspects of the overlap between her Department and the Department of Health and, importantly, how the Departments can work together to address that difficult issue, which undoubtedly causes much hurt and harm.

Ms Dillon: Will the Member give way?

Mr Durkan: Certainly.

Ms Dillon: I thank the Member for highlighting the La Dolce Vita Project. As a Committee, we met its representatives during the process, and I have met them as an MLA. Some of their ideas about how we can deal with parental alienation do not fall in the legislative sphere, but they have some really good ideas about types of pilot projects and things like that that could be done. I think that they have a lot to offer, and I have suggested that they should come back to the Committee and discuss that specific issue, outside of the Bill, and that we would want to look at that as a wider issue. Those issues are not always dealt with through legislation, and I think that that is what the Member had alluded to.

Mr Durkan: I thank the Member for her intervention. I certainly recognise the complexity of the issue and the importance of how we can work together and Departments can work together to help to reduce the incidence of that form of abuse.

Amendment No 21, with its focus on training, is most positive and will be broadly welcomed by victims and many organisations that work in the sector. I put on record our gratitude to those hard-working and hard-pressed organisations that support victims, including Women's Aid, Victim Support, the Men's Action Network, the Men's Advisory Project, Nexus and the aforementioned La Dolce Vita Project. Those groups need more than warm words, and I think that Ms Dillon referred to that. They also need cold, hard, financial and practical support. We must do more to support them in their work in changing and, without doubt, in many cases, saving lives.

I will conclude by saying that I hope that the Bill sends a strong message to victims of domestic abuse that they have our full support and to perpetrators that there will be zero tolerance. Moreover, I hope that that message is followed through with results. I believe that the amendments that we will support will strengthen our efforts to do just that.

Mr Gildernew: I want to speak to the elements that the Health Committee looked at with this group of

amendments. Again, I emphasise that the Health Committee is very much aware that this is largely a piece of work for the Justice Committee and one that the Health Committee has welcomed.

The Health Committee looked at the implementation and operation of the offence and welcomed debate on the need for additional training for front-line workers. The Committee welcomed discrete recognition in the Bill of the damage that can be done to children and young people by their seeing or hearing domestic abuse or by their being involved in abuse, such as when a child is used to contribute to emotional or psychological distress. That connects with the cross-cutting policy area of adverse childhood experiences.

Stakeholders flagged the issue of under-reporting and communication issues around domestic abuse incidents and the fact that the Protect Life 2 suicide prevention strategy acknowledges domestic abuse victims as an at-risk group. The Committee, therefore, recommended that statutory guidance and associated training be provided to front-line responders on the implementation of clauses 8 and 9, in particular. Again, the Committee has not formally considered the particular wording of the amendments that deal with training, but it would support the objective in principle, and I note that the Minister will not move amendment No 15.

If I may, a Cheann Comhairle, I will reflect on some of my experiences of this in order to explain in part why I am so pleased to be part of the debate. I was reflecting on Linda Dillon saying that, while some of us may not be experienced legislators, we have experience in all sorts of ways that are relevant to the debate. I want to share with Members an experience that I had while I was training for my social work role.

I worked with a woman who, as I got to know her and she explained her story to me, set out in detail something that I found truly shocking but that I was further shocked to find out is not as uncommon as many of us would like to believe. This goes back to when the woman got married 25 or 30 years ago. She married her childhood sweetheart. She had known him for many years. In her words, "You could not meet a nicer fella", but that was until the day that they were married. As was the tradition at the time, they returned to the family home after the wedding. He raped her. That woman escaped out of the upstairs window of a two-storey house, ran naked to the police station and told them what had happened. She was wrapped in a jacket and put in a police car by a policeman and a policewoman and returned to the family home, whereupon they knocked the door, got the abuser out of his sleep and asked him whether he had raped her, which he, of course denied. Then, in front of her abuser, they asked her whether she was happy to remain and stay at the home. She told me — this has stayed with me since — that with her mouth she had to say, "Yes, I am happy to stay", but with her eyes she was trying to tell the policewoman to take her with her.

I raise that because I do not think that legislation makes the difference in a case like that. I know that we have achieved much and have much more to do, but I think that training makes the difference in the implementation of many of these types of legislation. I had the benefit of significant and valuable training in my social work role, as part of multidisciplinary teams, in the recognition of domestic abuse and coercive control. I was struck on

several occasions by the fact that, around the table in that multi-professional setting, some of the most valuable peer-training experiences that I had were with members of the police, because they got it. They recognised the problem because they were trained in how to recognise it, how to spot it and how to engage with it in order to deal with it.

I wanted to share that in order to highlight the value of training. Legislation is not the complete answer; the training is the part that adds the real value.

Mr Lyttle: I welcome the opportunity to speak in the Consideration Stage of the Domestic Abuse and Family Proceedings Bill on behalf of the Alliance Party. The Alliance Party is clear on this matter: domestic abuse is a heinous crime. I welcome, therefore, the leadership that is being shown by the Alliance Party leader and Justice Minister, Naomi Long, to progress this important legislation, and I welcome the work that she is doing to deliver a safe and shared Northern Ireland for all. I also recognise the work of Department of Justice officials and the previous Justice Minister, the members of the Justice Committee and all respondents to the Committee Stage of the Bill.

The focus of the Northern Ireland Executive and the Assembly has necessarily been on the emergency response to COVID-19, but we must continue to progress key priorities such as tackling domestic violence, the impact of which we know has increased during social isolation, as perpetrators have exploited the emergency in order to commit domestic abuse.

Thankfully, this legislation, introduced by Justice Minister Long, sends a clear message to perpetrators of domestic violence and coercive control to say, "You will be brought to justice", and to say to victims, "You are not alone. We will support you". I pay tribute to the many organisations that work to support victims and survivors of domestic abuse in Northern Ireland.

As Alliance education spokesperson and chair of the Assembly all-party group on children and young people, I welcome the response in the legislation to the serious impact of domestic abuse on children. Seeing, hearing or being present during an incident of domestic abuse can profoundly affect a child's physical and mental health for life.

12.00 midnight

Group three contains important amendments in that regard. They include amendment No 18, which would give power to make regulations for the purpose of informing a school that a child saw, heard or was present during domestic abuse. That provision would enable police to share information with schools and to deliver approaches such as Operation Encompass, an approach that has been taken in other jurisdictions and is to be piloted in Northern Ireland. It is my understanding that the aim of Operation Encompass, as referred to by other Members, is for police and education information sharing to enable schools to offer immediate support to children and young people who experience domestic abuse. Information shared by police prior to the start of the school day, after officers have responded to a domestic abuse incident, can help schools to give appropriate and timely support to the child.

As we know, domestic abuse has been identified as an adverse childhood experience that can lead to physical and psychological harm to a child.

Ms Dillon: Will the Member take an intervention?

Mr Lyttle: I am happy to give way to the Member.

Ms Dillon: Will the Member, in his role as Chairperson of the Education Committee, keep an eye on that when it comes through and see whether it is working effectively in the manner in which it should? The Justice Committee would appreciate the Education Committee doing that because it would be more difficult for us to keep an eye on that end of things.

Mr Lyttle: Absolutely. I welcome that intervention. Committees must enhance their cooperation on a number of key public policy issues. I will give my commitment as Chair of the Education Committee to ensure that we keep that issue a key priority.

Research overwhelmingly identifies domestic abuse as a contributing factor to school drop out and exclusion, youth homelessness, and risk-taking behaviour. The Operation Encompass approach aims to mitigate that harm by enabling early intervention and immediate support for the child. Responsive support of that nature in the school setting should mean that children can be better safeguarded against the impact of such domestic abuse. Alliance will therefore support the passage of the amendment to Further Consideration Stage for further amendment at that stage.

Alliance will also support amendment Nos 19 and 20, which provide for guidance relating to the Bill's provisions. My party supports the provision of guidance on key aspects of the Bill, including what is deemed to be domestic abuse, abusive behaviour, the new domestic abuse offence, evidence gathering, sentencing and support services. Such guidance will assist those who investigate offences, those who pursue criminal proceedings, and community and voluntary sector partners.

Alliance will also support amendment No 24 on reporting, although I believe that it may need further consideration at the Bill's next stage.

My Alliance Party colleague John Blair MLA has spoken on the other amendments in the group. I will therefore bring my remarks to a close. We must work to ensure that the home is the safest place for everyone in the community. The legislation that has been brought forward by the Justice Minister is an important action to help us to achieve that aim.

Ms S Bradley: I note that we are four minutes past the witching hour that Mr Beattie referred to. However, I have no doubt that the Members who are in the House will, like me, be motivated by the impact that this work can have. It is very much worth our while being here. That will spur us on until whatever hour we need to be here.

I have the advantage that two colleagues have eloquently spoken ahead of me on group three. On account of that and given that the Chair, Deputy Chair and other members have expressed many of the views that were discussed at the Committee, I will aim to make my remarks as quickly as possible.

Amendment No 18 deals with Operation Encompass. Like many good ideas, it turns out to be a simple one. Like, I am sure, other Committee members, I was sent an email with a link to a video that showed us the origins of

Operation Encompass. It was really interesting to watch. It showed a couple — he was a police officer, and she was a schoolteacher — coming together at the kitchen table to work out the missing link. It is so simple yet effective. The effect that it has on children's lives, as well as empowering teachers to do the best by a child on the day, should not be overlooked. I commend Ms Dillon for persisting that this needed to be in the Bill, but I recognise that it is just one part of what is required. We are reaching, through the Bill, some children who are involved in that process. This is not the wider piece that we should all do to find out how we reach all the children who may not be covered in the Bill. That simple idea should be rolled out further.

We will support amendment No 19, along with amendment No 20 on the guidance on data collection. The points about that have been well rehearsed on the Floor, so I will not go over them, other than to say that we had a conversation about not just the reason why we need the data but the value of that data as we move into later stages after the Act becomes operational.

Amendment No 21 is on training. I thank the Minister for not moving amendment No 15 yesterday. That helps us to start with a clean slate and to build to where this needs to go. I note that such collaborative work has happened at different junctures throughout the Bill. That has been helpful, because it has allowed people to air a view or express a direction of travel. The amendment sets down the first piece that we can move on with.

On independent oversight, the conversation started with the possibility of a commissioner, but that had to be pared down, and, at times, a bit of realism had to be injected into what resource may or may not be available. However, nobody deviated from the fact that having independent oversight is critical, because, otherwise, how would we know, without that data and somebody somewhere watching, how the Bill has hit the ground and how it is functioning? I welcome the review seven years after commencement. We must set parameters in trying to be realistic about resource.

We will also support amendment No 24, which is about the report on the operation of the Act.

We will also support amendment No 26. It is best to include that data at the outset. If we are gathering data, it is a lot less expensive and labour-intensive to set up the format at the beginning, instead of having to revisit it because we missed out something. We may miss out things, and we may have to revisit them, but the fact that amendment No 26 brings in one of those items is to be welcomed.

In speaking against amendment No 25, the Minister made a compelling argument about operational capacity, which I accept, so, on that basis, we will not support amendment No 25.

Miss Woods: I want to touch on a few things before getting into amendments that I have tabled and others have referenced.

Operation Encompass, as others have stated, is a scheme that is in place in two thirds of police forces in England and Wales, and we need to have it here. I do not need to go into the detail of it, but support in the school environment means that children are better safeguarded against the short-, medium- and long-term effects of domestic abuse,

and that is, of course, welcome. Whilst I had queries about the legislative gap, which I outlined, with regard to the Children's Services Co-operation Act 2015, I welcome the Committee amendment, if it does what is needed. If further changes or alterations are needed to make the clause as effective as possible, I look forward to those being made at Further Consideration Stage. I would support the provision being extended to cover other educational settings where children and young people attend such as colleges, preschool, nurseries and so on, if that is deemed to be required. If we need further regulations or, indeed, further amendments to the legislation to cover individual incidents rather than two or more, as set out in clauses 1 to 4, I would welcome those being included in the justice (miscellaneous provisions) Bill or at Further Consideration Stage.

Turning to training and resourcing, during Committee proceedings, a wide range of organisations highlighted the need for comprehensive training for anyone involved in gathering evidence, prosecuting and enforcing the new law, and they expressed the view that the legislation would be effective only if that takes place, and I completely agree. Legislation is only as good as its implementation, the ability to understand it, the resourcing of it and its enforcement. Legislation can be passed but have a limited impact if there is insufficient public awareness and understanding of how it works and what it means. Therefore, whilst we create an offence in the Bill, namely criminalising domestic abuse and coercive control, it is fundamental that the general public, the victims, our Police Service and our criminal justice agencies know about it and, crucially, that our judicial system knows about it.

The Department of Justice advised the Committee that it recognised the importance of training but did not consider a requirement for it in statute. It said that discussions were being held with the Judicial Studies Board to raise awareness, including what lessons could be learned from other jurisdictions. We also discussed the need for consistency in the use of any discretionary power to prohibit cross-examination in person. That was shared with the Judicial Studies Board, and I welcome that.

The Department said that the PSNI continually trains officers in regard to dealing with domestic abuse. As a result of the 2019 thematic inspection of the handling of domestic violence and abuse cases by CJINI, the PSNI is developing a domestic abuse training programme focusing on new officers and first responders.

We were advised that the PPS would deliver domestic abuse training to all lawyers to cover the new aspects of the legislation. It is intended that there will be specialist training, most likely provided by specialist organisations, to focus on the impact and effects on victims of coercive and controlling behaviour. The PPS, in its written and oral evidence to the Committee, said that it was considering establishing specialist domestic violence and abuse prosecutors to dovetail with the new legislation. I welcome that.

The PSNI, too, recognises that officer training on the definition of the new offence, with examples of the behaviour that it involves, will be pivotal to the successful enforcement of the legislation. The Chief Con, attending the Committee on 24 September 2020, outlined the training being developed to familiarise front-line officers with what coercive and controlling behaviour looks like. He

said that the training would be online and classroom-based and would be rolled out from December. Particular roles would receive specialist training, where required.

Training of the PPS, PSNI and judiciary is crucial to the effective implementation of the legislation. That was fundamental to the effective rolling out and adoption of the Scottish legislation, the so-called gold standard.

Mr Givan outlined the Committee's view that, given its importance to the effective operation of the legislation, there should be a mandatory requirement in relation to training, and we agreed to table an amendment, which I welcome.

Similarly with the reporting amendment. The Department claimed that placing training on a statutory footing was not required but gave no reason other than to say that it would happen. Saying that it will happen is no guarantee that it will, whereas putting a commitment or a duty to provide training in statute provides something of a guarantee that it will. The question is whether or not it strengthens the Bill, and I believe that it does.

In a letter from the Minister to the Justice Committee on 1 November, the Minister indicated that she would not support the amendment and was going to bring forward her own amendment. She wrote:

“On the issue of training I cannot support the Committee amendment but would propose to bring forward an alternative amendment”

— which we have heard —

“which would place the duty for training on the police and prosecution service rather than the Department. Responsibility for training and its effectiveness needs to rest with the organisations that have key responsibility in relation to criminal proceedings on the new domestic abuse offence, that is the PSNI, the Public Prosecution Service and the Northern Ireland Courts and Tribunal Service. There is also a need to ensure that provisions are targeted and proportionate in terms of their coverage and the extent to which organisations will be involved in the delivery and implementation of the new offence. Furthermore, while fully recognising the importance of training it is not for the Department to dictate to other independent entities as to their operational procedures and requirements.”

The Minister's letter to the Committee regarding mandatory training makes a crucial point, and one that I agree with:

“while fully recognising the importance of training it is not for the Department to dictate”

I agree that it is not for the Department to dictate, but those entities, namely the Northern Ireland Courts and Tribunal Service and the PSNI, are funded entirely by the Department of Justice. Funding for the PPS is provided by the Northern Ireland Assembly.

All staff, other than the director and the deputy director, are members of the Northern Ireland Civil Service, funded by the Department of Finance. While I appreciate that we cannot dictate to the judiciary how they are trained, I urge training in the new offence to be implemented for each and every member. They did it in Scotland, and they can do it here. My point is that, although it is not for the Department

to dictate to independent entities, which covers off the judiciary, but it does not cover off Assembly-funded agencies. I also have sympathy with the Department not being able to dictate the detail. That is, of course, not what we are saying.

12.15 am

Mr Givan: I appreciate the Member giving way. I have a lot of sympathy for what the Member has highlighted about judicial training. Clearly, an argument has been made — rightly so — about judicial independence, but that does not mean judicial isolation. Therefore, it is important that there is a clear understanding in the Bill. The evidence that we heard from a range of witnesses was that judges, in approaching these cases, need to handle them carefully. There have been occasions on which some of the commentary that has been heard from judicial office holders has been detrimental, and that needs to be borne in mind by everybody involved.

When we speak about how the judiciary operates, consistency in hearing cases is so important. One witness in the informal evidence that we heard spoke about how, in her case, nine judges were involved in those family proceedings. That needs to be addressed as well.

Miss Woods: I thank the Member for his intervention, and I agree with him entirely. I point to the fact that, in Scotland, it took a year between the passage of the Bill and its implementation to train everyone, and I recognise the efforts that are already ongoing with, say, specialist domestic abuse courts already happening.

To go back to the matter of dictating the detail, we are not saying that in this Committee amendment. However, we are saying that it requires Departments to fund them properly, which is why I tabled amendment No 22. I do not believe that annual mandatory training makes for a tick-box exercise. That is done only when it is made to be that way. Let us take, for example, GDPR, a subject with which most Members here will be familiar. New legislation on that came into effect last year, and I received a lot of training on GDPR in a variety of jobs. That was all different, all required and all necessary. Only two weeks ago, I received additional training on it as a refresher, and I intend to continue to train myself on it and get information from relevant people. It is important and is part of my job. Perhaps I will have some questions, or perhaps something has changed. Perhaps I thought that I understood something differently. While that is a terrible analogy for domestic abuse and coercive control, it shows what may happen if people are not regularly trained on something that is so new and so different to what we had before on such a particular issue, where it may mean recognising harmful behaviour that meets the criteria when the very victim does not recognise it. That brings me back to what Mr Allister said. This requires in-depth knowledge, training, information and practice.

In my personal communications with the lead prosecutor in Scotland, whom I thank for her time over the past few months, and the head of a key stakeholder organisation in that jurisdiction, time and time again, it was reiterated that the successful implementation of the legislation in Scotland and the reason that the new offence is working well all hinged on the extensive training that was carried out. Similarly, in my communication with members of the criminal justice system, when I asked what the ideal

outcome of the Bill would be, the key issue that was identified was getting convictions without delay, but the key ask was for training and resourcing.

The need for the amendment is clear. It is essential that people understand what coercive control is and are able to recognise and identify the signs of coercive and controlling abusive behaviour. Otherwise, what changes? The friendly amendment that I have proposed is to add in the word “resources” to Committee amendment No 21, which proposes a new clause on the training of policing and criminal justice agencies. When it comes to tackling a problem as complex and insidious as domestic abuse, passing a law can achieve only so much. Allocating sufficient funding is another way, so, by putting that amendment in the Bill, we avoid a scenario in which underfunding or a scarcity of resources prevents the law working effectively.

Mrs Long: Will the Member give way?

Miss Woods: I will.

Mrs Long: The Member is asking for resources to be provided by the Department of Justice to a number of agencies and not only that but that that money be ring-fenced for training. It is not possible under law for me to tell the Chief Constable how to spend money or organise training, nor is it possible for me to do that with the judiciary. I cannot compel the judiciary. It is independent of — not isolated from — my control as the Minister of Justice.

Furthermore, the PPS is a non-ministerial Department. It lies within the Department of Finance’s remit, not the Department of Justice’s. The PPS and the Director of Public Prosecutions are completely outwith any political control or interference and for very good reason. Will the Member therefore not concede that, although she is well intentioned, the reality is that she is asking me to spend departmental money in ways in which I cannot and to achieve results that I cannot compel?

Miss Woods: I thank the Minister for her intervention, but at no point did I say that resourcing would be ring-fenced for training. This is about the effective operation of the Act: something entirely different.

If the agencies tasked with rolling out a new offence, enforcing it —.

Mrs Long: Will the Member give way?

Miss Woods: I will.

Mrs Long: The effect is the same regardless of whether it is spent on training or on the effective operation of the Act. It is, nevertheless, the same duty that is being placed on me for organisations over which I have no operational control. In fact, in the case of the PPS — Mr Speaker, I will be guided by you on the issue — I understand that, if we were to try to interfere with its operations, that would automatically lead to the triggering of a cross-community vote in the Chamber, because that would be encroaching on a non-departmental body on which I do not have the right to impose duties.

Mr Speaker: I do not know whether you were asking me directly or whether it was rhetorical, but it is not something that I would just make an announcement on in the middle of a debate. It is clear, however, that we cannot interfere with the PPS.

Miss Woods: I thank the Minister and the Speaker for their interventions. Mr Speaker, if you wanted to comment on that at a later stage, I would welcome that.

My point is that the finances are provided by the House. I am asking not for specific details of how those finances are designated but that agencies be properly resourced. If the agencies are not adequately resourced but are tasked with rolling out a new offence, enforcing it, supporting it, policing it, getting prosecutions and protecting victims, there will be gaps. It is people who fall through gaps. Of that, we are all too aware.

Mrs Long: Will the Member give way?

Miss Woods: I will.

Mrs Long: I apologise for asking the Member to give way again, but the amendment that she is pushing on resource would place on me a duty to ensure sufficient resources and training if it were to be made. I do not have the capacity to do that, because it would be as a result of a process that would have to go through the Department of Finance and the Executive. It is simply not the case that the Assembly allocates resources to anyone: the Executive and the Department of Finance allocate resources to those bodies.

Miss Woods: I thank the Minister for her intervention. As a relatively new MLA, I may not be familiar with the internal workings of how resources are allocated among Departments for specific issues, but it is my understanding that the Assembly passes the Budget and ultimately decides where resources go.

I go back to the amendment. People fall through cracks when there are some. Vulnerable people fall through cracks. That cannot be allowed to happen. Amendment No 22 would prevent that from being the case or, at least, allow it not to happen.

As we have heard in the debate on the Committee amendments, an overwhelming amount of evidence submitted to the Committee stressed the importance of training and resources in making sure that the law is implemented properly and protects victims. A majority of respondents to the Committee consultation mentioned resources, and, as I said on the Committee amendment, I spoke to key stakeholders in Scotland, where every police officer and judge has been trained in the new domestic abuse law, and they said the same.

In order to ensure that the Executive, future Executives and future Ministers commit to the effective operation of the Bill and to supporting victims, the amendment makes specific reference to the need for sufficient resources to be made available. It is not prescriptive as it does not state an amount or a percentage; it refers to “sufficient” resources — something that is reasonable and proportionate. I cannot stress enough the importance of adequately resourcing all agencies, bodies and organisations — statutory and voluntary — that are involved in the disposal of this new offence in tackling domestic abuse more broadly. It was put to us at the Committee many times. Let us take, for instance, Migrant Centre NI, which stated rightly that the Bill could be the best legislation that you can possibly get on the books, but, if there are insufficient resources for organisations, such as the PSNI, that support victims and for getting information to victims about who can support them, how they can access that

support and what it looks like, and without a coordinated and holistic effort, the best legislation will all be for naught. That is reflected in so much of the evidence that I have heard, and that is why I believe that the amendment would strengthen the Bill.

Amendment Nos 20, 24, 25 and 26 are on data collection and reporting on the legislation. The importance of strengthening data collection regarding incidents of domestic abuse and violence, in general, and, more specifically, in relation to the implementation of the legislation was raised by a number of organisations. There is a need for data to track the journey of abuse investigations through the criminal justice system, including the number of initial reports; the number of referrals to the PPS; how many reach different stages of the court process and how many reach prosecution; what the resulting remedy is; and how many involve repeat offenders, to enable an accurate assessment of the effectiveness of the system. I raised that, early on, as an issue for data collection and monitoring of the legislation from an operational side. Indeed, at the Committee deliberations, I explained the need for robust and detailed data collection.

The police collect statistics on certain offences and publish them in a certain way. That is not the same data that is collected by the PPS or the judiciary. For the Bill to be effective, there needs to be a broader data collection about those who are involved in the legislation. That is, for example, those who are A and B, those who have a child aggravator applied, and the circumstances around A and B. If the different parts of the criminal justice system are working to prosecute for an offence in the legislation but are not collecting or collating data in the same way, how can we report on it effectively? Conversations are going on in the Department, the PPS and the judiciary, and I welcome that, but, if we are working to see whether the Bill has been effective in getting prosecutions and the data does not add up across the three bodies that are actually charging the offence, how can we make sure that it is effective and doing what it needs to be doing if we are not collecting the same data and reporting on it in the same way? It also makes our job as Justice Committee members very difficult in the future.

For example, the police collect data on incidents and offences, but that is not necessarily the same data that is collected by the PPS. We need to look at it as a whole system, because it is one. If we cannot track the legislation and its effects — what happens to someone who comes into contact with the PSNI from first contact to ending up in the courts, to see how this has been for them; the time that it has taken; what has happened; how the court's business was managed and arranged; the number of cases and so on — how will we scrutinise its effectiveness?

Scotland has already reported on its Domestic Abuse (Scotland) Act 2018 and on the offence in terms of public prosecution, which is different — I appreciate that they are different systems. However, if we can show through annual statistics how effective the Bill has been in comparison across all the bodies that are working on it, that is something that we need to have; otherwise, we cannot measure it.

The Department advised the Committee that it recognises the importance of robust data and is reviewing this in relation to the offence. How to best secure this and what

will be reported on is being considered in conjunction with partner agencies as part of the operationalisation of the new offence. However, the Department has indicated that it is unlikely to be possible to record the detail that some organisations outlined to the level of an individual victim.

I am glad that the Minister is in agreement with the Committee on amendment No 20 and the need for it. I welcome the fact that there will be a regular and ongoing liaison with partners, following the introduction of the offence, to ensure that as much information as possible is used to consider how the new provisions are operating.

I tabled amendment Nos 25 and 26. Again, both amendments are friendly to the Committee's. I will take amendment No 26 first. It adds that:

“The report should also include the number of offences recorded within each police district in Northern Ireland”.

It is self-explanatory; we need to know the number of offences within each police district, as recorded. It is my understanding that the Ministers are supportive of the amendment. I am glad that other Members stated their support for it and that it is possible for the PSNI to report on that after the legislation comes into force. That information already exists, which I welcome.

12.30 am

Amendment 25 has two parts. The first part would add data to be collected on reporting, specifying:

“the number of cases where ... the offence is aggravated by reasons as described in sections 8, 9, and 15.”

That is also self-explanatory. How will we know whether the aggravation is being used in the disposal of the offence? We need to know that the legislation in its entirety is being utilised. We need to know whether it is working and whether it needs to be amended.

The second part of the amendment requests “information on A and B”; that is, the alleged victim and perpetrator:

“as described in section 75 of the Northern Ireland Act 1998”.

That section, as we know, aims to change the practices of government and public authorities so that the quality of opportunity and good relations are central to policymaking and service delivery. The:

“duties aim to encourage public authorities to address inequalities and demonstrate measurable positive impact on the lives of people experiencing inequalities. Its effective implementation should improve the quality of life for all of the people of Northern Ireland.”

Why is it needed here? That, again, is about the operation of the law after the Bill receives Royal Assent. We are saying that we need the data so that we can develop evidence-based policy and responses. We know that resource allocation and funding go hand in hand with proving data and numbers. We know that funding and resources should be granted based on need, in theory and in practice, but we also know that that does not always happen. However, what if we did not have the information to hand to know where the need was? What if the old way

of collecting and publishing data and information was not sufficient enough to show the need? What if there were people who did not come forward, or, for example, did not know how to engage with services, let alone report to the criminal justice agencies and go through those processes? What if, for example, we got evidence like the submission that we heard from the Migrant Centre NI? That is a small community organisation that does not have enough budget allocated for the work that it does, in my opinion, but it does fantastic work. In its evidence session, it outlined:

“the need for the Department of Justice and for law and policymakers to reach out to uniquely vulnerable groups, whether they be, migrants, asylum seekers or refugees, LGBTQ groups ... and groups dealing with individuals who have disabilities.”

It stated that:

“We desperately need empirical research commissioned by government to learn about the prevalence, extent, nature and experiences of domestic abuse among those groups in particular. Consideration should be given to what procedures and mechanisms, including specialist domestic abuse services, alone or in combination with conventional law and procedures in a legal system, may”

work:

“for them in particular, given the uniquely vulnerable positions that they are in.”

I am not being prescriptive about who or what agency collects the data or how it should be collected. It might be the PSNI or the PPS that collects it, but it might not. It could be the courts, or it could be done through multi-agency risk assessment conferences (MARAC) involving all the key statutory authorities. It could be done on a collaborative basis, and I will argue that it should be done in a victim-focused and sensitive way. I accept that there might need to be some tidying up at Further Consideration Stage of the second section of amendment 25. I would certainly welcome the help of the Departmental Solicitor's Office or the Office of Legislative Council to do so. I note the Chair and the Deputy Chair's comments and the comments of MLAs on the amendment, and I think that I was tempting fate earlier on ongoing support from Paul Frew. However, as the saying goes, “All good things must come to an end”.

I will again make to you all the argument that we made in the debates on previous groups of amendments: if it is not in the Bill, there is no guarantee that it will be done. If the wording needs to be worked on to make it functional at Further Consideration Stage to get support from other parties, it can surely remain here via passing the amendment at Consideration Stage in order to allow it to be worked on at a later date. If it needs tidying up, let us do that, but that is the same argument that we successfully made in debates on previous groups of amendments tonight.

I want to pick up on amendment 19 before I bring my remarks to a close. The Department is working up guidance with stakeholders, which is crucial to the Bill and its outworkings, and we heard that very loudly and clearly from the PSNI. I know that the Committee does not have a role in drawing the guidance up, but I encourage

the Minister and her Department to share it with the Committee for information as soon as possible. We must ensure that the guidance reflects the contents of the Bill and does not focus on one area at the expense of others and that it is a good road map that outlines the specifics needed for various agencies, especially the PSNI, to which the guidance will be crucial. I therefore welcome the Minister tabling the amendment in relation to guidance and that the guidance will be kept under review. Guidance could play a key role in making sure that there are no issues for statutory agencies collecting relevant data and information.

I have taken up enough time, Mr Speaker. I urge Members to support amendment Nos 22, 25 and 26 for the reasons outlined.

Mr Carroll: It has been long but important and essential debate. I rise to speak in favour of amendment Nos 21 and 22. It is clear beyond doubt that there have been failures in the handling of domestic abuse cases in the criminal justice system. Those failures in the criminal justice institutions have ended not only in a lack of prosecutions where domestic violence has taken place and in a lack of faith in the system to deal with domestic abuse generally, but they have caused unknown trauma for victims who have decided to speak up and report their abuse, only to be met with ill treatment, outdated presumptions, gender prejudices and emotionally damaging questions in courtrooms, to name but a few issues.

It is imperative that we recognise the issue and act to prevent it as far as possible. Victims of domestic abuse and violence have the right to treatment that does not retraumatise them or make them uncomfortable as they seek justice. The many societal roots of domestic abuse and gender presumptions are linked to the oppression of women. That must be dug up and done away with, but that will not happen at the hands of the Assembly, and it will not happen when the Bill is passed. However, it is in our power, today, to ensure that the bodies responsible for dealing with the victims of domestic abuse are trained to do so properly, as that would improve the experience of victims and should be a priority in the Bill. I agree with the robust terms laid out in amendment No 21 that such training should be annual and mandated. I endorse amendment No 22, tabled by Rachel Woods, which mandates the Department to provide resources for such training. There is an onus on the Department to ensure that that training takes place, and it is right that the Department would commit to fund it to ensure that it happens. This place has a poor record in providing for the victims of domestic abuse, and this would be a small step in the right direction.

I challenge those who would vote against resources being allocated to training in this area to listen to the voices of people who have had desperate experiences. Listen to such women's groups as Women's Aid, which has issued a plea today for us to ensure that the legislation is appropriately funded to do what it sets out to do.

Mrs Long: Will the Member give way?

Mr Carroll: I will.

Mrs Long: There is no question about the legislation being properly funded or training being provided. However, there is a significant issue as to who is responsible for that in law, and what responsibility they can have for dispersing,

ring-fencing or directing expenditure in organisations that are operationally independent. The Patten report requires that policing be operationally independent from my Department and subject to the scrutiny of the Policing Board. Under the 1998 Act, and the devolution of policing and justice, the PPS was made a separate entity and non-ministerial department. I therefore have no vires over the PPS, and neither does the Assembly, other than in respect of funding from the Department of Finance.

The question, therefore, is not whether we intend to provide funding and training; it is how we structure that in the Bill. With respect, it is not good enough for Members to come to the House and say, "I'm not really sure, but let's put it in legislation and then we can fix it up later". We should put nothing in the Bill unless we have certainty that it is correct. In recent weeks, we have seen what happens when things are not correct in legislation. It is a highly risky way to proceed, and it affects victims and witnesses when we fail to do due diligence.

Mr Carroll: I thank the Minister for her intervention. What she has said may be true, but, with respect, she, as Justice Minister, should be supporting the amendment for mandated annual training, but, from her comments, she does not.

Finally, I urge the Minister to answer another call from women's groups and establish a commissioner for domestic abuse victims. That person could scrutinise the outworkings of the Bill to ensure that it lives up to its aim, highlight potential pitfalls in its operation and ensure that there is a properly funded strategy for women and girls that seeks to address the issues that have been swept under the carpet for decades and that urgently need to be addressed.

Ms Dillon: Will the Member give way?

Mr Carroll: I will give way, yes.

Ms Dillon: I am sorry for interrupting you in mid flow. I thank the Member for giving way. We explored this during our Committee scrutiny of the Bill. It is a conversation that we would certainly like to have with the Minister, and I hope that she will be open to that conversation.

You made a point earlier about the House not doing enough to address domestic abuse. I think that that is the case across the board. I do not think that anywhere can say, "We have done enough". We know from the statistics that no legislature has done enough, and that is a fair point to make. However, there is a wider issue in that the wider community does not do enough and does not recognise domestic abuse as a community problem. I have raised that repeatedly in the Committee. I attended a women's event at which there were approximately 140 to 150 women, and each table was asked to highlight the five top issues in their community for the PSNI. We know from the figures that one of the top issues for the PSNI in every community is domestic violence, but not one single table mentioned that even though the three speakers prior to that had spoken to the issue of domestic violence.

We have a duty to express that to our community so that it understands that this is a community problem. This is not a problem that is behind doors and is for others to worry about in their own homes. It is our problem, and, as a community, we have to look after those people.

Mr Carroll: I thank the Member for her intervention, and I certainly do not want to misrepresent her position. It is, unfortunately, an issue that is prevalent in communities, but communities have been trying to deal with this, and this Chamber and other Chambers have failed to introduce the right and appropriate legislation to provide the appropriate funding, training and resources to tackle it.

The Bill can only be a first step, because it is far from being all-encompassing. I will support the Bill in the full knowledge that more needs to be done, by the House in particular, to support all victims and protect them from domestic abuse. We will need to push hard for those changes in the future. Additionally, I lend my support to and speak in favour of the other amendments in group 3 as well supporting amendment Nos 21 and 22, as I said at the start.

Mrs Long: I appreciate the input of Members this evening. Members are aware that there are two amendments tabled on training: my amendment, which is amendment No 15, and the Justice Committee Chair's amendment, which is amendment No 21. I have already indicated to the House that, having further reflected on discussions with the Committee last week, I will not move my amendment.

I think that we are all in agreement on the need for and importance of training for those who are involved in the operationalisation — I am having the same problem as Rachel Woods — of the new offence. That will be key to ensuring that the offence works as intended and that it can be as effective as possible. I do, however, have a concern about the Committee's amendment and on whom the onus is placed to ensure that training is undertaken. I will want to come back to the House on that at Further Consideration Stage. The Committee's amendment would require me and my Department to ensure that sufficient mandatory training is made available to the police and criminal justice agencies on an annual basis. Neither I nor my Department can interfere in the operational independence of these organisations. It is not for the Department to dictate to other independent entities as to their operational procedures, requirements and priorities. Indeed, I would be stepping outside my ministerial powers considerably to do so. That could also set a precedent in relation to duties being imposed on other Ministers that are not within their responsibilities.

In addition, the amendment as currently drafted will likely invoke the need for a cross-community vote on the Bill at Final Stage. That is the legal advice that we have been given by our solicitor, Mr Speaker, and I hope that you will be able to provide guidance for us ahead of that vote, given that it involves another person interfering with the independence of the Director of Public Prosecutions.

I intend to table an amendment at Further Consideration Stage that would instead place a duty on the PSNI and the Public Prosecution Service to provide training to their personnel. That would also place the same duty on the Department of Justice in relation to staff in the Northern Ireland Courts and Tribunals Service, for whom we are responsible. I consider that the focus, for the purpose of this Bill, needs to be on those who are actively involved in the delivery and operation of the new domestic abuse offence or aggravated offences. It is important that our provisions cover organisations with key responsibility for criminal proceedings on these offences. This will also ensure that operational partners are equipped to

investigate the new offence, bring forward prosecutions and facilitate convictions.

12.45 am

Responsibility for training and its effectiveness needs to rest with the operational bodies and should be determined on the basis of operational need. Provision also needs to be targeted and proportionate in terms of coverage and the extent to which organisations and particular staff will be involved in the delivery and implementation of the new offence.

While I remain somewhat concerned that the requirement in the Committee amendment for annual training could materially work against the purpose of the amendment and our shared objective, encouraging a tick-box exercise rather than something more appropriate, I am reassured to a degree by the discussion with the Committee that the intention is to have this training focused on those who are involved directly in domestic abuse cases. Members will wish to note that work is being progressed by both the PSNI and PPS, in conjunction with our voluntary and community sector service providers, as to the form that that training will take. This training will make use of operational guidance that will supplement the guidance that my Department is currently developing under clause 25, also in conjunction with voluntary and community sector partners.

Tied in with amendment No 18 is Rachel Woods's amendment No 22, which relates to the provision of resources to operationally independent entities. This raises similar but more serious issues as the Committee amendment on the duty imposed on my Department. I cannot say this often enough: I cannot dictate to operationally independent bodies how their budgets are distributed or ring-fenced internally. More importantly, this would entail significant and potentially open-ended financial demands on my Department. Let me restate that the Executive have made clear to me that there will be no additional funds for any changes that are made to the Bill. Even if funds were available, it is not within my gift to dictate how those would be used or whether they are ring-fenced for a particular purpose. Furthermore, the Public Prosecution Service is not funded by my Department. Rather, it is an independent entity, a non-ministerial department under the auspices of the Department of Finance. For that reason, I must oppose this amendment. I ask the House to support me in resisting it.

Before moving on to other issues relating to training, I wish to address the issue that Mark Durkan and other Members raised regarding training where it relates to interpretation of the scope of the Bill in respect of parental alienation. I am committed to doing all that I can to alleviate acrimony to improve outcomes for families. The introduction of policy on alienation would, however, be a matter for the Department of Health. I understand that that Department is already taking steps in that regard, with plans to consider guidelines for social services. I am, of course, happy to engage with Minister Swann to scope and support future actions in that regard. Officials are already working with colleagues in the Department of Health to consider how to better support relations between parents and between parents and children. Key to that work will be early intervention. Officials are considering actions that might be introduced to reduce acrimony and negative behaviours at

an early stage to improve long-term outcomes for children and families. The provisions of the Bill may assist in cases where alienation is present by providing for circumstances where a child is present during abuse or is used to abuse the victim to be treated as an aggravated offence and for increased sentencing to apply.

The determination of proceedings is, rightly, a matter for the independent judiciary, but the legal framework governing private family law applications makes child welfare the paramount consideration. Court children's officers take account of the evidence and impact of parental alienation when advising the court, and the court will consider all evidence when determining what is in the best interests of the child. The guidance and training provided to the judiciary, however, is another matter on which I wish to elucidate further. As Members will be aware, the judiciary is independent. The issue of judicial independence, as separate from government, is sacrosanct. Judicial guidance and training is a matter for the Lord Chief Justice, not for the Minister of Justice, and is delivered through the Judicial Studies Board. Discussions are being held with the Judicial Studies Board on this, including considering the lessons to be learned from other jurisdictions. The issue of sentencing guidelines will be considered as part of the work being undertaken on the operationalisation of the Bill, and discussions are also being held with the Judicial Studies Board on this. So, the issue is not whether we intend to have adequate training provision but the bodies that have the due vires to be able to deliver it and where those ought to be funded from.

I support amendment No 18 and agree with the intent behind it. It makes provision that will enable information to be shared for the purpose of advising a school of a domestic abuse incident the night before. I withdrew my amendment on that issue following discussion with the Committee Chairs. Members will wish to note that an amendment will be tabled at Further Consideration Stage to further build on and enhance the Committee amendment by providing increased clarity and certainty about what the regulations will contain and ensuring that the provisions are as robust as possible. The expanded enabling powers will be more targeted; they will be explicit that the regulations can set out with and to whom information can be shared; what is deemed to be a school or college; who is deemed to be a pupil or student of a school or college; what a domestic abuse incident is; circumstances in which information can be shared; unauthorised disclosure; and the associated offences and penalties. That will ensure that the enabling powers are as robust as possible and will provide greater clarity and certainty as to what can be done in the regulations, which will ensure that the necessary authority is provided. That is particularly important given that there will be a need to have offences and penalties associated with the provisions to which we need to refer and which would attract the Assembly's affirmative resolution process. It is important, therefore, that the necessary scope and authority are provided to take forward the detail of the regulations, which will more clearly set out what will be provided for in terms of who, what, why and when.

There is also the issue of vires to take forward some aspects of the regulations. Signposting is needed to enable colleges to be captured and to provide for offences and penalties that are associated with provisions. In the absence of that, there may be a question about whether

it is within the Assembly's legislative competence, given that consideration is needed of any infringement of article 8 of the European Convention on Human Rights: the right to respect for private and family life. While there are ECHR considerations to take into account, they are not considered to pose difficulties in taking forward an Operation Encompass model. However, they require us to have due diligence around how that will be managed. That approach, as you know, is already in place in a number of areas across England and Wales. In taking forward the necessary regulations, my officials, in conjunction with their counterparts in Education and Economy, will ensure that the regulations are framed so that they are proportionate, have safeguards and are article 8 ECHR-compliant on the right to a private and family life. With respect to the assertion that the Children's Services Co-operation Act 2015 could have done that already, the PSNI and the Safeguarding Board for Northern Ireland took legal advice and were clear that the legislation did not provide the legal cover for data sharing of that kind. The Attorney General's office is also willing to advise us on the human rights and equality issues in that regard. In addition to that, the provisions will be in place for the unauthorised sharing of information, which provides additional safeguards and protections. I welcome the Committee amendment, and I ask the House for its support for it and for an amendment to be tabled at Further Consideration Stage to build on it.

Amendment No 20 has been tabled by the Chairperson of the Justice Committee. It provides that the Department of Justice:

"may issue guidance to ... relevant bodies about the sort of information which it seeks to obtain from them for the purpose of ... assessment by it of the operation of"

Part 1. It also requires my Department to:

"have regard to information which it obtains from the relevant bodies in relation to the operation of [Part 1] when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of"

legislation around the new offence. I consider that to be a useful addition to the Bill. Therefore, I support the amendment. At Further Consideration Stage, I intend to table some minor amendments to ensure that the correct legislative references to the organisations are listed in the provision.

I have had helpful discussions with the Justice Committee about independent oversight. I am reassured that that independent oversight function does not need to entail an entirely new entity; rather, it is a function that could be undertaken by, for example, Criminal Justice Inspection or a new victims of crime commissioner. It is critical that there is the necessary oversight and scrutiny of how the new offence operates. I am keen to ensure that we avoid, as far as is possible, duplication of effort in doing that. I am keen to make best use of all the resources that we have at our disposal while taking account of current and future oversight functions in the area. On taking forward an independent scrutiny function, it is important to note that Criminal Justice Inspection Northern Ireland already has a particular interest in domestic and sexual abuse and will continue to have that going forward. Its work programme is subject to consultation, and, as Minister, I can ask that

it undertake specific investigations and reviews. The amendment will be bolstered by the role of the Justice Committee and the Assembly all-party group on domestic and sexual violence, as well as by the work that will be undertaken by my Department.

I turn briefly to the issue of a domestic abuse commissioner, because that has been raised in the debate. We were confident that it was outside the scope of the Bill, and that was confirmed by you, Mr Speaker. It was raised in the discussion about oversight, however, so it is important for people to understand the rationale behind my approach. Given the common interest of the needs of victims and how they are supported, I believe that having a general victims of crime commissioner, with the ability to focus on victims with specific vulnerabilities, such as domestic and sexual abuse, is a more appropriate approach. An expert reference group is considering an approach to this.

In other jurisdictions, a key role for the commissioner is to ensure consistency of service provision. Locally, however, that is not an issue, given our size and structure, the extent of engagement with statutory and voluntary sector partners and the fact that many key organisations are unitary bodies. Having a domestic abuse commissioner on its own, as head of a stand-alone body, would lead to similar calls for other crime types, including sexual abuse and hate crime, among many others. Having a domestic abuse commissioner could lead to a duplication of effort, putting a drain on limited resources. The estimated cost of setting up a commissioner's office could be in the range of £1 million a year, money that, I believe, would be better directed towards front-line services. In that regard, the Committee amendment on data collection also requires my Department to have regard to information received in determining any steps that can be taken to ensure the effectiveness of the operation of the Act. Committee amendment No 23, which I support, taken together with a wide range of oversight and scrutiny arrangements, will ensure that there is robust consideration of how the offence works in practice.

In going forward, there may, however, be merit in considering whether the first report that is produced under the independent oversight arrangement be perhaps scheduled for no later than two years after the offence comes into operation, rather than on commencement of the Act, given that it will take time for the new offence to bed in and for numbers to be meaningful. I intend to seek the Committee's views on a potential amendment being tabled at Further Consideration Stage for that purpose.

Amendment No 19 was tabled following agreement with the Committee that provision be made requiring my Department to keep any issued guidance about domestic abuse under the clause under review and to revise that guidance as necessary in the light of review. I was content to bring forward that amendment, and we have already agreed that we will bring the guidance to the Committee and keep it informed of progress in that regard.

I have withdrawn an amendment that would have required my Department to prepare a report on the operation of the domestic abuse offence and associated aggravated offences. It was posed as an alternative to amendment No 24, tabled by the Chair of the Justice Committee, and there has been lengthy discussion already this evening about that. Having discussed the matter with the Committee

Chair and the Committee in general, however, I think that an amendment can be tabled at Further Consideration Stage to give the Committee more time to consider the detail. While I agree with the Committee entirely on the need for information to be provided, the Committee amendment could benefit from minor drafting changes to the legislative terminology used, which will be provided in the amendment that will be tabled at Further Consideration Stage. It will refine amendment No 24, the substance of which I support, with regard to proceedings terminology and stylistic drafting approach.

Rachel Woods tabled two amendments — amendment Nos 25 and 26 — to the Committee's amendment No 24. Amendment No 25 would require the report on the operation of the Act to provide information on aggravated offences. I consider that that could be captured in the amendment that will be tabled at Further Consideration Stage. The second paragraph of that amendment, however, deals with section 75 information on victims and offenders. I am concerned, first and foremost, about how a victim or offender would feel about being asked for that sensitive information and, indeed, about the merit of collecting that data and what it is intended to show. Indeed, there is a risk that it could undermine confidence in the justice system if it were to appear to victims that they were in some way being racially or otherwise profiled. Furthermore, I understand that a number of operational partners cannot deliver on that without undertaking a complete overhaul of their IT systems across the justice system, the ramifications of which would be significant.

As with other amendments, I remind the House that in imposing additional requirements, not all of which materially benefit victims, fewer resources will be available for measures that are designed to help them substantially. Organisations are, however, looking at their reporting on section 75 and how that can be improved, as a separate piece of work.

1.00 am

Contrary to what was asserted by Miss Woods, it is also not the case that we can restrict further this particular item at Further Consideration Stage. It is an expansive clause, Mr Speaker, and as you will be well aware, it is possible only to add further obligations to those agreed at Consideration Stage, not to reduce them at Further Consideration Stage. Therefore, I cannot support amendment No 25, and I ask the House to reject that amendment.

Amendment No 26, also tabled by Rachel Woods, would again amend the Committee's new clause. I am content with the intent of the amendment, which would identify the number of offences recorded within each police district in Northern Ireland. I, therefore, support amendment No 26.

That concludes, as this stage, my comments on this group of amendments.

Mr Speaker: Thank you. Before I call the Chairperson of the Committee for Justice, I want to address the question about if or when a cross-community vote would be required. The Minister and other Members will know that the Bill has a journey to go yet, with Further Consideration Stage and then Final Stage. It is at Final Stage that that question would arise for me, based on the appropriate

legal advice, on the entirety of the Bill as it sits at Final Stage. It does not arise this evening.

Mr Givan: Thank you Mr Speaker. First, let me thank all the Members for their contributions to the debate on the group 3 amendments and, in particular, those who spoke in support of the Committee amendments. Group 3, unsurprisingly, has attracted a lot of attention from Members because these are largely the result of the Committee's deliberations, having heard evidence, in ensuring that the implementation and operation of this offence is as effective as it possibly can be. I thank Members for that.

Some Members took the opportunity to address the wider Bill, which is understandable. I know that there is a lot of interest well beyond the Justice Committee. Members have sought to take the opportunity to provide wider commentary around the totality of what is being put through today. I certainly welcome those interventions.

Mr O'Dowd: Will the Member give way?

Mr Givan: I will give way.

Mr O'Dowd: I am not sure that it is understandable at 1.00 am that Members decide to make speeches about the wider scale of the Bill. Please do not encourage them to do so during the fourth series of amendments that are coming before us. *[Laughter.]*

Mr Givan: The Member will be glad to know — I am sure that everyone will be glad to know — that I anticipate group 4 being relatively straightforward, but there is still a while to go. It is important that Members make this contribution. I take the comment in the spirit in which it is meant, but I know that the Member will also appreciate that we are dealing with vital legislation. It is testament to the huge volume of work that the Committee considered that it is taking this time for the Assembly to debate this issue.

Mr Durkan was right when, in his comments during the debate on this group, he highlighted the collegiate approach that the Committee has taken. Indeed, he said that some people looking on will be quite surprised at the way in which relationships in the Committee have developed in the way that we have been collegiate. It is through that collegiate approach that these amendments are happening today.

Often the work of Committees goes unnoticed. I understand that the media will focus in on other debates that Members engage in and, at times, that is self-inflicted. However, this has largely gone under the radar in terms of the extensive volume of work that we have carried out and the forensic nature with which members of the Committee have carried that out.

Turning to these amendments, I want to again thank the Minister for her decision not to move her amendment No 15 and for her support for the Committee amendments. As was indicated earlier, the Committee is happy to consider any proposed amendments for Further Consideration Stage that build on and improve the amendments that we tabled today, assuming that they are made.

Linda Dillon, in a powerful contribution, highlighted the difference that a teacher can make at the school gate. It is true about having that ability to identify with a child and, rather than chastening, asking, "Are you OK?". That, ultimately, is what this amendment was about. That was

touched on again by Cara Hunter in her contribution. She spoke more widely about the need to educate young people about what a healthy relationship is. That is so true, because people talk about a generational cycle that needs to be broken. Sadly, far too many children are being brought up in homes where this seems to be the norm, and then another cycle is created. Therefore, it is right to say that other aspects of society have a vital role to play in helping to educate those young people.

Paul Frew, rightly, praised Linda Dillon for the work that she has done. He also praised the Minister on the detail of the Further Consideration Stage, but I want to be very clear. Had it not been for the Committee's pushing this amendment —. At every stage, the Department made it clear to the Committee that it did not believe this to be within the scope of the Bill. The Committee held the view that that was a decision not for the Department but for the Speaker. That is why the Committee pursued the amendment. It was only at the point at which the Speaker ruled that amendment to be admissible that the Department then came forward with it.

Mrs Long: I thank the Member for giving way. He will appreciate that there were two issues with this. The first is that it mainly pertains to sharing information with the Education Department. At that point in time, we had not seen this as a vehicle to enable us to do that, because we had not engaged the Education Minister on the specifics. However, we had also taken legal advice because, as the Member will appreciate, we do not lobby the Speaker on what his decisions might be. The legal advice that was available to us at the time is what we shared with the Committee, which was that it would not be within scope. Now that we have proven that it is within scope, because the Committee has tested it, I welcome that because, as we assured the Deputy Chairperson during discussions, it was always our intention to move on this issue.

Mr Givan: I thank the Minister for that. She has made that point before. However, it does not change the material fact that the Committee pursued the amendment, and it was at that point that the Department brought forward its further amendment. The issue goes right back to the start of this. It was during Committee Stage, when amendments were being discussed — and this one was discussed at length — that the Committee would have appreciated much more engagement from the Department, rather than holding to its position that, in its opinion, the amendment would not be deemed to be within scope. The Committee always knew that that would be a decision for the Speaker. Therefore, I hope that the lesson will be learned by the Department to engage at the Committee Stage. Notwithstanding that, I welcome the subsequent amendment that will come at Further Consideration Stage. However, there is a learning process there that I am sure that the Minister will reflect upon when it comes to future Bills that come through the Committee.

In respect of amendment No 20 around guidance on data collection, again, Members touched on the importance of having the information. Mr Beattie talked about how that was vital. Mr Frew stated clearly that it was to ensure that the legislation is effective. Linda Dillon talked about how it is the resources that follow the information. Therefore, if we do not have the right data being produced, that will have knock-on implications. I welcome Members'

commentary in respect of those areas. Sinéad Bradley and Rachel Woods also spoke on those issues.

A number of Members made comments on amendment No 21 in respect of training and the importance of it. I will just pick up on some of those contributions. In particular, I want to highlight Colm Gildernew's contribution to this one, because it really did hit home the importance of getting the right training. He gave the example of a couple being married and, on that day, the wife being raped. When the police brought her back, her words were saying one thing while her eyes were saying another. That was a powerful contribution. It really goes to the heart of why training is fundamental to the Bill's effectiveness. Many Members touched upon that: we can have as much good legislation as we want written down on paper, but, unless all the criminal justice agencies are properly trained, it will not actually be effective or do the job that we want it to do. I welcome those contributions. I know that Mr Blair took a contrary view on the requirement, because he was concerned that that type of training, the annual necessity for it and so on would put an undue burden on those organisations, but I think that, in my earlier contribution in opening this debate, I addressed how important that training is.

Mr Lyttle: I thank the Member for giving way. Obviously, there has been unanimous support for information sharing between police and schools through the Operation Encompass approach that is provided for by the Bill. To help lead the ongoing efforts of the Education Committee, can the Member advise us whether the Justice Committee has consulted teaching and non-teaching staff with regard to the resources and training that they will need in order to implement the relevant provisions that are proposed in the Bill?

Mr Givan: Can the Member clarify specifically in which area he feels that there needs to be training for the educational establishment?

Mr Lyttle: The proposal is that schools and educational settings will play a role in responding to children's experiences of domestic abuse. Has the Committee consulted educational settings on that provision?

Mr Givan: Amendment No 21 relates to the criminal justice aspect of it. For the Member's benefit, the training will be specifically for the Police Service of Northern Ireland, the Public Prosecution Service and the Courts and Tribunals Service. That is what it relates to. I assure the Member that that aspect and the amendment that we are speaking to do not touch upon the Education side of it. I hope that that provides reassurance to the Member.

Other Members made commentary around this. Mr Beattie made a key point that the fundamental difference between the Committee amendment and the Minister's amendment was based on two key aspects: "mandatory" and "annual". The Department has resisted those aspects, so I was pleased by other Members' contributions in respect of that. Mark Durkan also welcomed this group of amendments. He spoke about how vital training is, stating that, if agencies are not trained to spot psychological abuse and coercive control, they cannot spot it. He spoke about the importance of it. Jemma Dolan made an important contribution and highlighted the role that Fermanagh Women's Aid has in providing training. It is not just statutory bodies that have a key role to play in this. It is

right that Jemma highlighted the role of Women's Aid when it comes to providing that type of training.

I now turn to amendment No 23, which deals with independent oversight. A number of Members again spoke to that aspect. Doug Beattie asked how it would be delivered in the long term. That is certainly a debate that needs to be had. He was right to highlight the fact that the Committee has gone forward with the approach that it is taking because of the short to medium term. In the future, if there is to be a domestic abuse commissioner or a commissioner for victims of crime, all of that will need to be given proper consideration. What we cannot do in the short term is not have the independent oversight that those organisations have asked for. Again, that was touched upon by other Members, including Mr Durkan and Gerry Carroll.

Amendment No 24, which deals with the reporting requirements on the Department, was touched upon by a number of Members. Linda Dillon highlighted her support for the aim, but also indicated the difficulty in collecting information around amendment No 25. She was supportive of amendment No 26. Rachel Woods has articulated very clearly her arguments in respect of all of this around amendment Nos 25 and 26. I have outlined some of the issues that we need to consider in respect of that. We will take forward some of those at Further Consideration Stage. If amendment No 24 can be reflected in and around section 75 and so on, I will be more than happy to support that, but we need to engage further with the Minister on that.

I thank Members for their contributions on this important group of amendments that have been tabled by the Committee. I commend the Committee amendments to the House and ask for your support in respect of them.

1.15 am

Mr Speaker: Before we start the voting, there are some complications in this, so just bear with us if we have to consult to make sure that we get this right.

Amendment No 18 agreed to.

Amendment No 19 made: In page 13, line 34, leave out from "may" to end of line 35 and insert -

"must—

(a) keep any guidance issued under this section under review, and

(b) revise any guidance issued under this section if it considers revision to be necessary in light of review."—
[Mrs Long (The Minister of Justice).]

Clause 25, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 20 made: After clause 25 insert

"Guidance on data collection

25A.—(1) The Department of Justice —

(a) may issue guidance to the relevant bodies about the sort of information which it seeks to obtain from them for the purpose of the assessment by it of the operation of this Part, and

(b) must have regard to information which it obtains from the relevant bodies in relation to the operation of this Part when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of this Part.

(2) The relevant bodies are —

(a) Police Service of Northern Ireland,

(b) Public Prosecution Service Northern Ireland,

(c) the Northern Ireland Courts and Tribunals Service, and

(d) such additional bodies as the Department considers appropriate."— [Mr Givan (The Chairperson of the Committee for Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 21 proposed: After clause 25 insert

"Training

25A.—(1) It shall be the duty of the Department to ensure that sufficient training of policing and criminal justice agencies, including but not limited to —

(a) Police Service of Northern Ireland,

(b) Public Prosecution Service Northern Ireland, and

(c) the Northern Ireland Courts and Tribunals Service, and

is made available to allow for the effective operation of this Act.

(2) Training must be provided annually.

(3) Training is mandatory for all those involved in the disposal of domestic abuse cases in policing and criminal justice agencies, including but not limited to the agencies listed in subsection (1).

(4) Having identified the relevant staff in subsection (3) at the beginning of an annual reporting period, the Department must publish the uptake of training by each relevant organisation at the end of each year."— [Mr Givan (The Chairperson of the Committee for Justice).]

Mr Speaker: As amendment No 22 is an amendment to amendment No 21, we need to dispose of amendment No 22 before returning to amendment No 21.

Amendment No 22 proposed: As an amendment to Amendment No 21, in clause 25A(1) after "sufficient" insert the words "resources and".— [Miss Woods.]

Amendment No 22, as an amendment to amendment No 21, negated.

Amendment No 21 agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 23 made: After clause 25 insert

"Independent oversight

25A.—(1) The Department of Justice must not later than 1 year after the commencement of this Act appoint an independent person to —

- (a) contribute to the development of the guidance under section 25, and
- (b) review, report and make recommendations in relation to the operation of Part 1.
- (2) The person must produce a report annually on the activities in subsection (1), starting not later than 2 years after the commencement of this Act.
- (3) The Department must —
- (a) lay the report before the Northern Ireland Assembly, and
- (b) arrange for it to be published.
- (4) The Department may by regulations set out the date, not less than 7 years after commencement, when the independent person may cease the duties in subsections (1) and (2).
- (5) Starting on the date when the independent person ceases duties, the Department must publish a report on subsection (1)(b) every 3 years thereafter.”— *[Mr Givan (The Chairperson of the Committee for Justice).]*

New clause ordered to stand part of the Bill.

New Clause

Amendment No 24 proposed: After clause 25 insert

“Report on the operation of this Act**25A.—(1) The Department of Justice must prepare a report on the operation of —**

- (a) an offence under section 1(1), and
- (b) an offence that is aggravated as described in sections 8, 9 and 15.
- (2) The report must set out, in relation to those sorts of offences —
- (a) the number of cases for which criminal proceedings are undertaken,
- (b) the number of convictions in criminal proceedings,
- (c) the average length of time —
- (i) from service of the complaint or indictment,
- (ii) to finding or verdict as to guilt (including plea of guilty),
- (d) information about the experience of witnesses (including witnesses who are children) at court,
- (e) such additional information as the Department of Justice considers appropriate.
- (3) The report must, in relation to those sorts of offences, include distinct statistics for each of them.
- (4) For the purpose of the report, the Department of Justice must seek information on how court business is arranged so as to ensure the efficient disposal of cases involving those sorts of offences.
- (5) The report must also include —

- (a) activities and associated timespans for delivering the guidance in section 25 and any plans for review,
- (b) strategies to communicate the provisions of Part 1 to the public and to victims in particular, and
- (c) any additional activities which support the operation of the Act.
- (6) The Department must prepare a report under this section —
- (a) not more than 2 years after commencement, and
- (b) thereafter, at intervals of not more than 3 years.
- (7) The Department must —
- (a) lay the report before the Northern Ireland Assembly, and
- (b) arrange for it to be published.”— *[Mr Givan (The Chairperson of the Committee for Justice).]*

Mr Speaker: As amendment Nos 25 and 26 are amendments to amendment No 24, we need to dispose of amendments Nos 25 and 26 before returning to amendment No 24.

Amendment No 25 proposed: As an amendment to Amendment No 24, in subsection (2)(b), at end insert —

“(ba) the number of cases where it has been —

- (i) specified that the offence is aggravated by reasons as described in sections 8, 9, and 15.
- (ii) proved that the offence is so aggravated,
- (bb) information on A and B as described in Section 75 of the Northern Ireland Act 1998.”— *[Miss Woods.]*

Amendment No 25, as an amendment to amendment No 24, negated.

Amendment No 26, as an amendment to amendment No 24, made: Subsection (2), at end insert—

“(2A) The report should also include the number of offences recorded within each police district in Northern Ireland.”— *[Miss Woods.]*

Amendment No 24, as amended, made: After clause 25 insert

“Report on the operation of this Act**25A.—(1) The Department of Justice must prepare a report on the operation of —**

- (a) an offence under section 1(1), and
- (b) an offence that is aggravated as described in sections 8, 9 and 15.
- (2) The report must set out, in relation to those sorts of offences —
- (a) the number of cases for which criminal proceedings are undertaken,
- (b) the number of convictions in criminal proceedings,
- (c) the average length of time —
- (i) from service of the complaint or indictment,
- (ii) to finding or verdict as to guilt (including plea of guilty),

- (d) information about the experience of witnesses (including witnesses who are children) at court,
- (e) such additional information as the Department of Justice considers appropriate.
- (2A) The report should also include the number of offences recorded within each police district in Northern Ireland,
- (3) The report must, in relation to those sorts of offences, include distinct statistics for each of them.
- (4) For the purpose of the report, the Department of Justice must seek information on how court business is arranged so as to ensure the efficient disposal of cases involving those sorts of offences.
- (5) The report must also include —
- (a) activities and associated timespans for delivering the guidance in section 25 and any plans for review,
- (b) strategies to communicate the provisions of Part 1 to the public and to victims in particular, and
- (c) any additional activities which support the operation of the Act.
- (6) The Department must prepare a report under this section —
- (a) not more than 2 years after commencement, and
- (b) thereafter, at intervals of not more than 3 years.
- (7) The Department must —

- (a) lay the report before the Northern Ireland Assembly, and
- (b) arrange for it to be published.”— [Mr Givan (*The Chairperson of the Committee for Justice*).]

New clause ordered to stand part of the Bill.

Mr Speaker: I propose, by leave of the Assembly, to suspend the sitting until 1.30 am. I commend Members for their contributions so far. I will say a few more words when we complete the last session.

The sitting was suspended at 1.21 am and resumed at 1.31 am.

Debate resumed.

Mr Speaker: We now come to the fourth group of amendments for debate. With amendment No 27, it will be convenient to debate amendment Nos 28 to 34. I call the Minister of Justice to move amendment No 27 and to address the other amendments in the group.

New Clause

Mrs Long: I beg to move amendment No 27: Before clause 26 insert the following new clause:

“Factors relevant to residence and contact orders

A26.In the Children (Northern Ireland) Order 1995, in Article 12A (residence and contact orders and domestic violence) —

- (a) in paragraph (1), after ‘in favour of’ insert “ —
- (a) any person, the court shall have regard to any conviction of the person for a domestic abuse offence involving the child,

- (b) ”,
- (b) after paragraph (1) insert —
- ‘(1A) For the purposes of paragraph (1)(a), a domestic abuse offence involving the child is —
- (a) an offence under section 1 of the Domestic Abuse and Family Proceedings Act (Northern Ireland) 2020 if —
- (i) the offence is aggravated as provided for in section 9 of that Act, and
- (ii) the aggravation of the offence relates to the child, or
- (b) an offence of any kind (apart from one under section 1 of that Act) if —
- (i) the offence is aggravated as provided for in section 15 of that Act, and
- (ii) the child is not the person against whom the offence was committed but the aggravation of the offence relates to the child.’,
- (c) in paragraph (2), for ‘paragraph (1)’ substitute ‘paragraph (1)(b)’,
- (d) in paragraph (3), after ‘Article 3’ insert ‘(and in that paragraph neither sub-paragraph limits the effect of the other sub-paragraph).’.”

The following amendments stood on the Marshalled List:

No 28: In clause 26, page 16, line 3, leave out “‘provision’ means a statutory provision or any other” and insert “‘corresponding provision’ means a corresponding statutory provision or any other corresponding”.— [Mrs Long (*The Minister of Justice*).]

No 29: In clause 26, page 17, line 5, leave out “(2)” and insert “3(2)”.— [Mrs Long (*The Minister of Justice*).]

No 30: In clause 26, page 18, line 3, leave out “family”.— [Mrs Long (*The Minister of Justice*).]

No 31: In clause 26, page 18, line 6, leave out “family”.— [Mrs Long (*The Minister of Justice*).]

No 32: After clause 26 insert the following new clause:

“Special measures directions in family proceedings

26A.—(1) In the Family Law (Northern Ireland) Order 1993, after Article 11J (as inserted by this Act) insert —

‘Special measures directions in family proceedings

Special measures in family proceedings: victims of abusive behaviour

11K.—(1) Rules of court must make provision enabling the court to make a special measures direction in relation to a person (“P”) where —

- (a) P is a party to or witness in family proceedings,
- (b) P is, or is at risk of being, subjected to abusive behaviour by a person who is—
- (i) a party to the proceedings,
- (ii) a relative of a party to the proceedings (other than P), or
- (iii) a witness in the proceedings, and
- (c) P and that person are personally connected.

(2) Rules under paragraph (1) must provide for the court to consider, on the application of a party or of the court's own motion, whether a special measures direction (or more than one direction) should be made.

(3) Provision in rules by virtue of paragraph (2) may include provision about what factors the court is to take into account when considering whether a special measures direction should be made, in particular (but not limited to) —

- (a) the availability of the special measures in question, and
- (b) any views expressed by P.

(4) The following apply for the purposes of this Article as they apply for the purposes of Chapter 1 of Part 1 of the Domestic Abuse and Family Proceedings Act (Northern Ireland) 2020 (to give meanings to certain expressions) —

- (a) section 2 (as read with section 3(2)) of that Act,
- (b) sections 4 and 5 of that Act.

(5) In this Article —

'family proceedings' means —

- (a) proceedings which are family proceedings for the purposes of Article 12 (family proceedings rules),
- (b) proceedings in a court of summary jurisdiction when exercising its jurisdiction under one or more of the following —
 - (i) the Domestic Proceedings (Northern Ireland) Order 1980,
 - (ii) Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989,
 - (iii) the Children (Northern Ireland) Order 1995,
 - (iv) the Family Homes and Domestic Violence (Northern Ireland) Order 1998,
 - (v) Schedule 16 to the Civil Partnership Act 2004,

'relative' has the meaning given by Article 2(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998,

'rules of court' includes —

- (a) rules of court under Article 12, and
- (b) magistrates' courts rules,

as well as rules of court as defined in section 21(4) of the Interpretation Act (Northern Ireland) 1954,

'special measures' means such measures specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings,

'special measures direction' means a direction by the court granting special measures.

Power to alter definition of family proceedings

11L.—(1) The Department of Justice may by regulations amend Article 11K so as to alter the definition of 'family proceedings' in paragraph (5) of that Article.

(2) Regulations that contain (with or without other provisions) provision under paragraph (1) may not be made unless a draft of the regulations has been laid before and

approved by a resolution of the Assembly.'.— [Mrs Long (The Minister of Justice).]

No 33: After clause 26 insert the following new clause:

"Prohibition of cross-examination in person in civil proceedings generally

26B. In the Civil Evidence (Northern Ireland) Order 1997, after Article 7 insert —

'Prohibition of cross-examination in person in civil proceedings

Prohibition of cross-examination in person:
introductory

7A.—(1) For the purposes of Articles 7B to 7F—

'civil proceedings' means proceedings (other than proceedings which are family proceedings for the purposes of Article 12 of the Family Law (Northern Ireland) Order 1993), in —

- (a) the High Court, or
- (b) a county court,

exercising its civil jurisdiction,

'witness', in relation to any proceedings, includes a party to the proceedings.

(2) The Department of Justice may by regulations amend this Article so as to alter the definition of 'civil proceedings' in paragraph (1).

Direction for prohibition of cross-examination in person

7B.—(1) In civil proceedings, the court may give a direction prohibiting a party to the proceedings from cross-examining (or continuing to cross-examine) a witness in person if it appears to the court that —

- (a) the quality condition or the significant distress condition is met, and
- (b) it would not be contrary to the interests of justice to give the direction.

(2) The 'quality condition' is met if the quality of evidence given by the witness on cross-examination —

(a) is likely to be diminished if the cross-examination (or continued cross-examination) is conducted by the party in person, and

(b) would be likely to be improved if a direction were given under this Article.

(3) The 'significant distress condition' is met if —

(a) the cross-examination (or continued cross-examination) of the witness by the party in person would be likely to cause significant distress to the witness or the party, and

(b) that distress is likely to be more significant than would be the case if the witness were cross-examined other than by the party in person.

(4) A direction under this Article may be made by the court —

- (a) on an application made by a party to the proceedings, or
- (b) of the court's own motion.

(5) In determining whether the quality condition or the significant distress condition is met in the case of a witness or party, the court must have regard to (among other things) —

- (a) any views expressed by the witness as to whether or not the witness is content to be cross-examined by the party in person,
- (b) any views expressed by the party as to whether or not the party is content to cross-examine the witness in person,
- (c) the nature of the questions likely to be asked, having regard to the issues in the proceedings,
- (d) any conviction or caution (of any kind) of which the court is aware for an offence committed by the party in relation to the witness,
- (e) any conviction or caution (of any kind) of which the court is aware for an offence committed by the witness in relation to the party,
- (f) any behaviour by the party in relation to the witness in respect of which the court is aware that a finding of fact has been made in the proceedings or any other proceedings,
- (g) any behaviour by the witness in relation to the party in respect of which the court is aware that a finding of fact has been made in the proceedings or any other proceedings,
- (h) any behaviour by the party at any stage of the proceedings, both generally and in relation to the witness,
- (i) any behaviour by the witness at any stage of the proceedings, both generally and in relation to the party,
- (j) any relationship (of whatever nature) between the witness and the party.

(6) Any reference in this Article to the quality of a witness's evidence is to its quality in terms of completeness, coherence and accuracy.

(7) For this purpose, ‘coherence’ refers to a witness's ability in giving evidence to give answers which—

- (a) address the questions put to the witness, and
- (b) can be understood, both individually and collectively.

Directions under Article 7B: supplementary

7C.—(1) A direction under Article 7B has binding effect from the time it is made until the witness in relation to whom it applies is discharged.

(2) But the court may revoke a direction under Article 7B before the witness is discharged, if it appears to the court to be in the interests of justice to do so, either —

- (a) on an application made by a party to the proceedings, or
- (b) of the court's own motion.

(3) The court may revoke a direction under Article 7B on an application made by a party to the proceedings only if there has been a material change of circumstances since—

- (a) the direction was given, or

(b) if a previous application has been made by a party to the proceedings, the application (or the last application) was determined.

(4) The court must state its reasons for —

- (a) giving a direction under Article 7B,
- (b) refusing an application for a direction under Article 7B,
- (c) revoking a direction under Article 7B,
- (d) refusing an application for the revocation of a direction under Article 7B.

Alternatives to cross-examination in person

7D.—(1) This Article applies where a party to civil proceedings is prevented from cross-examining a witness in person by virtue of Article 7B.

(2) The court must consider whether (ignoring this Article) there is a satisfactory alternative means —

- (a) for the witness to be cross-examined in the proceedings, or
- (b) of obtaining evidence that the witness might have given under cross-examination in the proceedings.

(3) If the court decides that there is not, the court must —

- (a) invite the party to the proceedings to arrange for a qualified legal representative to act for the party for the purpose of cross-examining the witness, and
- (b) require the party to the proceedings to notify the court, by the end of a period specified by the court, of whether a qualified legal representative is to act for the party for that purpose.

(4) Paragraph (5) applies if, by the end of the period specified under paragraph (3)(b), either —

- (a) the party has notified the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness, or
- (b) no notification has been received by the court and it appears to the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness.

(5) The court must consider whether it is necessary in the interests of justice for the witness to be cross-examined by a qualified legal representative appointed by the court to represent the interests of the party.

(6) If the court decides that it is, the court must appoint a qualified legal representative (chosen by the court) to cross-examine the witness in the interests of the party.

(7) A qualified legal representative appointed by the court under paragraph (6) is not responsible to the party except in so far as acting in the interests of the party by virtue of this Article.

(8) For the purposes of this Article —

- (a) a reference to cross-examination includes a reference to continuing to conduct cross-examination,
- (b) ‘qualified legal representative’ means a legal representative who has a right of audience in relation to the proceedings before the court.

Costs of legal representatives appointed under Article 7D(6)

7E.—(1) The Department of Justice must pay such sums as the Department may determine in respect of —

- (a) fees or costs properly incurred by a qualified legal representative appointed under Article 7D(6), and
 - (b) expenses properly incurred in providing such a person with evidence or other material in connection with the appointment.
- (2) Regulations made by the Department of Justice may provide for sums payable under paragraph (1) —
- (a) to be such amounts as are specified in the regulations,
 - (b) to be calculated in accordance with—
 - (i) a rate or scale specified in the regulations, or
 - (ii) other provision made by or under the regulations.

Guidance for legal representatives appointed under Article 7D(6)

7F.—(1) The Department of Justice may issue guidance in connection with the role which a qualified legal representative appointed under Article 7D(6) in connection with any civil proceedings is to play in the proceedings, including (among other things) guidance about the effect of Article 7D(7).

- (2) A qualified legal representative appointed under Article 7D(6) must have regard to any guidance issued under this Article.
- (3) The Department of Justice may from time to time revise any guidance issued under this Article.
- (4) The Department of Justice must publish —
 - (a) any guidance issued under this Article, and
 - (b) any revisions of guidance issued under this Article.

Regulations under Articles 7A to 7E

7G.—(1) Any power of the Department of Justice to make regulations under Articles 7A to 7E includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.

- (2) Regulations that contain (with or without other provisions) provision under Article 7A(2) may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.
- (3) Regulations that contain provision under Articles 7B to 7E are subject to negative resolution (except where they are required by paragraph (2) to be laid in draft before and approved by a resolution of the Assembly).:’.— [*Mrs Long (The Minister of Justice)*.]

No 34: After clause 26 insert the following new clause:

“Special measures directions in civil proceedings generally

26C. In the Civil Evidence (Northern Ireland) Order 1997, after Article 7G (as inserted by this Act) insert —

“Special measures directions in civil proceedings

Special measures in civil proceedings: victims of specified offences

7H.—(1) Rules of court must make provision enabling the court to make a special measures direction in relation to a person (“P”) where —

- (a) P is a party to or witness in civil proceedings, and
 - (b) P is the victim, or alleged victim, of a specified offence.
- (2) Rules under paragraph (1) must provide for the court to consider, on the application of a party or of the court’s own motion —
- (a) whether —
 - (i) the quality of P’s evidence, or
 - (ii) where P is a party to the proceedings, P’s participation in the proceedings,

is likely to be diminished for reasons arising because P is the victim or alleged victim, and

- (b) if so, whether a special measures direction (or more than one direction) should be made.
- (3) Provision in rules by virtue of paragraph (2)(b) may include provision about what factors the court is to take into account when considering whether a special measures direction should be made, in particular (but not limited to) —

- (a) the availability of the special measures in question, and
 - (b) any views expressed by P.
- (4) For the purposes of this Article —
- (a) P is the victim of a specified offence if another person has been convicted of, or given a caution for, the offence,
 - (b) P is the alleged victim of a specified offence if another person has been charged with the offence.

(5) In this Article —
“caution” means —

- (a) in the case of Northern Ireland —
 - (i) a conditional caution given under section 71 of the Justice Act (Northern Ireland) 2011, or
 - (ii) any other caution given to a person in Northern Ireland in respect of an offence which, at the time the caution is given, the person has admitted,
- (b) in the case of England and Wales —
 - (i) a conditional caution given under section 22 of the Criminal Justice Act 2003,
 - (ii) a youth conditional caution given under section 66A of the Crime and Disorder Act 1998, or
 - (iii) any other caution given to a person in England and Wales in respect of an offence which, at the time the caution is given, the person has admitted,

(c) in the case of Scotland, anything corresponding to a caution falling within sub-paragraph (b) (however described) which is given to a person in respect of an offence under the law of Scotland,

“civil proceedings” means proceedings (other than proceedings which are family proceedings for the purposes of Article 12 of the Family Law (Northern Ireland) Order 1993) in —

- (a) the High Court, or

(b) a county court,

exercising its civil jurisdiction,

“conviction” means —

(a) wherever occurring in Northern Ireland, Scotland, or England and Wales—

(i) a conviction before a court, or

(ii) a finding in any criminal proceedings (including a finding linked with a finding of insanity) that the person concerned has committed an offence or done the act or made the omission charged,

(b) wherever occurring within or outside the United Kingdom, a conviction in service disciplinary proceedings,

“rules of court” includes county court rules as well as rules of court as defined in section 21(4) of the Interpretation Act (Northern Ireland) 1954,

“service disciplinary proceedings” means —

(a) any proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006 (except proceedings before a civilian court within the meaning of that Act),

(b) any proceedings under the Army Act 1955, the Air Force Act 1955, or the Naval Discipline Act 1957 (whether before a court-martial or before any other court or person authorised under any of those Acts to award a punishment in respect of an offence),

(c) any proceedings before a Standing Civilian Court established under the Armed Forces Act 1976,

“special measures” means such measures specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings,

“special measures direction” means a direction by the court granting special measures,

“specified offence” means an offence which is specified, or of a description specified, in regulations made by the Department of Justice.

(6) The following provisions (which deem a conviction of a person discharged not to be a conviction) do not apply for the purposes of this Article to a conviction of a person for an offence in respect of which an order has been made discharging the person absolutely or conditionally —

(a) Article 6 of the Criminal Justice (Northern Ireland) Order 1996 or any corresponding provision,

(b) section 187 of the Armed Forces Act 2006 or any corresponding provision.

(7) For the purposes of this Article —

“offence” includes an offence under a law that is no longer in force,

“corresponding provision” means a corresponding statutory provision or any other corresponding legislative provision (and includes an earlier provision or a provision applying in any part of the United Kingdom).

Power to alter definition of civil proceedings

71.—(1) The Department of Justice may by regulations amend Article 7H so as to alter the definition of “civil proceedings” in paragraph (5) of that Article.

(2) Regulations that contain (with or without other provisions) provision under paragraph (1) may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

(3) Regulations that contain provision under Article 7H(5) are subject to negative resolution (except where they are required by paragraph (2) to be laid in draft and approved by a resolution of the Assembly).’.— [Mrs Long (*The Minister of Justice*).]

Mrs Long: The amendments in the group all relate to family and civil proceedings. Amendment No 27 is a new clause that would amend the Children (Northern Ireland) Order 1995. It requires a court hearing an application for a residence or contact order to consider any conviction of the applicant for the new domestic abuse offence or another offence where the child aggravator has been applied, because the offence involves a child.

At present, under the 1995 order, a court hearing an application for contact or residence must have regard to any harm or risk of harm to a child through seeing or hearing ill treatment of another person where the party applying for the order has had a non-molestation order made against them or the court is considering making one.

An anomaly would arise if a court is required to consider such harm to the child where the applicant is subject to a non-molestation order but not where they have been convicted for a domestic abuse offence. As the Department of Finance is responsible for substantive private family law, I sought the views of Minister Murphy on the proposed amendment, and he has indicated his agreement.

I move on to prohibition of cross-examination in person in family proceedings. Amendment Nos 28, 29, 30 and 31 will make minor and technical amendments to clause 26 of the Bill, which makes provision for prohibition of cross-examination in person in family proceedings.

Amendment No 28 makes a small technical correction to a definition provision in new article 11B to be inserted in the Family Law (Northern Ireland) Order 1993. Amendment No 29 corrects a small error in clause 26 that occurred when the Bill was being processed prior to introduction. Amendment Nos 30 and 31 relate to the matters to which a court must have regard under new article 11E to be inserted in the 1993 order when considering whether to exercise its discretionary power to make a direction prohibiting cross-examination in person in family proceedings. Under the provision made in clause 26, a court is required, among other things, to have regard to any behaviour by the party to the witness, or vice versa, for which the court is aware that a finding of fact has been made in the proceedings or any other family proceedings. The amendments mean that the court would also be required to consider any findings of fact made in criminal or civil proceedings.

Amendment No 32 is another new clause and would require court rules to make specific provision for special measures for victims of domestic abuse giving evidence at family proceedings. The Bill already makes provision for victims of domestic abuse giving evidence in criminal proceedings to be automatically eligible for consideration for special measures.

For family proceedings, court rules make provision for a court to allow a witness to give evidence by video link, and other special measures can be considered on a case-by-case basis. The need, however, for specific legislative provision for special measures for victims of domestic abuse giving evidence in family proceedings was one of the key issues raised in evidence to the Justice Committee.

I listened to the views, and the proposed amendment would require rules of court to make provision enabling a court to make a special measures direction in family proceedings in relation to a party or witness who is the victim of, or at risk of, domestic abuse, where the court considers that a direction should be made.

Amendment No 33 would enable a court, hearing civil proceedings, to prohibit cross-examination in person in certain circumstances. I have made reference to clause 26, which makes provision on the prohibition of cross-examination in person in family proceedings. The proposed amendment will give the court, hearing civil proceedings, a discretionary power to prohibit cross-examination in person where that is likely to diminish the quality of the witness's evidence or would cause significant distress to the witness. That corresponds to the discretionary power that the family courts will have in cases where an automatic prohibition does not apply. Also mirroring the clause on family proceedings, a court will have the power to appoint a legal representative funded by the Department to carry out the cross-examination instead, and the Department may issue guidance on that role.

Amendment No 34, which is the last in the group, is another new clause and would require court rules to make specific provision on special measures for victims or alleged victims of certain offences giving evidence in civil proceedings. Similar to the position in respect of court rules for family proceedings, court rules for civil proceedings include provision for the court to allow a witness to give evidence by video link and other measures, as may be considered on a case-by-case basis. However, as I noted earlier in respect of the amendment in relation to special measures and family proceedings, the need for more specific legislative provision on special measures for victims was raised in evidence to the Justice Committee, and I have listened to those views. The proposed amendment will require court rules to make provision enabling a court hearing civil proceedings to make a special measures direction in relation to a party or witness who is a victim, or an alleged victim, of specified offences, where this is likely to diminish the quality of their evidence or their participation in the proceedings and the court considers that a direction should be made.

While the number of civil cases involving victims where this is likely to impact on the quality of their evidence or participation in the proceedings is likely to be relatively small compared with family proceedings, it is, nevertheless, appropriate to take this legislative opportunity to ensure that, even if one such case arises, the victim has appropriate protection.

That concludes, at this stage, my comments on this group of amendments.

Mr Givan: On behalf of the Justice Committee, I welcome amendment Nos 27, 32, 33 and 34, which will strengthen the protection provided to victims of domestic abuse and

a system ensuring that the justice system is not exploited by perpetrators as a means to continue the abuse and to control their victims, as well as enabling victims to be supported to give their best evidence. I do not intend, Mr Speaker — you will be glad to hear — to rehearse what the amendments do, as the Minister has already set that out very clearly and in some detail, but I do want to briefly cover some points.

Amendment Nos 32 and 34 are about special measures directions in family and civil proceedings. Although clause 22 enables complainants of the domestic abuse offence and aggravated offences to automatically be eligible for consideration of special measures, such as the use of live links and screens, when giving evidence is welcome, the need for special measures in family and civil proceedings was highlighted as a gap that should be addressed in the Bill to the Committee by a range of organisations, including the Women's Aid Federation, Victim Support NI and the Bar of Northern Ireland. Women's Aid stated that access to special measures in the family court is so poor that survivors of domestic abuse are being attacked, abused, harassed and left too frightened to effectively advocate for the ongoing safety of their children. Victim Support indicated that this issue needs to be dealt with in the interests of victim well-being. The Bar advised the Committee that judges and legal practitioners are already trying to address this issue as much as possible by improvising with the facilities available in the family courts and that it was unfortunate that the Bill did not include proposals for special measures in those courts.

The Committee referred the evidence that it received to the Department and asked if it was intending to address the gap that had been highlighted. The Department advised that it was considering amending the Bill to require court rules to enable a court hearing of family proceedings or civil proceedings to make specific provision for special measures for victims of domestic abuse and other certain offences. The Committee welcomed the intention of the Department to table amendments that would ensure parity in the court system with regard to special measures and is pleased to support amendment Nos 32 and 34, which were tabled by the Minister today. However, the Committee urges the Minister to ensure that special measures, when granted in any court, are available for witnesses, as measures that were assured but that were not available on the day of the case were raised with the Committee. That is not acceptable.

Turning now to amendment No 33, the evidence that was received by the Committee clearly outlined that the cross-examination of the complainant by the defendant is a key reason why many complainants disengage from court proceedings. That has allowed the continued control and abuse of victims, diminished their ability to give evidence and caused trauma and distress. The Men's Advisory Project believes that domestic violence perpetrators being able to cross-examine their victim poses a direct threat to the victim's safety, access to justice and public confidence in the justice system.

In the Bar's evidence, it highlighted that there has been a growing concern among family barristers for some time that some litigants have chosen to act as personal litigants because they realise that they can exploit their article 6 rights in the court system and continue to act in a controlling and manipulative manner against their

former partner when representing themselves. The Minister's decision to table amendment No 33 to provide for court hearing civil proceedings to have a discretionary power to prohibit cross-examination in person in certain circumstances is, therefore, a welcome addition to the Bill and complements the prohibition on cross-examination in person in family proceedings provided by clause 26.

The Department advised the Committee that amendment Nos 28, 29, 30 and 31 are necessary in order to correct a small error that occurred when the Bill was being processed, prior to introduction, and provided the text of the amendments for the Committee's information. The Department also advised the Committee of its intention, with the agreement of the Minister of Finance, to amend article 12A of the Children (Northern Ireland) Order 1995 so that a court that is considering an application for a contact or residence order will be specifically required to have regard to the conviction of the party applying for the order of the new domestic abuse offence or another offence where the child aggravator has been applied. As the Minister outlined, that will address any potential inconsistency in family proceedings. The Committee agreed that it is content to support all those amendments. The amendments in this group will receive our support.

Finally, Mr Speaker, I will speak in a personal capacity, and you will be glad to hear that this is the last time that I will be speaking today, albeit the debate started yesterday and led into today. We are now some 10-plus hours into the debate on this stage. I put on record again my appreciation to all those whom I thanked earlier. The Minister has continued to debate robustly on her position. I welcome that. We should never be afraid of robust challenge coming from the Committee to the Minister and vice versa. This has been a demonstration of the Assembly working effectively. It is in the name: the legislative Assembly. That is what we have been doing over the past 10 hours, and it will probably be 11 hours by the time we conclude. The people of Northern Ireland expect us to do that, and, when we do, we should do it with the forensic level of detail that we applied to the Committee Stage and throughout the debate. I thank all Members who have taken part in the debate in the past 11 hours.

Ms Dillon: The House will be delighted to hear that this will be the last time that I will speak tonight. I do not intend to repeat many of the remarks that the Chair made. However, I want to point out that, even though a lot of the discussion has been on the new domestic abuse offence and criminal proceedings, it is equally important that we address the family and civil proceedings. That was borne out by the many witnesses who came before us. Well done to the Minister and her Department for taking that on board and for tabling the amendments. To be clear, we will support all the amendments, which are amendment Nos 27 to 34.

1.45 am

It is a good and important piece of work. It has been highlighted time and time again that what is happening in these cases in criminal courts needs to be reflected in family and civil proceedings, and that domestic abuse that has been proven in a criminal court has to be part of the family and civil proceedings and has to form part of what comes out of that. It only makes sense that a judge should know if somebody who wants access to children has been convicted of the domestic abuse of his or her family. The abuse is not just of your partner but of your

family. Everybody is impacted, and we have already outlined that sufficiently today. John Gillen's 2017 review of family justice concluded that it is absolutely essential that steps are taken to address these inconsistent positions in criminal and family law, and, again, I thank the Minister for addressing that through these amendments.

I do not intend to speak any further, because both the Minister and the Chair of the Committee have outlined what the amendments will do, but they are really, really important. Like every other amendment and every clause that we have debated and discussed during this process, these amendments will have an impact on people's lives. We need to be cognisant of that. This is about protecting people, looking after people and, as has already been outlined, delivering for people.

My final words tonight are just to say that, although we have joked about the lateness of the hour, we have talked about how important this is and therefore how we do not mind being here this late. I know that, when I go home tonight, I will go home to a warm, safe home. I will go home to my child, who was minded by her daddy, with whom she was very safe, and I did not have to worry about her being cared for or looked after. I know that, when she gets up in the morning, she gets up in a home with a mummy and daddy who love her very much. Many people will not have that experience tonight, and that is why we are here, why we are doing what we are doing and why we will continue to do what we do. We have a responsibility to look after those people.

I am also cognisant of the fact that I only speak for myself. As we highlighted during this debate, none of us knows who is going through this, and it affects every single aspect of our life. There is no way on this earth that there are not people in political life who are impacted by this. There are people in every single sphere of life, and I would like to acknowledge that, in solidarity with all those out there who are suffering this. I say this to the perpetrators: think, reach out and get help, because you may well have been a victim once yourself, and you should get help, because you are putting your family through what you once went through yourself.

Ms S Bradley: I rise on behalf of the SDLP to support the final group of amendments. They may be the final group, but certainly not the least, because amongst them are the critical tools that can make the Bill work. Many stakeholders who appeared at Committee and who we spoke to as individual MLAs have been asking for these changes, and I want to thank the Department and the Minister for recognising the suite of legislative change that needed to happen beyond the Bill itself to make the Bill effective in that way. I certainly feel that these amendments do that. I note that amendment Nos 28, 29, 30 and 31 are minor technical amendments, but amendment No 32 is on the special measures in family proceedings, and amendment No 33 looks at prohibiting cross-examination in civil proceedings under certain circumstances. These are the tools that will assist people in giving evidence, and that is a critical component of any legislation.

I will not rehearse what has already been said. Although we have thanked the Ministers, the Departments, the staff and the Clerks — rightly so — I will close by thanking the Assembly staff who have stayed to facilitate us here this evening.

Ms Bradshaw: I am not going to read my speech out. I just want to say that we will support the amendments. I acknowledge the work of Justice Gillen on his two reviews, the impact of which is very much felt in the Bill, and the wider body of work that has been undertaken by the Justice and Health Departments. Mr Speaker, thank you very much to you and the staff for your help tonight.

Mr Frew: I will be brief because of the late hour. These are very important amendments, and this is a very important part of the Bill. This is a world that not a lot of people see until they are in the middle of it and it has a massive impact on their life. It is scary. Going through any court process is scary. All the baggage and all the domestic violence and family issues here mean that this has an even greater impact. I welcome these amendments.

I will talk about amendment No 27. I asked questions on this, and officials reached out. Through the Minister, I pay tribute to and applaud the officials for reaching out to explain some of these amendments to me because they are quite technical at times. It is important that the court shall have regard for this offence. I have no sympathy for anyone conducting this behaviour and then trying to gain access to a child. This should reassure and give succour and comfort to Women's Aid and all the support groups out that assist people going through the court process. However, the flip side that I have not mentioned until now is the issue of parental alienation. Some dispute that it is real, but I believe that it is. I see it. I know and have talked to people who have experienced it. Even while we have been having this debate — Doug also raised it — we are getting emails from men who, having not seen their children in years, are in despair. Lockdown has inflicted even greater misery on those people.

Ms Bradshaw: Will the Member give way?

Mr Frew: Yes, I will give way.

Ms Bradshaw: Will you acknowledge that women are also victims of that?

Mr Frew: Of course they are, but men seem to believe that they are always ignored in this regard. It may be because we have so many support groups out there. It may be that, sometimes, our language around this issue is loose; I am as guilty as anyone. Most of the people whom I have engaged with on the issue of parental alienation over the last couple of years have been men who do not have any convictions for domestic violence and have not committed domestic violence. I have no sympathy for those who have. A lot of men have not conducted themselves in that way, and they grievously miss their children. They need to be part of their children's lives. They need to raise their child and be given time with that child. This is so soul-destroying for a man or for any person. I am talking about men because they have talked to me and told me of their experiences. It is heart-wrenching; it really is. They deserve to have their experiences told. They deserve to have it placed on the record in Hansard that we hear them and will do everything that we can.

We have been given assurances by the Minister and the Department that parental alienation is riddled throughout this Bill, in the same way as coercive control is throughout the Bill. That has to be the case to give those people comfort, to reassure us and to enable us to monitor it through reporting, the collection of data and independent scrutiny. We will look out for and be mindful of that. We

need to correct this problem for everyone involved, men and women, because it is very grievous. It is not only about the victim; it is about the child. The child is missing out on a parent, and that is not right. When a parent is prepared to give loving attention, it should not be the case that they just cannot get access to their child. That needs to be addressed.

I support this. It is the Domestic Abuse and Family Proceedings Bill. The second part of that is a very important aspect, and we should support it. I thank everyone who took part in the debate. I thank everybody who has stuck around. I thank the Minister, who has had to spend all of that time in the Chamber; we can nip out for a time and take breaks, but she cannot. I praise her. I also praise the Chairperson of the Committee for his diligence and work in guiding the Committee through all of the work. I am proud to acknowledge the work of the Justice Committee and the Assembly tonight. We should be proud of it. It is something that we need to see more of with regard to legislation. I welcome that. I am here to do business; I am here, no matter what the hour, to pass legislation that will make a difference to people's lives. I thank and commend every single one of you. I also commend the Department's officials. We give them a hard time at times. Sometimes, it is deserved. We will always be robust. It is nothing personal. Thank you for the work that you guys do in the Department. Without you, the Bill would not have been produced, we would not have been able to scrutinise it and we would not have law at the other end.

Dr Archibald: I will speak briefly, as Chair of the Economy Committee, about an issue that has been raised by the Chair of the Justice Committee and my party colleague Jemma Dolan. It attaches particularly to amendment No 32, which is a proposed new clause. It is an issue that is not specifically referenced in the Bill and is additional to the amendment, but this seemed to be the most logical place at which to speak about it. The Economy Committee is aware of the Justice Committee's report on the Bill; it suggests consideration of 10 days' special paid leave for victims of domestic abuse. That provision is supported by not only the Economy Committee but the Health and Justice Committees and a number of key stakeholder groups, not least the Irish Congress of Trade Unions.

The Committee appreciates that that is a matter for the Economy Minister to take forward, but we believe that it is important that the issue is raised as part of today's proceedings. The Committee has written to the Economy Minister to highlight the Committee members' support for the provision.

I will add some brief remarks in my capacity as Sinn Féin economy spokesperson on the same theme. I felt that it was important to contribute to the debate because it is very important legislation, as Members have outlined. This Bill and others that are being brought forward are bringing much-needed reform to support victims of abuse, harassment and sexual crime. Last year — my party colleague Jemma Dolan referenced this earlier — Fermanagh Women's Aid briefed our Assembly team. I thought that it I was informed on that issue — I, like many other Members, have signposted and supported victims of abuse — but that briefing, particularly the aspects of it in relation to coercive control, really had an impact on me.

Domestic abuse is a particularly insidious crime. It affects all aspects of a victim's life, including their working life.

A victim may have to try to put on a brave face and do a day's work because there is no provision for leave. It may be the case that co-workers or managers suspect that a colleague is a victim of abuse but are unsure of how to support them. I think that we all probably recognise and support the need for special leave for victims of abuse. Such provision would enable victims to take the necessary time off work to seek support, find accommodation or attend court proceedings, as has been outlined in some of the amendments in this group. It would also address unpredictable absenteeism and reduced productivity for employers. Earlier today — yesterday now — my party colleagues Mary Lou McDonald and Louise O'Reilly introduced legislation in the Dáil to make similar provision for 10 days' annual special leave for victims of domestic abuse. It is important that victims, whether or not they choose to access that leave, know that it is there.

That brings me to my final point. It may seem obvious, but, in addition to the provision of special leave, there needs to be workplace policy and guidance. Managers need to have guidance on how to recognise the signs of domestic abuse and how to respond to a staff member's disclosure and support workers who face those circumstances. As I indicated, I raised those issues, including through the Economy Committee, and I am hopeful that the Economy Minister will take speedy action to make provision to support victims of domestic abuse.

2.00 am

Mrs Long: I do not want to prolong the debate unnecessarily. As Members indicated, the proposed amendments will enhance the Bill in order to protect victims of domestic abuse and their children who are involved in family proceedings. They will also offer protection to victims of offences who are involved in other civil proceedings. The proposed amendment to the Children Order recognises the effect that domestic abuse can have on children by requiring a court, when considering applications for residence or contact orders, to consider any convictions of applicants for domestic abuse offences, where the child aggravator has been applied by reason of the offence involving the child. That will ensure that the court will take that into account when deciding the application in the best interests of the child.

I have listened to the views of the many organisations that, in giving evidence to the Justice Committee, said that there should be specific legislative provision for special measures to be available to victims of domestic abuse and other offences in family and civil proceedings. The proposed amendments will ensure that special measures are available to victims across each of the jurisdictions. I recognise that many victims of domestic abuse will be involved in family proceedings with the perpetrator and that that can be a stressful and traumatic experience. Together with the provision in clause 26 to protect victims of domestic abuse from being cross-examined by perpetrators in person, the proposed amendments will ensure that a wide range of protections is available to support them to give their best possible evidence and to participate effectively in family proceedings as well as supporting other victims to give evidence in civil proceedings.

I specifically want to address the availability of alternative measures, which was raised by the Chairman of the

Committee. I understand that virtually all courtrooms have videoconferencing facilities, which greatly extend the capability to live link directly to courtrooms. That would enable witnesses to give evidence from a wide range of locations, including from outside court buildings. That capacity has been enhanced not only as a direct response to COVID but in our development of remote witness centres, which we hope to introduce in a graduated way across the different courts. For all those reasons, I believe that there will be enhanced availability of videoconferencing in the courts.

In conclusion, Mr Speaker — I am sure that you are as pleased as everyone else to hear those words — I thank my officials, the Committee and its officials, your good offices and the Assembly staff for their facilitation of the proceedings today and yesterday. This is our job, and it is important that we do it. However, I want to focus mostly on those for whom it is not their job but who have driven my prioritising the Bill as the first legislation that I brought to the House. Paul Frew can rest assured that he will have plenty of opportunities to legislate in this term. I give him that commitment.

Mr Frew: Hear, hear.

Mrs Long: I thank our third-sector partners, such as Women's Aid, the Men's Advisory Project, LBGTQ sector representatives and all others from the third sector who fed into the Bill and improved and honed what it is capable of doing. Above all, I thank the victims who met me and the Committee and shared their often traumatic experiences so that we could collectively make the Bill the best that it can be. It was for them that I brought the legislation, and it is with them that I wish to finish my remarks.

Amendment No 27 agreed to.

New clause ordered to stand part of the Bill.

Clause 26 (Prohibition of cross-examination in person)

Amendment No 28 made: In page 16, line 3, leave out "provision' means a statutory provision or any other" and insert "corresponding provision' means a corresponding statutory provision or any other corresponding".— [Mrs Long (The Minister of Justice).]

Amendment No 29 made: In page 17, line 5, leave out "(2)" and insert "3(2)".— [Mrs Long (The Minister of Justice).]

Amendment No 30 made: In page 18, line 3, leave out "family".— [Mrs Long (The Minister of Justice).]

Amendment No 31 made: In page 18, line 6, leave out "family".— [Mrs Long (The Minister of Justice).]

Clause 26, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 32 made: After clause 26 insert

"Special measures directions in family proceedings

26A.—(1) In the Family Law (Northern Ireland) Order 1993, after Article 11J (as inserted by this Act) insert —

'Special measures directions in family proceedings

Special measures in family proceedings: victims of abusive behaviour

11K.—(1) Rules of court must make provision enabling the court to make a special measures direction in relation to a person (“P”) where —

(a) P is a party to or witness in family proceedings,

(b) P is, or is at risk of being, subjected to abusive behaviour by a person who is—

(i) a party to the proceedings,

(ii) a relative of a party to the proceedings (other than P), or

(iii) a witness in the proceedings, and

(c) P and that person are personally connected.

(2) Rules under paragraph (1) must provide for the court to consider, on the application of a party or of the court’s own motion, whether a special measures direction (or more than one direction) should be made.

(3) Provision in rules by virtue of paragraph (2) may include provision about what factors the court is to take into account when considering whether a special measures direction should be made, in particular (but not limited to) —

(a) the availability of the special measures in question, and

(b) any views expressed by P.

(4) The following apply for the purposes of this Article as they apply for the purposes of Chapter 1 of Part 1 of the Domestic Abuse and Family Proceedings Act (Northern Ireland) 2020 (to give meanings to certain expressions) —

(a) section 2 (as read with section 3(2)) of that Act,

(b) sections 4 and 5 of that Act.

(5) In this Article —

‘family proceedings’ means —

(a) proceedings which are family proceedings for the purposes of Article 12 (family proceedings rules),

(b) proceedings in a court of summary jurisdiction when exercising its jurisdiction under one or more of the following —

(i) the Domestic Proceedings (Northern Ireland) Order 1980,

(ii) Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989,

(iii) the Children (Northern Ireland) Order 1995,

(iv) the Family Homes and Domestic Violence (Northern Ireland) Order 1998,

(v) Schedule 16 to the Civil Partnership Act 2004,

‘relative’ has the meaning given by Article 2(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998,

‘rules of court’ includes —

(a) rules of court under Article 12, and

(b) magistrates’ courts rules,

as well as rules of court as defined in section 21(4) of the Interpretation Act (Northern Ireland) 1954,

‘special measures’ means such measures specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings,

‘special measures direction’ means a direction by the court granting special measures.

Power to alter definition of family proceedings

11L.—(1) The Department of Justice may by regulations amend Article 11K so as to alter the definition of ‘family proceedings’ in paragraph (5) of that Article.

(2) Regulations that contain (with or without other provisions) provision under paragraph (1) may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.’.— [Mrs Long (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 33 made: After clause 26 insert

“Prohibition of cross-examination in person in civil proceedings generally

26B. In the Civil Evidence (Northern Ireland) Order 1997, after Article 7 insert —

Of ‘Prohibition of cross-examination in person in civil proceedings

Prohibition of cross-examination in person: introductory

7A.—(1) For the purposes of Articles 7B to 7F—

‘civil proceedings’ means proceedings (other than proceedings which are family proceedings for the purposes of Article 12 of the Family Law (Northern Ireland) Order 1993), in —

(a) the High Court, or

(b) a county court,

exercising its civil jurisdiction,

‘witness’, in relation to any proceedings, includes a party to the proceedings.

(2) The Department of Justice may by regulations amend this Article so as to alter the definition of ‘civil proceedings’ in paragraph (1).

Direction for prohibition of cross-examination in person

7B.—(1) In civil proceedings, the court may give a direction prohibiting a party to the proceedings from cross-examining (or continuing to cross-examine) a witness in person if it appears to the court that —

(a) the quality condition or the significant distress condition is met, and

(b) it would not be contrary to the interests of justice to give the direction.

(2) The ‘quality condition’ is met if the quality of evidence given by the witness on cross-examination —

(a) is likely to be diminished if the cross-examination (or continued cross-examination) is conducted by the party in person, and

(b) would be likely to be improved if a direction were given under this Article.

(3) The 'significant distress condition' is met if —

(a) the cross-examination (or continued cross-examination) of the witness by the party in person would be likely to cause significant distress to the witness or the party, and

(b) that distress is likely to be more significant than would be the case if the witness were cross-examined other than by the party in person.

(4) A direction under this Article may be made by the court —

(a) on an application made by a party to the proceedings, or

(b) of the court's own motion.

(5) In determining whether the quality condition or the significant distress condition is met in the case of a witness or party, the court must have regard to (among other things) —

(a) any views expressed by the witness as to whether or not the witness is content to be cross-examined by the party in person,

(b) any views expressed by the party as to whether or not the party is content to cross-examine the witness in person,

(c) the nature of the questions likely to be asked, having regard to the issues in the proceedings,

(d) any conviction or caution (of any kind) of which the court is aware for an offence committed by the party in relation to the witness,

(e) any conviction or caution (of any kind) of which the court is aware for an offence committed by the witness in relation to the party,

(f) any behaviour by the party in relation to the witness in respect of which the court is aware that a finding of fact has been made in the proceedings or any other proceedings,

(g) any behaviour by the witness in relation to the party in respect of which the court is aware that a finding of fact has been made in the proceedings or any other proceedings,

(h) any behaviour by the party at any stage of the proceedings, both generally and in relation to the witness,

(i) any behaviour by the witness at any stage of the proceedings, both generally and in relation to the party,

(j) any relationship (of whatever nature) between the witness and the party.

(6) Any reference in this Article to the quality of a witness's evidence is to its quality in terms of completeness, coherence and accuracy.

(7) For this purpose, 'coherence' refers to a witness's ability in giving evidence to give answers which—

(a) address the questions put to the witness, and

(b) can be understood, both individually and collectively.

Directions under Article 7B: supplementary

7C.—(1) A direction under Article 7B has binding effect from the time it is made until the witness in relation to whom it applies is discharged.

(2) But the court may revoke a direction under Article 7B before the witness is discharged, if it appears to the court to be in the interests of justice to do so, either —

(a) on an application made by a party to the proceedings, or

(b) of the court's own motion.

(3) The court may revoke a direction under Article 7B on an application made by a party to the proceedings only if there has been a material change of circumstances since—

(a) the direction was given, or

(b) if a previous application has been made by a party to the proceedings, the application (or the last application) was determined.

(4) The court must state its reasons for —

(a) giving a direction under Article 7B,

(b) refusing an application for a direction under Article 7B,

(c) revoking a direction under Article 7B,

(d) refusing an application for the revocation of a direction under Article 7B.

Alternatives to cross-examination in person

7D.—(1) This Article applies where a party to civil proceedings is prevented from cross-examining a witness in person by virtue of Article 7B.

(2) The court must consider whether (ignoring this Article) there is a satisfactory alternative means —

(a) for the witness to be cross-examined in the proceedings, or

(b) of obtaining evidence that the witness might have given under cross-examination in the proceedings.

(3) If the court decides that there is not, the court must —

(a) invite the party to the proceedings to arrange for a qualified legal representative to act for the party for the purpose of cross-examining the witness, and

(b) require the party to the proceedings to notify the court, by the end of a period specified by the court, of whether a qualified legal representative is to act for the party for that purpose.

(4) Paragraph (5) applies if, by the end of the period specified under paragraph (3)(b), either —

(a) the party has notified the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness, or

(b) no notification has been received by the court and it appears to the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness.

(5) The court must consider whether it is necessary in the interests of justice for the witness to be cross-examined by a qualified legal representative appointed by the court to represent the interests of the party.

(6) If the court decides that it is, the court must appoint a qualified legal representative (chosen by the court) to cross-examine the witness in the interests of the party.

(7) A qualified legal representative appointed by the court under paragraph (6) is not responsible to the party except in so far as acting in the interests of the party by virtue of this Article.

(8) For the purposes of this Article —

(a) a reference to cross-examination includes a reference to continuing to conduct cross-examination,

(b) 'qualified legal representative' means a legal representative who has a right of audience in relation to the proceedings before the court.

Costs of legal representatives appointed under Article 7D(6)

7E.—(1) The Department of Justice must pay such sums as the Department may determine in respect of —

(a) fees or costs properly incurred by a qualified legal representative appointed under Article 7D(6), and

(b) expenses properly incurred in providing such a person with evidence or other material in connection with the appointment.

(2) Regulations made by the Department of Justice may provide for sums payable under paragraph (1) —

(a) to be such amounts as are specified in the regulations,

(b) to be calculated in accordance with—

(i) a rate or scale specified in the regulations, or

(ii) other provision made by or under the regulations.

Guidance for legal representatives appointed under Article 7D(6)

7F.—(1) The Department of Justice may issue guidance in connection with the role which a qualified legal representative appointed under Article 7D(6) in connection with any civil proceedings is to play in the proceedings, including (among other things) guidance about the effect of Article 7D(7).

(2) A qualified legal representative appointed under Article 7D(6) must have regard to any guidance issued under this Article.

(3) The Department of Justice may from time to time revise any guidance issued under this Article.

(4) The Department of Justice must publish —

(a) any guidance issued under this Article, and

(b) any revisions of guidance issued under this Article.

Regulations under Articles 7A to 7E

7G.—(1) Any power of the Department of Justice to make regulations under Articles 7A to 7E includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.

(2) Regulations that contain (with or without other provisions) provision under Article 7A(2) may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

(3) Regulations that contain provision under Articles 7B to 7E are subject to negative resolution (except where they are required by paragraph (2) to be laid in draft before and approved by a resolution of the Assembly).'.— [Mrs Long (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 34 made: After clause 26 insert

“Special measures directions in civil proceedings generally

26C. In the Civil Evidence (Northern Ireland) Order 1997, after Article 7G (as inserted by this Act) insert —

‘Special measures directions in civil proceedings

Special measures in civil proceedings: victims of specified offences

7H.—(1) Rules of court must make provision enabling the court to make a special measures direction in relation to a person (“P”) where —

(a) P is a party to or witness in civil proceedings, and

(b) P is the victim, or alleged victim, of a specified offence.

(2) Rules under paragraph (1) must provide for the court to consider, on the application of a party or of the court's own motion —

(a) whether —

(i) the quality of P's evidence, or

(ii) where P is a party to the proceedings, P's participation in the proceedings,

is likely to be diminished for reasons arising because P is the victim or alleged victim, and

(b) if so, whether a special measures direction (or more than one direction) should be made.

(3) Provision in rules by virtue of paragraph (2)(b) may include provision about what factors the court is to take into account when considering whether a special measures direction should be made, in particular (but not limited to) —

(a) the availability of the special measures in question, and

(b) any views expressed by P.

(4) For the purposes of this Article —

(a) P is the victim of a specified offence if another person has been convicted of, or given a caution for, the offence,

(b) P is the alleged victim of a specified offence if another person has been charged with the offence.

(5) In this Article —

“caution” means —

(a) in the case of Northern Ireland —

(i) a conditional caution given under section 71 of the Justice Act (Northern Ireland) 2011, or

(ii) any other caution given to a person in Northern Ireland in respect of an offence which, at the time the caution is given, the person has admitted,

(b) in the case of England and Wales —

(i) a conditional caution given under section 22 of the Criminal Justice Act 2003,

(ii) a youth conditional caution given under section 66A of the Crime and Disorder Act 1998, or

(iii) any other caution given to a person in England and Wales in respect of an offence which, at the time the caution is given, the person has admitted,

(c) in the case of Scotland, anything corresponding to a caution falling within sub-paragraph (b) (however described) which is given to a person in respect of an offence under the law of Scotland,

“civil proceedings” means proceedings (other than proceedings which are family proceedings for the purposes of Article 12 of the Family Law (Northern Ireland) Order 1993) in —

(a) the High Court, or

(b) a county court,

exercising its civil jurisdiction,

“conviction” means —

(a) wherever occurring in Northern Ireland, Scotland, or England and Wales—

(i) a conviction before a court, or

(ii) a finding in any criminal proceedings (including a finding linked with a finding of insanity) that the person concerned has committed an offence or done the act or made the omission charged,

(b) wherever occurring within or outside the United Kingdom, a conviction in service disciplinary proceedings,

“rules of court” includes county court rules as well as rules of court as defined in section 21(4) of the Interpretation Act (Northern Ireland) 1954,

“service disciplinary proceedings” means —

(a) any proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006 (except proceedings before a civilian court within the meaning of that Act),

(b) any proceedings under the Army Act 1955, the Air Force Act 1955, or the Naval Discipline Act 1957 (whether before a court-martial or before any other court or person authorised under any of those Acts to award a punishment in respect of an offence),

(c) any proceedings before a Standing Civilian Court established under the Armed Forces Act 1976,

“special measures” means such measures specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings,

“special measures direction” means a direction by the court granting special measures,

“specified offence” means an offence which is specified, or of a description specified, in regulations made by the Department of Justice.

(6) The following provisions (which deem a conviction of a person discharged not to be a conviction) do not apply for the purposes of this Article to a conviction of a person

for an offence in respect of which an order has been made discharging the person absolutely or conditionally —

(a) Article 6 of the Criminal Justice (Northern Ireland) Order 1996 or any corresponding provision,

(b) section 187 of the Armed Forces Act 2006 or any corresponding provision.

(7) For the purposes of this Article —

“offence” includes an offence under a law that is no longer in force,

“corresponding provision” means a corresponding statutory provision or any other corresponding legislative provision (and includes an earlier provision or a provision applying in any part of the United Kingdom).

Power to alter definition of civil proceedings

7I.—(1) The Department of Justice may by regulations amend Article 7H so as to alter the definition of “civil proceedings” in paragraph (5) of that Article.

(2) Regulations that contain (with or without other provisions) provision under paragraph (1) may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

(3) Regulations that contain provision under Article 7H(5) are subject to negative resolution (except where they are required by paragraph (2) to be laid in draft and approved by a resolution of the Assembly).’.— [Mrs Long (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 27 ordered to stand part of the Bill.

Clause 28 ordered to stand part of the Bill.

Long title agreed to.

Mr Speaker: Members, that concludes the Consideration Stage of the Domestic Abuse and Family Proceedings Bill. The Bill stands referred to the Speaker.

I wish to add a couple of remarks of high commendation to everyone who has participated in the debate so far to take the Bill to where it is at the moment. Today alone we have had 10 and a half hours of debate. The debate has shown, in some cases, some significant differences in how Members want to proceed with elements of the Bill, but, even given those differences, there has been clear unanimity and agreement on the need to do something radical to tackle the ongoing scourge of domestic abuse. I thank all who contributed, even those one or two who perhaps took the scenic route to get to their final destination in the debate. As I said, it is a job well done. I will not do anything other than echo the comments of all the Members this evening.

On that note, you will be glad to hear that the next item in the Order Paper is the Adjournment. In the light of the late hour, Ms Paula Bradshaw has agreed not to speak to her Adjournment topic of post-primary education in South Belfast. I think that the Members would have supported you for a while [Laughter.] The Whips have agreed that the topic can be rescheduled to a future date. The Minister of Education is also content to postpone his response. I think that he is tucked up in bed at this stage [Laughter.]

Adjourned at 2.09 am.

Northern Ireland Assembly

Monday 23 November 2020

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

New Assembly Member: Ms Nicola Brogan

Mr Speaker: I have been informed by the Chief Electoral Officer that Ms Nicola Brogan has been returned as a Member of the Assembly for the West Tyrone constituency to fill the vacancy resulting from the resignation of Ms Catherine Kelly. This morning, Ms Brogan signed the Roll of Membership in the presence of myself and the Clerk to the Assembly and entered her designation. Ms Brogan has now taken her seat, and I welcome her to the Assembly and wish her every success.

Speaker's Business

Mr Speaker: Before we proceed, I welcome the fact that we start our business today with two statements from Ministers on decisions taken by the Executive in relation to the current situation. We are obviously aware that these matters inevitably have an impact on the wider community, and all Members will have heard views from a range of perspectives over the weekend. I think that, right across the House, we all recognise that there are very difficult decisions to be made and that, given the variety of the issues involved, there are no easy choices. Therefore, it is very positive and appropriate that we have Ministers in the Chamber to address the issues and to take questions from Members before we move on to any other matters. Thank you.

Mr Storey: On a point of order, Mr Speaker. Over the weekend, it was confirmed that Sinn Féin had emailed thousands of party members and supporters to tell them that the wake for Bobby Storey would be public. That is at odds with what the deputy First Minister told the Committee for the Executive Office on 1 July: "We actively discouraged people". Mr Speaker, I ask you to inform the House about what sanctions the House has on Ministers who mislead a Committee of the Assembly and show a total and blatant disregard for the rules and regulations of the House during the crisis.

Mr Speaker: The Member will be aware that it is not for the Speaker to adjudicate on comments that people have made or are alleged to have made elsewhere. Therefore, it is not appropriate. The issue has been discussed and, no doubt, will be discussed again; in fact, I have previously taken a question for urgent oral answer to the deputy First Minister that was debated in the Chamber, so it is not as if the matter has not been discussed. I have no doubt that, because it is being looked at and dealt with in other places, it will return to the Chamber at a future date. The Member has made his point on the record.

Mr Givan: On a point of order, Mr Speaker. The Justice Minister slipped out on Friday a decision in which she said that she did not have sufficient information to consider Gerry Kelly's grossly offensive tweet. Has the Minister advised the Speaker's Office of whether she has any intention of providing a statement to the Assembly to explain the position that she has taken?

Mr Speaker: I have not received any correspondence on the matter from the Minister of Justice, or from anyone else.

Ministerial Statements

Health: COVID-19 Decisions

Mr Speaker: I have received notice from the Minister of Health that he wishes to make a statement. Before I call the Minister, I remind Members that, in the light of social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members do still have to make sure that their name is on the speaking list if they wish to be called, but they can do that by rising in their place, as well as by notifying the Business Office or Speaker's Table directly. I remind Members to be concise in asking their question, as long introductions are not necessary or appropriate.

Mr Swann (The Minister of Health): As the House is aware, the Northern Ireland Executive have decided to introduce tighter restrictions to break the chains of infection of COVID-19. The measures were detailed in a written statement to Members that I issued following last Thursday's Executive meeting. They take effect from first thing this Friday morning for two weeks.

In summary, we will in large part revert to the lockdown situation that applied earlier this year during the first surge of the pandemic. The major difference is that schools will remain open. I will set out the rationale for the new restrictions. In summary, they are essential to preventing a further spike in infections overwhelming our hospitals. The onus is now on all of us to follow strictly the public health advice and to comply with the letter and the spirit of the tightened restrictions. We can each play a part in saving lives and preventing avoidable deaths. That is how serious this is and how high the stakes are.

As a society, we can now look forward to 2021 with some optimism, given the progress made towards mass vaccination. I do not want to have to look a grieving relative in the eye next year and say, "Yes, we could've taken action before Christmas and that would have saved your loved one's life". I do not want to have to say, "I am sorry that we did not intervene. I am sorry that they are not here with us to enjoy these better days".

Today, I make a heartfelt plea for unity around the Chamber. The public are watching and looking to us for united leadership. It is, of course, the duty of the Chamber to hold the Executive to account and to scrutinise policy decisions without fear or favour. That is the Assembly's job. There are strong and legitimate opinions, and feelings have run high. That does not mean, however, that we have to descend into party political point-scoring. This is far too important an issue for that. To say that the past few weeks have not seen devolution at its best is something of an understatement. Frustration and anger are widespread. We could spend hours in the Chamber raking over the ashes of the decisions that were made and not made. I have made my views known both inside and outside the Executive. Nevertheless, I fail to see where another bout of division and recrimination would get us now. What good would it do? Whose cause would it serve? We could also spend hours pointing fingers about years of underfunding of Health and Social Care (HSC) and years of underinvesting in staff, but, again, what would that achieve today?

I trust that everyone in the House is united in wanting the new restrictions to work. We have to give our hospitals and our heroic staff some vital breathing space. If we successfully drive down infection rates, we have the opportunity of having a better Christmas. It will not be a normal festive season by any means, but we all have the power to help change the atmosphere. We can do that by abiding by the new restrictions and strictly following public health advice. I urge all Members to promote public health messaging at every opportunity. Please do not undermine it. Please choose your words carefully, both inside and outside the House, today and in the coming days and weeks.

Let us remember that many countries, including near neighbours and, indeed, large swathes of Europe, are currently in lockdown. Those include countries with health services different from ours. We should not kid ourselves that we are so special or so unique that we can avoid taking similarly tough decisions. We cannot simply wish this virus away.

The paper that I presented to the Executive last week made the case for strengthening restrictions in light of the path that the pandemic is taking. With schools open and existing restrictions in place, the R rate had settled at around 1 by last week. That meant that we had reached approximate equilibrium with regard to community transmission of the virus. There has been a sustained reduction in the number of cases per day since the onset of restrictions, but numbers of cases, admissions, hospital inpatients, ICU occupancy and deaths remain at a relatively high level. In particular, hospital inpatients are at a higher level than was reached in wave 1 and have been declining only very slowly. As a consequence, the hospital system and staff remain under serious pressure.

By last week, we were on the verge of permitting a significant relaxation of COVID-19 restrictions. It was highly likely that that would have resulted in the R rate rising significantly above 1, with a subsequent increase in cases, admissions, inpatients and ICU occupancy in December. That increase in transmission would have occurred from a relatively high baseline, meaning that an already serious situation would have rapidly become much worse. Without decisive intervention, the hospital system would have been at risk of being overwhelmed in mid- to late December. To care for the increasing number of critically ill COVID-19 patients, we would have been forced to halt some, or even all, planned activity for other conditions, some of which are urgent in nature. We would be facing the prospect of a significant increase in both COVID-19 and non-COVID-19 deaths. In such circumstances, it is also likely that even a full lockdown, beginning around 14 December, would have been insufficient to prevent the current levels of hospital pressure being significantly exceeded. That is the bleak picture that the Executive were faced with last week, and that is the context for the lengthy and difficult discussions that we had.

I know that Members will ask whether other measures could have been deployed. The reality is that, given our current position and the rates of transmission, there are no feasible alternatives. As I have stated, other countries with different health services from ours have arrived at the same conclusion during the second surge in Europe. There has been considerable interest in the potential

of rapid mass testing to reduce the transmission of the virus. However, it is important to recognise that that is largely based on theoretical considerations and that there has been, as yet, no clear demonstration anywhere in the world that mass testing can significantly reduce transmission in a short period against the background of a high level of community transmission. Modelling suggests that repeated mass testing of most of the population would be required to maintain control of transmission by that means. That would mean a very high degree of population buy-in and would present huge logistical challenges. Slovakia and Liverpool required military logistical support to deliver their programmes and at least a two-week run-in period before the testing was implemented. It remains unclear whether the required number of tests would be available to us in Northern Ireland. However, I have written and spoken to the Secretary of State for Health, Matt Hancock, to request four million rapid lateral flow device tests for Northern Ireland.

I want to see us playing a pivotal role in the UK pilot on mass testing. My ambition is evident. At the same time, it needs to be remembered that we are still at the stage of pilot programmes. They will help us to assess the effectiveness and accuracy of rapid testing technologies. Reliance on mass testing alone would represent a high-risk approach in the run-up to Christmas. It may not be viable for logistical or test-supply reasons. However, there may be scope to target more limited mass testing to high-risk areas. That would be of help, but, again, it would not avoid the need for Northern Ireland-wide restrictions at this time. Mass testing is an exciting development, and, together with a vaccine, it offers great hope for a way out of our nightmare. However, it is not a panacea; certainly not at this time, and certainly not without restrictions in place before Christmas.

Enhancing hospital capacity is also cited in some quarters as the answer. In theory, measures to increase hospital capacity would allow an increased epidemic level to be managed without a further lockdown. However, that would inevitably be associated with increased deaths and might be limited by the need of staff to self-isolate, as a consequence of healthcare-related outbreaks in hospitals, or clusters and outbreaks in the community. It is also the case that the associated levels of community transmission would inevitably result in a further significant increase in outbreaks in care homes, among extremely vulnerable older people, as was experienced in the first wave, which would result in excess deaths in that population.

12.15 pm

For practical purposes, it is simply not possible to increase hospital capacity in the short to medium term. The key factor here is the supply of staff and, given the specialist skill set required, there is a long lead-in time for this. While some marginal gains in capacity can be made in specific areas such as ICU, they come at the cost of reduced capacity elsewhere in the system and involve the redeployment of existing staff. In addition, when doubling times of cases are in the region of seven to 10 days, even a doubling of hospital capacity, were it achievable, would buy only a limited period of relief before intervention was required.

It is, of course, important to give people hope as we face into this most difficult of winters. There are real

grounds for optimism, given the progress on vaccines, the development of rapid mass testing and improvements in treatments.

I need to be candid with the public. I will not offer false hope or pretend that there are shortcuts available to get us through these next few months. We all have to hunker down and play our part in abiding by restrictions, staying at home, working at home when possible, cutting our contacts, keeping our distance, wearing a face covering and washing our hands. We can do that. We must do that.

The restrictions that start on Friday will make a difference. We all have to play our part in making them work, by our words and deeds, and that includes everyone in the Chamber. The Executive must now put the last few weeks behind them. These are extremely difficult decisions. Governments around the world are grappling with the same awful dilemmas, but we need a collective spirit and a unified purpose, not just in the Chamber but across society.

Everyone across Northern Ireland must do their bit. We can help change the course of this pandemic. We can help save lives. Hope is on the horizon, and a happier new year stands before us. Let us do all we can to make sure that as many of us as possible get to enjoy much better times in 2021.

Mr Gildernew (The Chairperson of the Committee for Health): Go raibh maith agat, a Cheann Comhairle agus gabhaim buíochas leis an Aire. I thank the Minister for his statement, and for discussing it with me and the Deputy Chair of the Committee this morning. I also thank him for acknowledging the efforts that staff are making at present in dealing with the pandemic. When did the Minister first bring these restrictions, closing non-essential retail and hospitality, to the Executive?

Mr Swann: A paper was presented to the Executive for the meeting on Thursday. It was circulated two days or a day before, as is normal practice —. Sorry; I apologise to the Chair. It was circulated to members of the Executive the night before, when the paper was finalised. The Executive met the following morning.

I am led to believe that the BBC had the paper before the Executive had the opportunity to discuss it. I want to make this point. One of the challenges to decision-making in the five-party Executive is enhanced and amplified by the running commentary that comes from the Executive to multiple strains of the media. We should be making those challenging, difficult decisions within a space closed for discussion. However, papers are transcribed and transmitted, often through social media, before our conversation has finished. Whoever it is and whatever avenue is providing that information out of the Executive, it is not helping the cause that we are trying to achieve in coming to a united purpose.

Mrs Cameron: I thank the Minister for the statement to the House this morning. We certainly do not underestimate the job of work that the Executive have to do in making these very difficult decisions.

For practical purposes, it is simply not possible to increase hospital capacity in the short to medium term. The key factor in that is the supply of staff, as we know. Given the special skill set required, there is a very long lead-in time for that. What is the lead-in time for the training of

staff? Was the eight months, between the first wave and now, not long enough to increase staff numbers? Has the workforce appeal not achieved the supply of additional key staff members who will be required to help during this next wave?

Mr Swann: I thank the Member for her point. When we talk about the wave, the timeline often gets confused. It is nine months since the first. The first case of COVID in Northern Ireland was in February, so it is nine months since that case. We have been through a wave; we have been through the first pandemic, which lasted for months. We saw a return to a glimmer of normality only in July or August, when our staff were already overwhelmed, over-exhausted and at a point where they needed a break. To train an ICU nurse, an anaesthetist, a doctor or anyone in the short space of a few months is not practical or possible. I am sure that many of the colleges that register professionals will make that same point.

The workforce appeal was launched again in the approach to the second phase of the pandemic. The appeal has been a more targeted approach to the skill sets that we need. As of last week, we had received 3,157 applications, and 516 of those are tentative job-ready offered or actually appointed. Over 600 applications have been rejected as they do not meet the skill set or are not applicable for the position. There is a balance in the workforce appeal working. It is not possible to get an increase in the highly professional skills that we need — that is the ICU nurse, the anaesthetist and the respiratory ward professionals — in that time. We see that across all jurisdictions. In parts of England and Wales, the Nightingale facilities cannot be opened because they do not have the skilled workforce. They have the premises, but they do not have the staff.

As I said earlier — I have said it many times — when this place came back on 11 January, one of the collective achievements was the agreement to invest in our health workforce. The Executive put in an additional 300 nursing training places per year, over the next three years. However, it takes a number of years for them to come through that basic training, never mind getting the enhanced skill set that is needed to operate in our ICUs, with anaesthetists and the additional workforce there. Our workforce really is stepping up at this time, and it is incumbent on us to give it as much support as we possibly can.

Mr McGrath: I welcome the cohesive tone of today's statement. I hope that all Executive Ministers can pick up on that tone and use it. Last week was an embarrassment to us all and was not of our making as MLAs. To have faith in the message, we must have faith in the messengers.

What avenue is the Department taking to explore how to better detail the public message? Families are really concerned about Christmas. They want to know exactly what they can and cannot do, and they need to know that soon. Does the Minister have a sense of how that message will be detailed to the public?

Mr Swann: I thank the Member. One of the messages comes from Christmas, and it is not simply about family gatherings; it is about hope, faith and belief. That is the message that we need to portray for this Christmas. How do we do that collectively?

I was involved in a meeting on Saturday with the Chancellor of the Duchy of Lancaster, our First Minister

and deputy First Minister, the First Minister of Scotland, the First Minister of Wales and a number of Chief Medical Officers on how we get what we do at Christmas the same across these islands. I am glad that there has been an ongoing conversation between Her Majesty's Government in London and the Irish Government to make sure that we come to a collective message across these islands to ensure that families get as much continuity of messaging as possible, especially at that time. For Christmas, we should take not only a message of hope and encouragement but a message of faith and trust. We need to instil that message, and our Executive and our Assembly need to put that message out with a unified voice for our people. Although times are tough and will be tough over the next couple of weeks, with everything that is coming, a new dawn is coming, and it will come sooner if we can all work together.

Mr Chambers: I came across something on social media that caught my eye. It came from a doctor in the United States of America:

"We are the healthcare workers, are not your frontliners any longer. We are your LAST LINE OF DEFENCE.

YOU, my fellow people, are the frontliners now.

The war has shifted ... to the community and it is up to you. This cannot be won in the confines of the hospital."

Does the Minister agree that those are wise words that we all need to pay heed to and reflect in all our actions and, indeed, our words, especially those of us who serve in the House?

Mr Swann: I thank the Member for his comment. I do not spend much time on social media at present, but that is an accurate message. We fight the virus now in our streets, in our shops and in our homes, where transmissions have taken place. As Health Minister, the ask that I make on behalf of our health service is the same as the ask that that doctor makes. If we encourage the people of Northern Ireland to come together and work together to break the chains of infection by following the messages that we have consistently put out of social distancing, good hand hygiene, good respiratory hygiene, wearing a face covering and reducing the number of contacts as much as possible, we can break the chains of infection that lead to hospital and ICU admissions. The message that that healthcare worker put out may have come from America, but I am sure that it will be echoed and replicated by any healthcare worker in any facility that is combating COVID-19.

Ms Bradshaw: From today, weekly testing of domiciliary care workers will begin in England. Is the Minister minded to replicate that in Northern Ireland?

Mr Swann: As capacity increases with the mass-testing programme, we are considering that.

Mr Buckley: Please be assured that this question is not political but is, indeed, personal, as it is, I am sure, for many Members. The Minister's statement says:

"I do not want to have to look a grieving relative in the eye next year and say, 'Yes, we could've taken action

before Christmas that would have saved your loved one's life'."

Sadly, I found myself doing that this week not in relation to COVID but in relation to cancer. A GP from north Antrim wrote to me on Saturday saying:

"In our bid to manage COVID, we have unleashed a tsunami of other medical problems into what is already a crippled service. It is now broken, and I don't see how that can change as we tell our patients with potential cancer, 'I am sorry, it will be six months before you can see a consultant for diagnosis and treatment'. It gets to be a harder job every day."

What grieves me most is what has been missed during the lockdown period. The register for general quarterly statistics shows that cancer deaths to date are 3,490. Minister, can you update the House on the establishment of a regional cancer reset cell to oversee the resumption of cancer services to give patients some certainty in the days ahead?

Mr Swann: I thank the Member for his question, and I know that it is in no way political. I received the same email. I am sure that the Member is well aware that I receive many emails from our healthcare professionals, from families and from individuals who find themselves in exactly the same situation.

12.30 pm

While we are expanding and expending our health service resource on combating COVID, the challenges come in meeting the needs of non-COVID patients. That is why we published our surge plans and rebuilding plans and why we announced the cancer reset cell, which the Member rightly referred to, and discussed how that could approach how we deliver cancer services on a regional rather than simply a by-trust basis.

The work of that cell is ongoing on how we can bring together the operations, diagnostics and care pathways that were operating across trusts almost as silos. Although that is not the correct term, they were operating on a trust basis rather than across the whole of Northern Ireland. I will certainly be able to provide, which I look forward to, an update on the specifics of the outworkings of that cancer reset cell once I receive them. I do not have them with me today, but I will get them for the Member and will update the rest of the House on how that work is progressing.

It is crucial that we allow our healthcare staff to look after the patients of Northern Ireland and provide the care that they need. We can do that by ensuring that the staff do not have to look after more COVID patients and by following and abiding by the regulations that are coming forward from this Friday so that we can break those rates of transmission and many of our healthcare professionals can get back to work on their specialities and the areas of expertise that they trained for and we can provide the best healthcare system that we can.

The Member referred to the email that he received that talked about a crippled service. I do not disagree with it. Our health service has been under stress and strain for many years, but we have a number of things in place that will see it rebuild and rebuild better and not go back to the way it was. It would be a detriment if we allowed our health service simply to go back to where it was. That

is why I welcomed, when we came back in January, the Executive's commitment that our health service would be a priority, as would not only the people who need it but the people who work in it.

Ms Flynn: Go raibh maith agat to the Minister for today's statement. My question is similar to another Member's. The statement mentions the request that has been put in for four million rapid-testing devices. Will the Minister detail a bit more how the Department plans to roll those out? Are you thinking more about population-wide testing or about trying to target more high-risk groups like the care homes and meat plants etc?

Mr Swann: I thank the Member for her question. The four million testing devices would allow us to do the entirety of the population. That would be a massive logistical challenge. This morning, I attended Queens University Belfast, which is running one of our first mass-testing initiatives. It has already been set up in the Whitla Hall. Its intention is to be able to do 6,000 tests per day by the end of the week, which is highly ambitious. That will allow us to work out what that will actually look like and how mass testing will deliver what we want it to. We have been involved at a departmental level in what has been happening in Liverpool and in the outworkings of that, where the wider mass testing of the population maybe is not just bringing forward the results that many would hope for.

In regard to the Member's question of whether we will be or are looking at more targeted interventions in mass testing, I will say that we are trying that initiative in one of our trusts and in care homes. We are putting those testing devices, while they are still limited in number and still new, to the best use and best purpose in order to identify those who are asymptomatic and those who are testing for COVID so that we can get the best support in place.

What I saw in Queen's this morning on that collaborative piece on mass testing was impressive in how it interacted with our test, trace and protect system so that a test positive case there, which can come forward in a matter of hours, was already being contacted by the test, trace and protect system to make sure that it is fully locked in to the entirety of our support programme.

Mr T Buchanan: On the basis of the modelling that the health service uses, the restrictions in place over the past four weeks have not worked. The R factor has increased; not dropped to the level that was expected. What plans has the Minister in place should the R factor still sit at 0.8 or 0.9 at the end of the two-week lockdown that is being brought in? What plans does he have in place to ensure that there will be no further extension of the lockdown and that our businesses, and especially our churches, will be allowed to open? The closure of our churches is a retrograde step.

Mr Swann: The Member makes the point about our four-week intervention not having completely the desired effect that we thought it would have. We saw a decrease in the first two or two and a half weeks, when schools were closed, but, unfortunately, when schools reopened, we saw that rate start to go back up. The Executive policy, as stated in a meeting in May, was to keep the R rate at or below 1, which means a continual decrease in the number of positive cases in Northern Ireland. The deciding factor for the Executive on Thursday was the number of hospital

admissions. The severity and depth of the two-week intervention that we are bringing in on 27 November, which will take us through to December, should get us to a point at which the rates of transmission are being driven down and allowing our hospitals breathing space to enable them to discharge a number of the COVID patients who are already there.

As my statement referred to, the next steps are the forthcoming initiatives. The initiatives relating to mass testing are at an advanced stage. This morning, there was an announcement of another vaccine. That will be three vaccines approaching a level of effectiveness of between 70% and 90%. It is about such stages as those and asking the public to re-engage with us when these restrictions end on 11 December. They are time-limited to that date because of their severity. I thank my Executive colleagues for supporting the asks that were made, because they are dramatic and will have an effect on the public of Northern Ireland and our businesses.

Mr Speaker, you referred to an Executive announcement on support packages that will follow this statement. I look forward to that. I left the Executive meeting to come here. I hope that the support packages are as beneficial to the people and businesses of Northern Ireland as the BBC seems already to know they are.

Mr Sheehan: Gabhaim buíochas leis an Aire as an ráiteas seo ar maidin. I thank the Minister for his statement. The new restrictions are absolutely necessary. It is a pity that they were not implemented a bit sooner, but we are where we are. It is important that those who need financial support during these restrictions, receive it, and receive it quickly. In October, there was an announcement that £27 million would be made available to care homes for the care partnership arrangements. Will the Minister confirm that none of that funding has yet made its way to care homes?

Mr Swann: I thank the Member for his question. I announced a new £27 million funding package for the care home sector. The funding was also to support care homes to continue paying staff at 80% of their salary when on sick leave for COVID-19-related reasons. That measure was first announced in June and then extended to the end of the 2021 financial year. The £27 million funding package is in addition to previously announced support packages, and it includes financial support for testing and visiting, to recognise some of the additional management time that is needed to respond to COVID-19. It is widely accepted that a fine balance had to be achieved on care home visiting. I am conscious of the extreme pressures on homes, but I do not want to see their doors totally closed to visits. I was hopeful that the new funding package would facilitate those visits, to the immense benefit of residents and their families.

The way that the funding package works is that expenditure can be claimed back by homes on a number of grounds, which include support for additional staffing because, for instance, there were more acutely unwell residents or there was a need to support individuals who were self-isolating, and also for block-booking of agency staff and continued enhanced cleaning support for changes to the physical environment, and that was to include the support for safe visiting. Trusts were provided with funds to administer applications to this fund in a regionally coordinated and consistent way. Work will be ongoing with the sector to ensure that there is clear

guidance on what can be claimed and a streamlined and efficient process for administering the applications. It is about those care homes making claims to the trusts for expenditure that they have incurred, rather than an upfront payment.

Mr McNulty: Thank you for your statement, Minister. I am really worried about the mental health implications of the restrictions for churchgoing congregations, publicans, business owners and their families. That said, Minister, what is the impact of the constant sniping from the sidelines by other Ministers and other parties about the decisions made in the House? It is very easy for us all to say that we are going to have a unified, positive message coming from the House. How difficult is that for the business owners who are on their knees and need help? It is easy for us up here; to quote another elected representative, we are all "well-heeled". How important is it that the grants are forthcoming quickly from the Department for the Economy and the Department of Finance to encourage adherence to the guidelines and restrictions?

Mr Swann: I thank the Member for his statement. Look, unity, and unity of message, is important. We are united in having one enemy, and that is COVID-19. I have been consistent in my messaging and my position since I took up the role of Health Minister in this pandemic. Have there been opportunities where I could have scored political points? There have been many. Have I taken them? No, because I do not believe that that is how I, in this position, am best served in supporting the people of Northern Ireland who need healthcare, and in supporting our healthcare workers as well. I will say to the Member to be careful that he does not get drawn into the trap of others and criticise their political messaging and sniping by sending political messages and engaging in political sniping. It is too easy; it is far too easy. The difficult messages are the ones that we have repeated consistently about how we combat this virus: good social distancing, good hand hygiene, good respiratory hygiene, wearing face coverings and reducing the number of contacts that you have in a day and in a week. With regard to the financial support mechanisms for not just businesses but individuals, as the Speaker indicated, the Finance Minister will be making another statement to the House, and I will support him in that.

Mr Beggs: Restrictions are put in place not only to help save lives but to protect non-COVID activity within the NHS. Minister, can you confirm that, as a result of the surge plan, non-COVID elected surgery has continued at a much higher level than previously, and that the public can play their part in ensuring that our Ambulance Service and accident and emergency units do not become overwhelmed so that, irrespective of what someone is suffering from, they can receive treatment from our hospital services?

Mr Swann: I thank the Member. There was a question for urgent oral answer specifically on surge planning last week, when I addressed some of the misconceptions about the detail of work that has already been done by not just my Department but all six of our trusts, including our Ambulance Service. The point that the Member makes is the main one: while our hospital and care system is supporting COVID patients, those are beds, support mechanisms, specialists, specialities and skill sets that

are being taken from elsewhere. To give the Member an indication of where we are with the work that our surge plans have done, I will compare where we were in October, as the last verified numbers, to where we were in April.

Under the three main headings of new outpatient activity, review outpatient activity and inpatient procedures and day-care activity, we conducted in the region of 57,000 procedures in April 2020. In October 2020, when we still had an increased number of COVID patients and increased support for them, the figure had gone up to 98,500. That is nearly 40% higher in those areas of expertise, while we were still looking after a high number of COVID patients, because of the work that was put in place by the Department, by the trusts and by individual care pathways to support their own patients while dealing with an increase in COVID patients.

12.45 pm

Mr Humphrey: The Minister is right: there are difficult decisions that all Ministers have to take on this hugely serious issue.

Apart from worship and prayer, many people attend church for solace and comfort. There is real anger and anxiety at the decision to close churches. Why was the decision taken to close churches despite steps taken by churches across Northern Ireland to purchase PPE and other equipment? What evidence was given for the closure?

Mr Swann: As the Member will be fully aware, there are decisions that I do not take easily or lightly as Minister. In response to his specific question, we saw, through contact tracing, outbreaks and incidents that related specifically to churches. What was very clear in what our Chief Scientific Adviser and the Chief Medical Officer put forward was the data provided to our test, trace and protect system by those who had contracted COVID on where they had been. Those who attend church were more open and up front about where they had been. It was pointed out that there were a number of incidents involving churches.

I have had the conversation with the Chief Medical Officer and the Chief Scientific Adviser, and I am still supportive of reopening places of worship for acts of private worship, provided that social distancing and hard surface hygiene guidance is followed and face coverings are used. It is important at this time that people be given the opportunity to pray in private if that is their wish. The power of prayer is that it does not matter where it is done; it is the act itself and the belief in doing it that matter.

Ms Kimmins: I thank the Minister for his statement. The role of carers in our society was widely recognised and acknowledged pre-COVID and has been further emphasised throughout the pandemic. The restrictions have had an even bigger impact on support networks for carers, both on a statutory level and in their informal settings. That said, we have seen money provided for care homes and domiciliary care, as Members have mentioned. On the basis of that and the increased role that they have played throughout the pandemic, is the Minister considering a one-off grant payment for unpaid and informal carers?

Mr Swann: I thank the Member for her question. The role of our carers has been highlighted many times in the House, not least by Ms Armstrong, who has been an advocate for carers, as have many other Members.

The advice document that was specifically developed for carers and young carers was first published on 10 April. Additional funding of £500,000 was provided to trusts via the Health and Social Care Board (HSCB) to allow for direct payment flexibility to be introduced, and that option is still there. We have not yet put in a bid for additional payments for carers or the support networks that have been asked for, but I am aware that the Minister for Communities has made specific bids for funding with regard to what the Minister of Finance may announce after this statement — I do not want to pre-empt anything — that would provide additional financial support for those in receipt of some benefits.

Ms Armstrong: It will not come as a surprise to the Health Minister when I ask him more about carers. I thank the previous Member for asking that question; I was going to ask it. Minister, I will say this to you clearly: carers across Northern Ireland, whether they receive extra payment or not, are exhausted, and I ask — plead with — you to go back to your trusts and ask them what supports will be made available over Christmas for carers, before we end up putting more pressure and more challenges on the health service due to the breakdown of older carers, most of whom are women. They are at breaking point. That is not an exaggeration. I have had people in tears who cannot cope any more; they are working 24/7 and are exhausted. Can you, please, confirm that something will be done with the trusts to make sure that there is equitable provision across Northern Ireland to support our carers in the run-up to and over Christmas?

Mr Swann: I thank the Member. I know the passion and personal experience that she brings to this. I am fully aware of the challenges that our service users, carers and families face throughout the pandemic, and the Member has raised with me specifically the impact of the closure of day centres. She talks about equality across the region. Day-care centres provide valuable opportunities for people to reach their full potential, but they also provide respite for those with caring responsibilities. In July, the trusts restarted that day-care centre provision in line with the public health guidelines. However, the Member will be aware that there are significant barriers to restoring full-time provision because ensuring the safety of service users, families and carers is also paramount.

I appreciate the frustration felt in the House, by service users, by parents and by carers that day-centre provision is not yet available at the level at which it was accessible pre COVID to bring about that respite. My officials are working closely with the Health and Social Care Board and the trusts to identify ways to increase day-centre provision. In the interim, however, services are continually monitored and assessed so that service uptake is checked and the unfilled spaces are reallocated, where possible, as quickly as possible. Aligned to that process, trusts have been working with families and community colleagues to scope out additional and alternative supports, should that be from direct payments and domiciliary and the respite options. However, as I am sure the Member will appreciate, we can progress to full service in day centres only when it is safe to do so.

Mr Givan: First, let me register an interest with family members who work in the National Health Service, and I pay tribute to those in the health service for the work that they are doing.

We all share the same objective of minimising the number of deaths, but there is a difference of opinion on how best we can do that. On the evening that the Executive announced further restrictions, a friend of mine who is responsible for hundreds of members of staff rang me to say that a vulnerable person in their employment who, they knew, was, because of isolation at home, vulnerable — they were putting in measures to assist — had taken her own life. They put that down to the lockdown measures. We all want to minimise deaths.

In reaching decisions on restricting people's movement and seeking to contain where they can go and what they can do, what analysis are the Executive and the Health Department, which leads the Executive on these policy decisions, doing of the behaviour of the public and how they respond? We all saw the scenes over the weekend of the queues outside multiple retailers across Northern Ireland and the spike in that contact as a result of the decision that was taken.

The decision that was taken on churches is putting people of faith into an impossible position where they are conflicted with their allegiance to an authority higher than civil authority. Is the Minister saying that he will continue to enforce lockdown and allow only solitary prayer as opposed to public acts of worship? My church, for instance, can easily accommodate —

Mr Speaker: Question, please.

Mr Givan: — over 100 people with proper social distancing, and churches take that responsibility seriously. Is he saying that he will continue to recommend that those churches —

Mr Speaker: The Member needs to conclude.

Mr Givan: — have to stay closed?

Mr Swann: On the Member's last point and given the Executive's interaction, through the junior Ministers, with the leaders of the Churches, I think that they all recognise the responsibility that they have and the challenges that they have in following the advice and guidance on how we manage COVID. As the Member will know, they are not easy decisions for me or for the Member's colleagues in the Executive, where the conversations were had. It is not about restricting anyone's freedom to worship or pray, and I am disappointed that the Member would even try to put that allegation to me because it is not in keeping with me.

With regard to the analysis of behaviours, one thing that is increasingly challenging for my Department and the Executive is that there are those who seem intent on undermining our health message by their words or actions. Once you see that happening, it makes it harder for any individual to follow that advice and guidance in good faith. However, I welcome the statements from our Churches and religious leaders on the difficult decisions that have been made by the Executive as we once again try to bring the spread of COVID-19 under control.

Mr Speaker: Before I call the next Member to speak, I remind Members to keep your remarks very brief please and get to your question. We have a number of Members who wish to ask questions.

Mr McCrossan: I thank the Minister for his statement. Just briefly, I ask the Minister and Members of the House to join me in offering our condolences to the family of

Bredge and Owen Ward, the husband and wife who died 12 hours apart last Wednesday as a result of the virus. It is completely devastating and a painful loss for the family and the entire community.

In relation to the restrictions in place, there is huge concern among the teaching profession and parents about schools remaining open. Given the spread of the virus and the need to take every possible step to prevent its spread now, in the month of Christmas, what conversations has the Minister had with the Minister of Education on the early closure of schools to ensure that we can enter the Christmas period as safely as possible and to ensure that teachers have a period of isolation prior to meeting with their loved ones, if possible?

Mr Swann: We have all heard some of the heartbreaking stories about those who have lost their life due to COVID, and there are many other stories that we have not heard or seen that are equally tragic and hurtful to many a family who will have an empty chair or chairs around the table this Christmas. I pass on my condolences to all families who have lost loved ones. I have said before that the hardest reports that I have read and continue to read are the daily reports that give us the number of positive cases and deaths. Behind each of those numbers is an individual with a family.

An assessment has been made and a conversation has been had in the Executive on the importance of education and continuing our young people's education as much as it is practicable and safe to do so. One of the conversations has been around early intervention and bringing forward the school holidays by a week. One of the points that have been made and been listened to is that, when schools are closed, if there is no adequate provision for young people to interact, they could end up being in a worse situation when it comes to the spread of COVID than they would be in their places of education.

During the four weeks that we had, the only difference that we saw between the first two weeks and the second two weeks was the opening of schools, and I think that the Chief Scientific Adviser indicated that, where we saw the R rate increase, it was not solely attributable to what happened in classrooms but was associated with schools. That was part of our messaging. It was not just about the activities in the classroom or in the school building; it was about what happened at the school gate, what happened when transporting pupils to schools and what parents were doing when their children were in school.

There is an ongoing conversation. One of the decisions that the Executive have made is to prioritise young people's education. More non-pharmaceutical interventions have been suggested as means to allow education to continue in a safe and practical manner. My Department engages regularly with the Department of Education to bring forward and discuss those suggestions.

1.00 pm

Mr Butler: I thank the Minister for his answers. Whilst it is, by no means, the only solution, advances in testing will play an important role in restricting the transmission of the virus. Can the Minister provide an update on Northern Ireland's participation in pilots of the new lateral flow tests?

Mr Swann: I thank the Member. I touched on the issue earlier. I attended what is the first initiative in Northern

Ireland, which is being rolled out by Queen's University. It will see its students and staff tested using the new devices. That is part of the programme of travel corridors that will allow students to return home for Christmas. While mass testing may be part of a solution, it is not the solution, nor should it be seen to be. A lot of work is ongoing. We have considered mass testing of the population, but we have to make sure that it is an appropriate use of those lateral flow devices when we receive them and with regard to the number that we receive. However, it is part of the armoury that we are now building up that will make 2021 a safer place.

Mrs D Kelly: I thank the Minister for his statement. I do not envy him his task. In his statement, he said that it is important to give people hope. What hope can the Minister and Executive give to the person who has recently received a devastating cancer diagnosis and been told by their cancer nurse, who had tears in her eyes, that no date could be given for any of their treatment to commence?

Mr Swann: The message that I give is one of apology to that individual and many others across the community who cannot engage with the services that they need because we are supporting patients who are coming forward with COVID and need to be hospitalised due to clinical decisions and interventions. The challenge — it is not one of a message of hope, because that message would bring little comfort — to us all is to drive down the rate of infection and to break the chains of transmission, so that we can successfully reduce the number of COVID inpatients in the hospital system and people like the person whom the Member mentioned can be brought forward to see the specialists they need to see as quickly as possible.

Mr Durkan: I thank the Minister for his statement and commend him on his efforts. Over the past few days, I have been inundated with concerns about the closure of gyms. The Minister will be well aware of the positive, essential role that exercise plays in the preservation and promotion of physical and, even more so, mental health. Can the Minister explain to the House and those anxious people the scientific rationale for the recommendation to close gyms, which have gone above and beyond to ensure that their premises and practices are sanitised and safe?

Mr Swann: Again, I acknowledge the benefits that gyms provide. However — this is similar to a previous answer — through the test, trace and protect system, we saw outbreaks that were associated with gyms. That is why we took that decision and made the recommendation that gyms, too, close for the two-week period. I must stress to Members that it is for a two-week period while we reinforce that key, simple message to stay at home. That is the rationale that was taken. There is little point in a gym being open if the key message is to stay at home. There is still the availability of outdoor exercise that any individual can participate in. When it comes to what we could see through the test, trace and protect system, gyms were indicated as a source of infection. The steps that had been taken are commendable and had broken many a chain of infection, but we were still seeing a number of cases coming through.

Miss Woods: I thank the Minister for coming to the House today. I also thank all those working in the NHS in dealing with the health of our population. As we know, not all heroes wear capes. There was mention of the opportunity

for a better Christmas, yet, over the weekend, we heard from Professor Gabriel Scally, a public health expert at the University of Bristol, who said, on the Prime Minister's proposals, that there was no point in having a merry Christmas only to bury friends and relations in January and February. There seems to be some disconnect. When will details on Christmas be issued to the public? Will the Minister support the establishment of an expert task force to increase transparency and to take the politics out of decision-making on COVID-19?

Mr Swann: I thank the Member for her two questions. The messaging on Christmas is being discussed with the Chancellor of the Duchy of Lancaster, the First Minister and deputy First Minister, the First Minister of Scotland and the First Minister of Wales to ensure that there is a consistent approach. That conversation also involves the Chief Medical Officers to make sure that there is not a higher price to pay for what we do at Christmas. I look forward to that work concluding and a joint message coming forward. The Government of the Republic of Ireland are also included in that to ensure that there is consistency across these islands for all families.

The Member asked about bringing forward an independent task force to take over in order to take the politics out of decision-making. I know that many individuals are stepping forward to volunteer for that. However, I have always found that, when it comes to such positions, those who volunteer may not be the best people for the job, because they come with preconceived ideas that may not be of benefit. When such people were brought into either the health service, the Health and Social Care Board or the trusts, some of their ideas were not practicable or workable.

Mr Allister: Last week, the Executive Office came to the House to make a statement; this week, the Health Minister has been sent. Is that because the Executive Office wants to keep its distance from the unpopular U-turns and the effect on business?

Can the Health Minister reconcile for me the return to lockdown with the fact that, from looking at the dashboard this morning, it is demonstrably clear that the number of COVID-positive tests is now half what it was six weeks ago, yet we are heading back into lockdown?

As for the Churches, did he even consult them? Does he understand — I am sure that he does — the hurt that has been caused? Will he publish the evidence so that they, too, can know why they are having to close, given that they tried so hard to do all that was asked of them?

Mr Swann: I thank the Member for his three questions. In regard to the First Minister and deputy First Minister not wanting to be here in case they were tagged with an unpopular decision, one of the things that have become clear since I took up post is that it is not about trying to be popular; it is about trying to do what, I believe, is right not just for the people of Northern Ireland but for our healthcare workers.

The Member rightly indicates the fall in the number of positive cases. However, I encourage him to look on through the dashboard to the number of COVID-19 inpatients who are in our hospitals, and he will see that, since 9 November, that number has not fallen below 400. While that may sound like simply a number, to put it into perspective, I ask the Member to picture in the back of his mind an eight-bed ward, which, I am sure, he will

be familiar with from visiting many friends and family in hospital, and then picture 50 such wards solely supporting COVID inpatients. That demonstrates the challenges that our health service faces in supporting not just COVID patients but all other patients.

With regard to the decision on churches, as the Member rightly indicated, it is not one that I recommended or brought forward easily. The Executive, the junior Ministers, the Chief Medical Officer and the Chief Scientific Adviser engaged with Church leaders after the decision was made about what is necessary and why it is necessary. As I indicated, the Church leaders have made statements. I would not say that they are fully supportive of the decision taken and the challenges that that brings, but they recognise that it was done in order to break the chains of infection.

Mr Carroll: The Minister's statement indicated that mass testing will not be a magic bullet in the crisis as long as community transmission rises. I suppose that is true, but it is important to have a system of mass testing. Does the Minister therefore agree that, until now, the Executive have utterly failed to implement adequate testing and an adequate track-and-trace system when our R rate decreased? Have any lessons been learned as we peer into a two-week circuit breaker?

Mr Swann: My answer to the Member's main question is no, because we made advances in our testing capability and in the ability of test, trace and protect. As for lessons learned, we have instigated a backward tracing programme in which our test, trace and protect individuals are now asked where they have been for the past seven days. That is an enhancement. We have also made technological advances with test, trace and protect so that those who test positive can interact by a text message or online and additional advice can be provided. Steps were taken during July and August to make sure that those systems were more robust.

With regard to the testing regime, by using pillar 1, pillar 2 and now mass testing through the lateral flow, we have an increased capacity that is meeting our current need.

Mr Speaker: That concludes questions on the statement. Could Members please take their ease for a moment or two?

Finance: 2020-21 November COVID-19 Funding

Mr Murphy (The Minister of Finance): I wish to provide Members with an update on the further allocations of COVID-19 support funding for the financial year 2020-21. I offer an apology for the statement being slightly late going into Members' pigeonholes, but, as Members will know, the Executive met this morning and ran on beyond 12.00 noon.

The COVID crisis has created a highly uncertain financial context. We have not known what course the virus would take or what the health experts would recommend in response to the virus, and we have not known how much money we would receive from the Treasury. That uncertainty has made financial planning difficult. The background to the allocations that I am announcing reflects that financial reality. Just over two weeks ago, Treasury provided a further £400 million to the Executive to support our response to COVID-19. I requested urgent proposals from Executive colleagues to use the funding to support businesses, public services and vulnerable people.

Some Members have asked why that funding was not disbursed immediately. Had we, as an Executive, allocated it immediately, we would not have been able to take into account the new restrictions agreed by the Executive last week. It was my view that it was right to have a plan in place to take us to the new year before making the allocations.

It has been argued that the financial package that I am announcing today should have been made at the same time as the new restrictions were agreed last Thursday. The first indication that I had of the restrictions being proposed was that Thursday morning. The proposed restrictions were discussed by the Executive throughout the day and agreed on Thursday night. It was only at that point that a financial package could be finalised, and my officials and officials in other Departments worked over the weekend to put it in place.

COVID is, first and foremost, a global health crisis. However, it has created a global economic crisis, and extensive support to businesses and workers has been provided to protect people's livelihoods. The extension of the current restrictions means that there is a requirement to extend the current support measures. An additional £55 million is being allocated to extend the localised restrictions support scheme operated by my Department. That will be expanded to include the non-essential retail, leisure and entertainment businesses that are required to close for two weeks. The Department for the Economy's COVID restrictions business support schemes will also be extended.

1.15 pm

I understand the frustrations of businesses at the speed at which payments are being made. It is important to understand that schemes that would usually be designed and implemented over many months are being turned around in days. Many Departments have repurposed themselves to provide grant support. Land and Property Services (LPS), for example, which is in my Department, is a rates collection agency. It has transformed itself into a grant-making agency and taken on new powers to do so. Similarly, the Department for Communities has stepped up

to deliver a scheme for social enterprise and charities. The Department for Infrastructure has done likewise for taxi drivers. Designating a Department, devising a scheme, checking applications and issuing payments takes time, and we have a duty to minimise fraud and error. The grants are taking longer to issue than I had hoped, but officials are working as fast as they can to process payments.

Today, the Executive have agreed to provide a further £213 million of business support. The Executive provided a full year's rates holiday to the sectors worst affected by the pandemic: retail, hospitality, tourism, leisure, childcare and airports. I appreciate that those sectors will continue to suffer stress into the next financial year. I fully understand this, and my Department is considering options for how best to deliver further rates relief. Therefore, today, I am setting aside £150 million for that purpose while the work is completed as a matter of urgency.

A £95 million high street voucher scheme will give people a prepaid card for use on the high street, which has been devastated by COVID. The Department for the Economy is finalising the details of the scheme. Twenty million pounds has been provided for company directors, a group excluded from previous support. Twenty million pounds has been allocated to extend this financial year's 12-month rates holiday to manufacturing businesses. That will bring the sector into line with what has already been offered to hospitality, tourism, leisure and retail. An allocation of £10.6 million has been made to what are known as "wet pubs". That will support approximately 1,000 licensed premises that are experiencing additional financial hardship as a result of the health protection regulations. Five million pounds will top up the tourism and hospitality scheme, reflecting the extraordinary costs for some businesses that have been forced to close. There is £4.1 million for bed and breakfasts, which is aimed at approximately 953 certified accommodation businesses that were excluded from previous support because they paid domestic rates rather than business rates. There is £3 million for the extension of digital selling capability grants to help local businesses to grow their online sales. The allocations are in addition to the £60 million previously provided by the Department for the Economy-led COVID restrictions business support scheme.

The Department for Communities has been allocated £71.5 million, £44.3 million of which will enable a one-off heating payment of £200 to disabled people on higher rate allowances and older people in receipt of pension credit. That recognises the additional cost imposed on those vulnerable groups by the COVID-19 pandemic. It also includes a further £10 million each in support for councils and sport, £2.25 million for social enterprise support, which will allow the oversubscription to the social enterprise fund to be funded, and £5 million in respect of charitable grants, which will ensure that no charities are left unsupported for the remainder of this financial year.

The Department of Education has been allocated £20.6 million for COVID response measures and £5.8 million for COVID Education Restart measures. That includes vital funding to ensure that the families of young people who are entitled to free school meals will receive food grants during school holidays.

From the £10 million set aside for support for airports, the Department for Infrastructure has been allocated £1.2 million to provide further support to the City of Derry

Airport. The Department has also been allocated £26.3 million in relation to lost income across it and its arm's-length bodies.

Today's allocations total £338.1 million. An additional £150 million has been set aside for the consideration of longer-term rate support, and a further £26.6 million is being held in reserve. Previously centrally held allocations, including £6 million for taxis, buses and coaches, £8.8 million for airports and £60 million for Department for the Economy-led schemes, remain pending. I will continue to keep the Assembly informed of funding for further measures as they are agreed.

Mr Speaker: I call Paul Frew. Sorry, I call the Chairperson, Steve Aiken.

Dr Aiken (The Chairperson of the Committee for Finance): I rise as the Chairperson of the Finance Committee —.

Mr Frew: For now *[Laughter.]*

Dr Aiken: You are not going to get it that easy. It is not going to happen.

I thank the Minister for meeting me earlier today and briefing me on the content of his statement before he came to the House. Minister, I thank you for your statement, and we welcome the much-needed funding as a means of supporting businesses. However, those businesses need the payments to be made without unnecessary delays. A number of businesses are still awaiting payments from previous announcements. Therefore, it would be helpful if you could outline what is being done to prioritise the payments for those still waiting and advise whether the applicable Departments have sufficient capacity to ensure that payments are progressed quickly. We note your comments about LPS and how quickly it has managed to repurpose itself. We also ask what commitments you can give to assure those who are eligible for support that payments will not be subject to undue delay.

Further to the announcement of the expected £95 million for the household voucher scheme, whilst it will provide a much-needed boost to local business, it would be helpful if you could outline the rationale for applying the scheme to every household, particularly as many of the households will probably not need it; whether a targeted scheme, offering a higher amount, would have been a more sensible approach to support those most in need; whether any households will be excluded; whether there will be an expiry date for vouchers; and what will happen to money from unspent vouchers. I am looking at the Department for Communities website, and there are 487,000 households in Northern Ireland. If it was approximately £100 each, it would equate to £48 million. Is it to be £200 rather than £100?

Mr Murphy: I thank the Chair for his comments and questions. Of course, the balance has always been between getting payment on the ground as quickly as possible and ensuring that — it is not two or three weeks since we had a debate in the Assembly about payments that had gone awry and the consequence of that. It was a very small proportion of the £10,000 and £25,000 grants, but it draws particular attention and reminds us of the necessity to ensure that public money goes to where it is designed to go to and gets to those most in need. It is a balance of getting payments out quickly. Also, the more

focused or selective, if you like, the payment is, the more data is required to isolate it from other, broader groups to make sure that it gets to the right person. That data is not just the LPS data; other data can be required to verify that people are in certain businesses that are entitled to receive support. More focused restrictions from the Department of Health add complexities to the paying out of the schemes. We do not know what the Department of Health restrictions are until they arrive with us and the Executive agree to them. That said, we want to see the schemes get out as quickly as possible. They have been slower than I would have liked or the Executive or, I am sure, all MLAs would have liked. We will continue to encourage that. Certainly, the support scheme that LPS is rolling out has gathered pace and has started to pay out. LPS was well through those payments last Friday when I got the last figures. Obviously, we have been working on this over the weekend, but I will get up-to-date figures before Question Time tomorrow so I can advise Members where that is.

The voucher scheme is being operated by the Department for the Economy, which will, I am sure, expand on the detail as time goes on. It is not meant to support households; it is meant to stimulate the high street. The primary focus of it is to stimulate spending and growth on the high street and to give certainty to businesses. I am told that it is likely to roll out in the new year, because it takes about six weeks for such a scheme to be put in place. I believe that you are correct that it is about £200 per household, and it is intended to be sent out in the months when the high street is at its leanest — in January and February. It is really a stimulus to high-street spend rather than support to the household.

Mr Frew: Minister, what use is the statement to the House when it is completely devoid of any realism and completely disconnected from the real world? What use is the statement to the single mother of three who runs a hairdressing salon and has not received one penny of support from you?

How much money did the Department for the Economy bid for, and what percentage of that bid has it received?

Mr Murphy: The scheme is designed to pay out to the sorts of people whom you reflect: those who own a hairdressing salon. If they have not already received money, they should be getting it in the very near future from Land and Property Services (LPS). Perhaps the Member can take the matter up with LPS rather than grandstand here in the Chamber. Most other MLAs are taking up individual cases and pressing them for people. The Member is saying that an allocation of almost half a billion pounds, when you add in the intent that I have for rates holidays to continue into the new financial year, is not to be living in the real world, but it is largely all of the money that the Executive have at their disposal to provide support. That is what we are doing. I understand the battles that are going on in your party. Those battles are affecting not only your party but the entire running of the Executive, because of the dysfunctionality that they cause. *[Interruption.]* We are trying to manage as best we can to get all those schemes done —

Mr Speaker: Order.

Mr Murphy: — to get support on the ground where it is needed and to get Executive decisions taken, and not only

taken but supported by Ministers. All of that is a challenge, but we will meet it, regardless of what goes on in your party.

Mr McHugh: Ba mhaith liom mo bhuíochas a ghabháil leis an Aire fosta as a ráiteas. Unlike the Member who spoke previously, I welcome the support measures that you have announced, and many other Members will welcome them. I appreciate the time constraints that you will have been subject to when drawing up the proposals and so on. Apart from the extension of rate relief and the £5 million that will be allocated to tourism and hospitality schemes, should travel agents in particular expect any further funding in the future?

Mr Murphy: It is perhaps not a case of providing further funding but a case of getting some support to them. I know that travel agents have been particularly badly hit. Not only have they lost business but deposits that they were paid have had to be paid back to some customers. I had a meeting just a few short weeks ago along with the First Minister and the deputy First Minister, at which we met representatives of their group. It was agreed that they would provide further information on their specific request for support that they want to see from the Executive. My officials have been engaging with them to collate that information and provide me with some guidance. Once that has been put together, it will be provided to the responsible Department to make sure that we can include travel agents in the support given. I am very keen to give them support if we can.

Mr O'Toole: I thank the Minister for his statement. Many of the measures are welcome. Critical for many of the people who are in extreme distress financially and, in many ways, emotionally as we head into Christmas, such as small business owners and people whom they employ, is getting the money out the door. I appreciate that that is the job of the Economy Department, which has, I am afraid, not been very fast at getting the support out. What assurances has the Minister had from the Economy Department that the support that is particularly aimed at some of those businesses will go out before Christmas so that people can spend it on some kind of Christmas for their family? That is absolutely essential.

People will want to understand more about the allocation of £95 million for high street vouchers. Is there any prioritisation of small independent retail over some of the large multinationals? They have online operations, over to which some of their business has transferred. I ask for clarity on those two things: when money will go out the door and whether the £95 million makes any differentiation between independent and large-scale retail.

Mr Murphy: We, of course, want to get the money out the door as quickly as possible. I have encouraged other Departments' Ministers to make allocations to do that, not just the Department for the Economy's. There is a balance to be struck between trying to verify information to support a funding application and trying to ensure that the money goes out quickly. I encourage people who are applying to try to make sure that the details that they give are correct, that they are what is required and that they check in case there are return requests for details. Quite often, people miss emails that ask them to provide additional information. People need to keep a watch on that to assist in our getting the money out quickly, which we want to see happening as quickly as possible.

Some of the detail of how the voucher scheme is intended to operate will have to be expanded on by the Department for the Economy.

1.30 pm

I appreciate what he says about the online presence favouring much bigger business. That is why there is a £3 million fund in this as well to assist local businesses to get more of an online presence so they can avail of that and that it is not just left to the big multinational companies. However, in terms of the target, and how much more can be spent, that is something that the Department for the Economy will have to respond to.

Mr Muir: I thank the Minister for his statement. I welcome the actions taken to help some who are considered to be excluded, such as company directors and B&Bs. Will the Minister confirm that the £26.2 million held in reserve will be considered for those who are still excluded, such as the newly self-employed? Will the Minister consider allocating additional staff resources to ensure that the grant payments are made on time? We need resources to ensure that those payments are paid out to businesses.

Mr Murphy: The £20 million scheme is in addition to the £10 million for the self-employed scheme, which the Department for the Economy has already announced, so those things should be addressed. We are trying to provide additional resources. In my Department, Land and Property Services has a very specialised role; you cannot just put people into rate collection from other sections of the Department. However, we are trying to give them assistance with communication, answering questions and getting advice out to people. I hope that in other Departments, where speed is of the essence in getting support out on the ground, they provide additional resources to the teams that are working on it.

Mr Speaker: Before I call the next Member, I remind Members that they should not ask multiple questions because they eat up valuable time. Other Members want to ask questions of the Minister. I call Christopher Stalford.

Mr Stalford: This has become a pattern, Mr Speaker. The last time the House was warned about that, I was called.

Mr Speaker: Show leadership. *[Laughter.]*

Mr Stalford: I have seen the annexe with the figure given for the Department for the Economy's allocation of £137.7 million. My colleague from North Antrim Mr Frew asked a question that was not answered. I ask the Minister: what was the total amount requested for the Department for the Economy?

Mr Murphy: The total request was in the region of £390 million, although I stand to be corrected. On top of the figure that you mentioned, there is an additional £60 million, which the Department for the Economy is holding.

Bear in mind that the Department of Finance is also paying out to businesses: there is an additional £55 million, which totals £90 million, which the Department of Finance is paying directly to businesses. It is not just the Department for the Economy that is paying out to businesses. The Department of Finance is paying £90 million, in the business support schemes that we are running, plus the £150 million that we have set aside. We were working closely with the Treasury over the weekend and hope to conclude negotiations very quickly. We hope

to provide a rates holiday into the next financial year. That is also business support. It is not simply one Department that has responsibility for business support. A sizeable proportion of that business support function comes from the Department of Finance as well.

Of course, not all the bids can be met. We need to ensure, so that we can cope with bids, that they can be spent in this financial year. When Departments come forward with options, we have to be certain that they can be spent, as the last thing that we want to do is hand money back at the end of the financial year. That was the balance, and the Executive agreed to it.

Ms Dolan: I thank the Minister for his statement. Some very welcome measures are being announced. How does the Minister intend to use the £150 million set aside for rates relief in the next financial year?

Mr Murphy: As I said in response to a previous question, this is one of the key issues that businesses have been pressing us on. We have had lots of engagement with business over the last weeks and months. Those that availed of the year-long rates holiday for this financial year have said how beneficial it was in ensuring that those bills were not an additional cost at a very challenging time. It offered some certainty in the new financial year and gave some early indication of that certainty. We have been trying to work on that, and I intend to use the £150 million for a further six-month rates holiday for those businesses that availed of the full-year rates holiday in this financial year. We are working with the Treasury on that, and I hope to be able to confirm it soon.

Mr Middleton: I thank the Minister for his statement. I particularly welcome the efficiencies brought forward by the Economy Minister, particularly the £95 million high street voucher scheme. That will be a great boost to our high streets. In saying that, the Minister will be aware that it falls significantly short of what was requested. When the details are confirmed for this scheme, will the Minister consider fully funding the request that was brought forward to ensure that we can recover as we come out of the pandemic?

Mr Murphy: As I said, it is a question of getting the right balance of packages. We are supporting businesses that have been closed down. The Department of Finance actually picks up the lion's share of the support because we are providing the scheme for the premises. The Department for the Economy's part is much smaller. It is the rate support scheme that will go on into the new financial year, the high street stimulus scheme and the voucher scheme that the Member has referred to. Of course, if we had more money, and if we do get more money, we can consider additional allocations to any of these schemes. However, it is a matter of trying to get that balance across a whole range of packages.

Ms Ennis: I very much welcome the Minister's statement today. We now need to see every Department getting its finger out to ensure that payments get out to the people who are still waiting for the support that was promised to them.

Mr Givan: It is Finance. Speak to your Minister.

Mr Speaker: Order.

Ms Ennis: Thank you, Mr Speaker. Minister, B&Bs that pay domestic rates are now part of what has been termed the

excluded group. Why was that group excluded, and what support can they expect in the package that you have put forward today?

Mr Murphy: As you have correctly said, B&Bs that have six bedrooms or fewer are classified as domestic properties and, therefore, were not able to avail themselves of the previous £10,000 and £25,000 support scheme grants. When we spoke to B&B owners, as part of the group that was excluded on a range of issues, they said that they could be identified through community information held by the Tourist Board, their certifying body. We were able to get that data and include B&Bs in the current scheme. So they will be paid during the current restrictions. We also recognise that B&Bs had previously missed out, and £4.6 million has been put into the scheme to assist them with the previously missed payment.

Mr Catney: Thank you for the statement, Minister. It was very detailed. I believe that it will go some way to taking some of the stress and heat from our business community.

Minister, you have allocated £10.6 million to wet pubs, and that is very welcome. I hope and trust that that will be rolled out as quickly as possible. I am sure that the Minister is also aware that there are public houses that have a rateable valuation of £50,000 and above. Is there a specific package to help those businesses?

Mr Murphy: As I say, the scheme for wet pubs is very welcome. I had pressed for a scheme for some time. In my own village, some pubs did not open again. Some pubs were only open for a number of weeks before they were closed again. They have been effectively closed down since March, so that scheme is very welcome. There should be a very clear list of those wet pubs and how to get funding to them. I hope that the scheme can be delivered to them very quickly.

The £10.6 million tourism initiative is aimed at properties and businesses with an NAV over £51,000 that missed out on the £25,000 grants. Of course, how that is allocated will be a matter for the Department for the Economy. However, that is intended to meet the needs of those premises.

Mr Nesbitt: I will be grateful for the Minister's assessment of what more might be done for businesses that are falling through the cracks. I was contacted by a business owner this morning who had missed out on the small business support scheme because they did not have a rates ID. However, they did not have a rates ID because it was a new business, and they did not get an assessment of rates in time. Will the Minister consider some sort of committee that might act as an appeals body to look at specific and exceptional circumstances like that?

Mr Murphy: I know that LPS has been trying to meet the process date to get the payments out very quickly and to deal with businesses that have submitted incorrect information or have a question over them. LPS has been trying to be flexible. On the £10,000 schemes, LPS is trying to be very flexible with businesses that had been in the process of getting valuations and assessments done and to allow space for that to happen. If the Member sends me the details, I will write to the Department and try to ensure that there is a follow-up. I know that they do come back to all those who missed out on the LPS schemes and try to work with them to see if they can be put on a scheme.

Mr Dunne: I thank the Minister for his statement. We all share the pain of those businesses, small or large, that are feeling the impact of COVID at this time. A set of bids was submitted by the Minister for the Economy, and they are detailed in your statement. It is very welcome that £20 million has been allocated to the manufacturing sector, and I understand that the money will be on top of any business relief. Will that funding run through until the new financial year that begins in April 2021?

Mr Murphy: The short answer is yes. It is to make up. That is another grant that comes out of the Department of Finance, as we manage the rates system, even though it is a support for the broad economy, not from the Department for the Economy. Yes, it is intended to allow the same rates holiday that other businesses have to the end of the financial year.

Dr Archibald: Minister, thank you for your statement. I think that the point that you made to Mr Muir about the allocation of resources is an important one. There has been some lag time between the allocation of funds from you, as Finance Minister, and schemes being opened and delivered by, for example, the Economy Minister. It is important that resources are put in place to ensure that that happens as quickly as possible.

Is the £20 million that has been allocated for company directors in addition to previous announcements of allocations to the Department for the Economy, for example, for the newly self-employed?

Mr Murphy: Yes, it is. It is in addition to the £10 million that was previously given for the newly self-employed.

Ms Armstrong: Thank you very much, Minister, for your statement. Minister, the devil is in the detail, and there is a lot of information in your statement. I am particularly interested in the allocation to the Department for Communities, where the statement talks about a one-off heating payment of £200 to disabled people on higher rate allowances and older people in receipt of pension credit. I am sure that the detail will come, but do you know, at this stage, whether that is a payment per person or per household? We have many elderly carers who have not received an additional payment of carer's allowance throughout the pandemic. It will be interesting to see whether this, at long last, will be two payments in one household as opposed to just one.

Mr Murphy: I do not have that level of detail on whether it is a household or a person. Particularly with the pandemic, people will be spending much more time at home during the winter and, obviously, running up heating costs. The Communities Minister brought forward a proposal to help that group with its heating bills, and, obviously, I was very happy to support that, as were the Executive. I understand that the payment will be made in January, when the support is needed most, and I assume that the details on who will be eligible will be brought forward before then.

Mr Givan: When I look at the allocations to the Communities, Economy, Education and Finance Departments, I see that they are all from requests to give money out to support people. However, the Department for Infrastructure has an allocation to shore up a failing Department, run by the SDLP. That party needs to focus, Finance Minister, on delivering for taxi drivers and getting people tested. Instead, it pontificates about and lectures others —

Mr Speaker: Order, Members.

Mr Givan: — on their failings to run a Department. On the need to move forward and get this money out —

Mr Speaker: Order, Members.

Mr Givan: — the Minister's colleague rebuked him about the need for the Department of Finance to pull its finger out and get the money. Will he ensure that his Department gets Land and Property Services to ensure that it gets this money out? How many applications are waiting to be processed? Will he give two thirds of the allocation to the Economy Minister, who is fighting for businesses?

Mr Speaker: Order, Members.

Mr Murphy: I am not sure where you get that. The Executive collectively have allocated about half a billion pounds, the lion's share of which is to support businesses across a range of Departments. To suggest that only the Economy Minister is fighting for businesses is a nonsense, and you should understand that. I know that you are making political points. The Department for Infrastructure bids were met in full. I encourage the Infrastructure Minister to get out the door the schemes that she is paying out as quickly as she possibly can, and I encourage the Economy Minister and other Ministers to do that too. Of course, the additional payments that we have offered up today are very welcome, and, when the payments are hitting the ground and the people out there who are suffering as a consequence of the pandemic are feeling the benefit, we will all find that we are in a much happier place. To be quite honest, I am not interested in the sideswipes and the arguments. I am interested in getting these schemes effectively out on the ground.

Ms Mullan: I also thank the Minister for his statement. I particularly welcome the free school meals payment that will apply across all the school holidays, and I commend all those who have worked and lobbied on the issue for many years. Minister, can you confirm for us the period that the free school meals payment will cover?

Mr Murphy: The money that we are allocating is COVID money, so it has to be spent in this financial year. The contribution that I have made for free school meals takes it up to the end of the financial year. Last Thursday, the Education Minister brought a paper to the Executive on the continuation of free schools until the end of the mandate, for which he got Executive support. That is very welcome. We are now working out the budgets for Departments and will have to work with Education to meet that budget, as the Executive have agreed, and we want to do it until the end of the mandate.

1.45 pm

Ms McLaughlin: Thank you, Minister, for your statement and for coming to the House today. I appreciate your acknowledgement of the delays in getting payments out, but those delays have very serious consequences. This morning, I got an email from a constituent. She wrote:

"I have applied for two grants. The first for our premises in the city centre and another one for the outskirts of the city".

She has received emails to say that payments would be on their way, but she has received absolutely nothing. That

has gone on for seven weeks, not just a few days. Those payments have not been honoured for weeks. She wrote:

"Our landlords are putting us under immense pressure to get a payment to them or action will be started. This is quite worrying. We have maintenance to be carried out and the money simply is not there to facilitate it".

Mr Speaker: Will the Member get to a question, please?

Ms McLaughlin: She continued:

"We have been in business for 15 years and I am considering closing my salons in January in the city centre".

Minister, what are you doing to ensure that your Department speeds up this process and gets money into this constituent's bank account as soon as possible?

Mr Murphy: We are encouraging LPS to act as quickly as possible. The data that it needs to assess close contact services was not possessed by it alone. A lot was possessed on the councils' environmental health side, so it had to get data transfer and match-ups. That is what caused the delay in the initial phase.

As I said — I am not suggesting that it is the case here — but, in general, if anyone comes back and says that they have not received payment, we need to make sure that the information is correct, it is in and people have responded to requests for further information. That can sometimes hold up a payment. Of course we recognise that people are suffering on the ground and want payments to happen as quickly as possible. We want to see that as well.

Mr McNulty: I thank the Minister for his statement. Minister, I asked you about the number of payments made to applicants over the first four weeks of the restrictions. As of 13 November, 3,418 payments were made out of 11,589 applicants. That is less than 30%. Given that so many of the payments have not been made in the first tranche — the first four weeks of the restrictions — what confidence can you give to businesses that payments will be made this week? Businesses cannot wait. A Christmas tree has been erected in this Building, but I am not finding much cheer, and people —

Mr Speaker: A question, Mr McNulty. Thank you.

Mr McNulty: — in business in my constituency of Newry and Armagh are not finding much cheer.

Mr Murphy: I do not have today's up-to-date figures because I was too busy over the weekend trying to distribute half a billion pounds right across economic and community support. I will get the up-to-date figures for tomorrow's Question Time, but the last up-to-date figures that I had at the weekend show a significant increase on the figure that the Member quotes, which is from over a week ago.

Miss Woods: I thank the Minister for his statement. While he will be aware of businesses that have not received support payments weeks after they were promised them, he will also be aware that some have fallen through the gaps and have been unable to trade since March. Those people have received no financial help from the Executive. What discussions has the Minister had with the Minister for the Economy to make sure that there are no gaps and that the people who run those businesses get the financial

support that they need? Do the new allocations fill those gaps?

Mr Murphy: I have said repeatedly at Executive meetings over the last while that there is a particular urgency in ensuring that the people to whom the Member referred who have received no support get support.

We are now into our second and third rounds of support for some businesses. While that support is clearly vital, it is grossly unfair on those who have not received it. I have met people from different sectors that are not the responsibility of my Department to try to offer assistance and steer them to the right place to get support, and to offer officials to assist them to gather up the right information so that they can take it to the relevant Department to present it and get support. I am keen to get support out. I am acutely aware that, as we roll out further levels of support for business, some people have still to receive it. I encourage those people to contact the relevant Departments to make their case. If they need assistance, I have always offered to meet people in order to steer them in the right direction, to encourage them and to tell them the type of information that they need to present to make a case for themselves.

Mr Allister: Can I seek some clarification from the Minister about whether all of the £338 million that was today is Barnett consequential money from the Treasury, or is it supplemented by any savings that the Executive have made in various Departments? More specifically, what about Belfast International Airport? It is our primary airport, and it is now closed for a number of days each week. I see £1·2 million, again, for the City of Derry Airport, which must be the most over subsidised airport that we have. What about Belfast International Airport? Where is the money for it?

Mr Murphy: This is all Barnett consequential money. We used the October monitoring round savings to allocate to departmental pressures and to keep them separate from these allocations. Of course, I anticipate further surrenders of money in the January monitoring round, which will be used to meet some departmental pressures.

I intend to bring a paper to the Executive next week on airport funding. The Member may know that, when we made a previous payment to airports, the International Airport did not at that stage require any assistance from us. It is clear that it now does, and we are working through that with it. The payment that he refers to for City of Derry Airport is an outstanding payment; it is not new as part of this allocation. It is an outstanding payment that is coming from money that was held in reserves for the airports; it has been sitting in reserves for some time. Some £10 million was sitting in reserves for airports, and I hope by next week to be able to identify which Department is to pay that out — it will probably be Infrastructure — and work it through with Belfast International Airport, the City Airport and City of Derry Airport.

Mr Carroll: The Minister stated:

“We have not known what course the virus would take or what the health experts would recommend in response to the virus”.

I repeat:

“We have not known ... what the health experts would recommend in response to the virus”.

Can the Minister seriously stand over that statement, knowing full well that, as an island, we saw the virus spread across other parts of the world and that his Executive were warned by health experts that reopening the economy too soon would risk a second surge? Is the Minister seriously saying, “Sure, we didn’t know what would happen. It’s not our fault. Nothing to see here. Move on”? Does the Minister think that that is acceptable?

Mr Murphy: I will give the Member the benefit of the doubt and say that he is misunderstanding what I said rather than deliberately misrepresenting it. Clearly, the criticisms that I was referring to and that he would have said had he gone on to quote further related to the people who were saying that we should have a financial package ready to go with the restriction announcements last Thursday. We did not know what the health experts were recommending with regard to non-essential retail until Thursday morning or 11.30 pm on Wednesday. For me, who goes to sleep at that time, it was Thursday morning. We were not aware of it, so we could not bring a financial package to the Executive on Thursday for agreement. As I said, I will give the Member the benefit of the doubt that he misunderstood that, but that is what I was referring to, not the global effect of the pandemic.

Mr Speaker: That concludes questions on the statement.

Mr O’Toole: On a point of order, Mr Speaker. Can you advise whether it is in order for the Member for Lagan Valley to make pathetic and inaccurate statements about the Infrastructure Minister’s handling of support schemes given that the Department reacted to the failure of the Economy Department to provide a support scheme for taxi drivers and the continued failure of that Department to provide support for a wide range of sectors? It is worth putting on record that the Infrastructure Minister got the legal powers and was able to get a scheme up and running within 10 days.

Mr Speaker: You will be aware that a number of comments were exchanged across the Chamber; you were involved in them. I will leave that matter for now.

The next item of business on the Order Paper is Question Time. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The sitting was suspended at 1.53 pm.

The sitting resumed at 2.00 pm.

2.00 pm

(Mr Principal Deputy Speaker [Mr Stafford] in the Chair)

Oral Answers to Questions

Communities

Personal Independence Payments: Appeals

1. **Mr McCrossan** asked the Minister for Communities to outline the average success rate for a personal independence payment (PIP) appeal in the last 12 months. (AQO 1141/17-22)

Ms Ní Chuilín (The Minister for Communities): I thank the Member for his question. For the period of 1 April 2019 to 31 March 2020, there were 3,779 successful PIP appeals and 2,201 unsuccessful appeals. Therefore, 63% of PIP appeals were successful in 2019-20. For the period of 1 April 2020 to 31 October 2020, there were 104 successful PIP appeals and 133 unsuccessful appeals. Therefore, for the seven months up to 31 October, 44% of PIP appeals have been successful. As a result of the COVID-19 pandemic, no appeals were listed for hearing between 18 March 2020 and 6 July 2020. Since then, a limited number of appeals have been listed for hearing.

Mr McCrossan: Thank you, Minister, for the answer to that question. The significant rate of successful appeal shows the need for appeals to be heard as soon as possible, and certainly within a reasonable amount of time, yet there is a backlog of over 4,000 people waiting for their appeals to be heard — a problem that has predated the pandemic, Minister. How many appeals does the Minister expect will be heard by the end of the year?

Ms Ní Chuilín: I agree with the Member that there was a backlog prior to COVID and that COVID has not helped at all. I have asked officials to try to expedite ways in which people can have their appeals heard. Many people are not comfortable with a desktop review and are looking for telephony, should that be a video call or a phone call. Some have the opportunity for face-to-face, but it is important that we get not only the pre-COVID backlog addressed, but also the backlog since. I suspect that the figure that you have quoted has actually increased since that response was given.

Mr Principal Deputy Speaker: Before I call the next Member, I welcome Ms Nicola Brogan to her place and wish her all the best in the House.

Ms Brogan: Go raibh maith agat, a Phríomh-Leas-Cheann Comhairle; thank you. Minister, which of the different types of appeal available to claimants is the one most favoured by appellants?

Ms Ní Chuilín: I welcome the Member to the Assembly and wish her all the very best. The least favourite — also in response to Daniel McCrossan, as both of you share the same constituency — is probably the desktop. We are looking at video and telephone calls to try to assist people, because it is very stressful applying for this benefit, and it is even more stressful appealing it. We need to make

sure that it is as smooth and stress-free as possible when people are applying for a PIP appeal.

Ms Armstrong: Minister, I am glad to hear you talking about an alternative to telephone as a means of communication. Videoconferencing would be very much welcomed for PIP assessments. I ask the Minister whether whatever system she is considering will be hearing-compatible for those with hearing impairments. Can those who are using this new type of system have someone with them? Quite a lot of people have had mental health issues due to the way that they have had to go through assessment so far.

Ms Ní Chuilín: I completely agree with the Member on all of the points that she raised. If people are doing video calls and have hearing impairments, they should absolutely, under disability law, which should be human rights-compliant as strongly as possible, have an interpreter there, even for those who have difficulty communicating. The other aspect is that we need to make sure that, particularly as I said to Nicola, this process is as stress-free as possible, so I am looking at alternatives. I met the Participation and the Practice of Rights group (PPR) last week, and that was one of the issues that was on the human rights checklist that it is asking us to bring forward.

Mr Allen: Minister, can you advise how many of the unsuccessful appeals went on to stage two appeals to the Social Security Commissioner? Also, do you have any data on how many of those within the backlog of appeals are currently in receipt of welfare supplementary payments? Can you give a guarantee that none of those payments will be impacted whilst they wait for their appeal to be heard?

Ms Ní Chuilín: I thank the Member for his three supplementary questions. *[Laughter.]* Fair play to you. I do not have the answers to the first two questions, but I will certainly get the Member the data that he has asked for. It is probably here somewhere, but it certainly did not jump out at me. I will get that response to you.

I have said this to others, but, as the Member will be aware from his constituency, going through the appeals process is very stressful. The last thing that we need is for people's stress levels to be increased, and we do not want the appeal to impact on other benefits and entitlements. We therefore need to make sure that it is done as smoothly as possible. That sounds like an easy thing to do, and it should be an easy thing to do, but the backlog is such that we need to tackle it head-on. We perhaps need to use this opportunity, if it is appropriate to call it that, to do things a bit differently and make sure that there are better outcomes for people who are waiting on good decisions.

Miss Woods: The Minister will be aware that people are much more likely to get a PIP award if they have support from another person or from the independent advice sector. Will the Minister support a list of independent advice sector organisations or advice lines being sent out with the PIP form and the overturn rate for mandatory reconsiderations being made available in the information that is sent out on how best to challenge a decision so that more people can make more of an informed decision about whether to take the matter further?

Ms Ní Chuilín: I thank the Member for her question. That is certainly one of the issues that I am considering. It comes up time and time again from the independent

advice sector, as well as from GPs, social workers, family support workers and a whole range of others. I absolutely will consider that, and, as I said to Kellie Armstrong, I think that it would be more human rights-compliant and more humane if that were allowed to happen.

Mr Carroll: I was dealing with the case of a constituent who sadly passed away. My constituent was waiting for a long time on a PIP appeal and a PIP decision and got the award after having passed away. Minister, are you or your Department aware of how many people have tragically passed away from COVID whilst waiting on a PIP appeal or a PIP decision?

Ms Ní Chuilín: I am really sorry to hear that, Gerry. Pass my sympathies and thoughts on to the family. I am not aware of the answer, but, when I am asking for the data that Andy asked for, I will ask for that as well. The last thing that should happen is that someone's grief be compounded by a letter, either successful or unsuccessful, coming out after a loved one has passed.

COVID-19: Sports Funding

2. **Mr McGuigan** asked the Minister for Communities when applications will open for the funding allocated to the sports sectors affected by the COVID-19 pandemic. (AQO 1142/17-22)

Ms Ní Chuilín: I thank the Member for his question. In short, early next month is when we hope to have applications for funding open. Following a successful October monitoring round bid, I secured £15 million, and I am sure that the Member heard that I successfully got another £10 million on top of that. The aim of those funds is to ensure that the sports sector, which is representative of such a diverse range of interests right across our community, is not only sustained during the ongoing COVID period but supported.

My officials and Sport NI are working on developing programmes that will deliver a needs-based scheme to ensure that the funding is distributed fairly, with full transparency, to those who can evidence that the financial loss has been incurred as a result of the restrictions. I have met a lot of representatives of governing bodies and have spoken to a lot of clubs, and I am well aware of the financial impact that the COVID interventions have had on the sports sector. It is my intention to launch the fund as soon as possible.

Mr McGuigan: I thank the Minister for her response. I welcome the news that applications for funding will open early next week. I also welcome the financial package that the Minister has agreed with the sporting bodies, her continued engagement with sports governing bodies across the North and, indeed, her engagement with local GAA clubs in my constituency recently. Given that she said that the money will be distributed fairly, can she provide assurances that the money that she has allocated will be accessible by grassroots sporting clubs?

Ms Ní Chuilín: For clarity, the Member said "early next week", but I said "early next month".

Mr McGuigan: No problem.

Ms Ní Chuilín: You are OK. I could see Members' body language change there, so cool your jets and give me a couple of weeks.

Yes, it is really important that the governing bodies, of which there are many, be supported, and it is certainly important that grassroots clubs be supported as well.

Across all sports, grassroots have been part of the first response during the pandemic and are still playing the role of lifeline to people, even though it is not their primary function. They have lost money as a result of the restrictions that we have placed on them. As we all know, in the charitable and voluntary sector, the ability to raise money through these months has been greatly hindered. Grassroots are well entitled to expect some share of the funding.

Mr Lyttle: I welcome the much-needed financial aid for sports. When might we expect a restart of grassroots youth sport? Will she be open to reviewing which sport can be included in the elite category?

Ms Ní Chuilín: First, I am very conscious that many young people in particular have been prevented from getting involved in sports and training as a result of COVID-19 restrictions. I have no plans to review what is in the elite category unless the Member has specifics. Some of the correspondence that I have received from people asking for their sports to be categorised as elite will not fit the criteria, but that is not to say that the one that the Member has in mind will not. It may.

As the Member will be aware, I am working on the current health and scientific advice on the restrictions, and I have confidence. I spoke to the governing bodies and the clubs on the measures that they are taking, and I am keen to get youngsters and people like me, who are not so young, back out training.

Mr Buckley: The Minister will understand how critical it is to get funding out to sports clubs as soon as possible, and I welcome the announcement that that will happen at the end of this month or at the start of next. We know that COVID relief funding will not be enough to sustain a lot of clubs, given the serious pressures that they have. With that in mind, will the Minister give an update on the progress of the subregional sports stadia funding and the need to ensure a regional balance to that funding?

Ms Ní Chuilín: There will be a regional balance to that funding. If you listen to some of the clubs in Belfast alone, you will hear that they have it all spent, so I give the Member that assurance. We are working through the business cases and all the outstanding items that we need to get it concluded before I bring it to the Department of Finance and, indeed, the rest of the Executive for approval. It is really important that people who live in the Member's constituency can expect to get some money.

The Member may be aware that, this morning, I received an additional £10 million for the sports hardship fund. That is £25 million in total, which, I am sure the Member will agree, will go a long way to help clubs that are struggling at this time.

Social Housing: Zero-carbon Buildings

3. **Miss Woods** asked the Minister for Communities what discussions she has had with the Minister of Finance on requirements for new social housing to be zero-carbon buildings. (AQO 1143/17-22)

Ms Ní Chuilín: I have had extensive engagement with Minister Murphy, particularly on the future of social housing, and I welcome any changes to the construction of social housing if it results — hopefully, it will — in improvements to overall environmental standards. In the meantime, my officials continue to engage with DOF officials. For example, our officials are also represented on the development of DFE's new energy strategy and on DAERA's future generations group on climate change. As the Member will be aware, primary responsibility for introducing a requirement in building regulations for dwellings to be zero-carbon rests with the Department of Finance building standards. However, we are working collectively to have those regulations introduced after a public consultation.

Miss Woods: I thank the Minister for her answer. In response to a question for written answer to my colleague Clare Bailey, the Minister of Finance indicated on 30 October that his Department was still consulting on technical documents relating to nearly zero energy requirements. What is the Minister's assessment of social housing being built without the relevant regulations and technical documents being in place in the Department of Finance?

2.15 pm

Ms Ní Chuilín: Certainly, I am on the record as looking at new construction methods. They will look at the best possible environmental standards. The documents that the Department of Finance is working through are quite technical. My understanding is that not only are they technical but there is a substantial volume of them. We want to do our best to get to them as part of the consultation, so that whatever changes are needed to the building control regulations will be done as soon as possible. I assure the Member that I will ask my officials, the Housing Executive and, indeed, housing associations to liaise closely and keep an eye out for the best possible standards. What we do not need is for new houses to be built that will have to be retrofitted a few years later. That is a waste of public money and people's patience.

Ms Dillon: Can the Minister give the House some detail on the difference that it will make to the grant that housing associations get if they are able to achieve zero carbon?

Ms Ní Chuilín: I imagine that that will be part of the total cost indicator that housing associations and the Housing Executive will receive when they get to build. I will just double-check that. Certainly, if there is any increase in construction costs, as there may be, as a result of any improvements in building regulations, I would imagine that that would go into the total cost indicator. I will check that and get back to the Member in writing.

Mr Durkan: Has the Minister assessed the adequacy of the housing fitness standard in providing high-quality, environmentally sustainable housing?

Ms Ní Chuilín: I will just let the Member know, through you, Mr Principal Deputy Speaker, that I have not made a final decision on that. However, with regard to the point that was raised by Rachel Woods in her question, that would almost be signing off on a fitness standard that is old and is not fit for the 21st century. As part of looking at the regulations, we will look at the fitness standards not just for the public sector but the private sector.

Ms P Bradley: I thank Rachel Woods for tabling her question. I absolutely agree with her sentiments on it. Right now, many homes in the social housing sector are not fit for purpose. They have damp, poor heating and no cavity wall insulation. Their carbon footprint is through the roof. Can anything be done about the homes that we have now?

Ms Ní Chuilín: The Member will not be shocked when I say that at least 40,000 homes are in need of serious repair. I consider being able to live in a home without developing a respiratory disease to be a basic ask. That is part of the reason that I made the statement on the reconfiguration of the landlord side of the Housing Executive to a mutual or cooperative. The Member will also be aware, from her previous days in the Committee for Social Development, that the Savills report put it at a cost of at least £7.1 billion; I imagine that the figure is probably closer to £7.8 billion now. Homes need to be safe, clean, warm and dry. We also need to use the proper models, materials and tools to ensure not only that we reduce fuel poverty but that we achieve better health outcomes. For many people, particularly in our constituency, the level of respiratory disease is completely unacceptable.

Libraries: Enniskillen

4. **Ms Dolan** asked the Minister for Communities for an update on a new library for Enniskillen. (AQO 1144/17-22)

Ms Ní Chuilín: I thank the Member for her question. On 14 August 2020, my Department approved the outline business case for the redevelopment of Enniskillen library on the existing site at Halls Lane in Enniskillen. While the project is at an early stage, my Department has already allocated £150,000 in this financial year to Libraries NI to allow it to advance the project to the design and procurement phase. I can also confirm that a design team has been appointed to progress the concept design and the necessary feasibility studies and develop the design for the project. The construction of the new library has been projected to require an investment of £4.5 million. The estimated completion date is 2023.

Ms Dolan: I thank the Minister for that welcome news. I am sure that we will have some happy people in Fermanagh. Can I invite the Minister to come and visit the library when it is safe to do so?

Ms Ní Chuilín: Certainly. During my previous days in DCAL, I visited quite a few libraries in the Member's constituency. I am delighted to see that the library is receiving the support that it needs, because I can remember, from 2012 and 2013, that it needed support.

When the restrictions are lifted and when the time is appropriate, I will be more than happy to visit the Member's constituency and that library.

Mrs Barton: Minister, now that you are on the issue of libraries in Fermanagh and South Tyrone, can I ask for an update on Fivemiletown library?

Ms Ní Chuilín: I thank the Member for her question. I do not have information on that library, but I will get that to her in writing. I should have anticipated a question on at least one library in every constituency. That library was not on the list, so apologies for that.

Social Housing: Ring-fencing

5. **Mr G Kelly** asked the Minister for Communities when ring-fencing of new-build social housing, as outlined in her statement on housing policy, will come into effect. (AQO 1145/17-22)

Ms Ní Chuilín: I thank the Member for his question. I am currently considering a range of options to increase the supply of social housing to address demand. A key element of that plan will be to ring-fence and weight the social housing development programme's output so that it is better at providing new social homes in greater numbers in the areas of most need. My officials and the Housing Executive are progressing that work. It is my intention to see the ambition of ring-fencing reflected in the new three-year programme that will be submitted to me in January 2021.

Mr G Kelly: Gabhaim buíochas leis an Aire as a freagra go dtí seo. I thank the Minister for her answers up to now. My supplementary question has, to a great extent, been answered. It was about when we will see the beginning of the changes that were promised in the very welcome statement that she made.

The Minister will be aware of damage done to Housing Executive premises in Ardoyne caused by a faulty shower unit. Is there an investigation of that, especially given that, as I understand it, those shower units were on a recall list from 2018? My worry is that we may have a huge problem in social housing throughout the North.

Ms Ní Chuilín: I thank the Member for his question. I saw some media reports about that, prompted, I am sure, by the Member. It is very worrying if it is the case that those shower units were recalled in 2018 and a fire has subsequently happened in a home. Certainly, I await the outcome of the initial investigation. To assure you and, indeed, other Members, I will ask whether there were recalls in any other constituency and what has been done since. That is a fairly credible question to ask. If the advice that I get flags up concerns, I will share that with Members.

Ms P Bradley: North Belfast, as we know, will be one of the ring-fenced areas. Minister, when you look at the policy, will you look at North Belfast in its entirety, because, quite often, Newtownabbey is left out of the social housing figures when it comes to reflecting the demand in North Belfast? Can the Minister give me an assurance that Newtownabbey will also be taken into account?

Ms Ní Chuilín: I thank the Member for her question. I will look at the geographical area, but I can certainly talk to officials to ensure that that is the case. There is need in all constituencies. When the details on the policy's progress come back, I will look to see which areas are covered. As the Member will be aware, the issue for me is that, every year, the number of people in acute housing stress grows by 1,000. There are unacceptable levels across — it is right across — the constituency. I will wait to see what I am presented with, but I assure the Member that, if Newtownabbey is not there, I will certainly ask about that.

Mr Durkan: Does the Minister recognise the importance of enshrining flexibility in the reintroduced ring-fencing policy? When the policy existed before, the Housing Executive demonstrated that it did not have sufficient flexibility, which impacted negatively on social housing provision inside and outside ring-fenced areas.

Ms Ní Chuilín: I thank the Member for his question. He is absolutely right. I remember when the policy was removed and the consultation on it. Let me be clear: I expect the Housing Executive to present me with proposals that look at the areas most in need. The Member's constituency is, unfortunately for him and for everybody else, at the top of that list, and that has persistently been the case. We need to look at ways to tackle that. A one-size-fits-all approach will not work. We need flexibilities or even the ability to contract in and out because it needs to reflect the true need and have an outcome for those on the waiting list.

Ms Armstrong: Ring-fencing new-build social housing will mean that opportunities for builders will increase fantastically. However, there is an issue about the number of apprentices and younger people going into the industry. Is the Minister working with the Department for the Economy and the Department of Education to identify opportunities so that more people can be brought into the workforce?

Ms Ní Chuilín: When the proposals come back, I will talk to other Departments. I want to go further to ensure that the way in which procurement happens is not open to as much challenge. Even current Housing Executive contracts are challenged at a low rate, which holds back procurement and contracts. I want to make sure that it is done as part of any contract, so social clauses, social benefits and social value need to be built in at the start and completion of a project — not for just a couple of weeks here and there — so that apprentices are fully supported from the day and hour that they walk in to the day and hour that they leave, hopefully with a trade.

In relation to the question from Rachel Woods, I hope that there will be an opportunity for new ways of construction. That is a new market not only for current tradespeople but for new and prospective tradespeople.

Mr Allen: Minister, in the past 10 years, we have been in and around meeting the target for social housing starts. As we discussed in Committee, however, that is clearly not having the effect that is required to house the many thousands on the waiting list across the Province. I appreciate that part of your revitalisation is to increase the number of houses. Are you able to indicate at this stage what a more realistic and ambitious target of new housing starts will be?

Ms Ní Chuilín: Even through the Programme for Government negotiations before this place was brought back, I think that every party wanted the Programme for Government to have a housing indication and, within that, better housing targets.

I have given a policy direction. At the end of January, I will have proposals not just on tackling the ring-fencing but on increasing the number of housing starts. I think that the target was met one year, and that is not acceptable.

Arts: Financial Support for Performing Artists and Tutors

6. **Mr Beggs** asked the Minister for Communities for an update on the support and funding her Department is offering to those performing artists and tutors who continue to be excluded from other support schemes. (AQO 1146/17-22)

Ms Ní Chuilín: I thank the Member for his question. From my contact with people across the arts and culture sector, I understand the impact that the restrictions are having on

their ability to make a living and the need to continue to provide support to individuals and organisations. As part of a wider package of measures to support the culture, arts and heritage sectors, the Arts Council, on my behalf and that of my Department, has delivered two rounds of funding to individuals working across the arts and creative sectors. The artists' emergency programme was open for applications from 27 April to mid-May, with payments made in May and June. The individual emergency resilience programme was open for applications from 31 July to 17 August, and offers of grant were issued in October. The two programmes have resulted in grant awards totalling £4,400,000 to over 1,300 individuals. I will shortly make an announcement on further programmes to support individuals, and it continues to be my intention that those should be available to as wide a range as possible across the arts and creative sectors.

Mr Beggs: Many music and drama tutors operate from home, are usually self-employed and have been unable to benefit from the furlough scheme. I am aware of a highly successful local arts company that established itself as a company to minimise its tax liability. It has had no income since February. Will the new scheme to which the Minister refers include those who have been excluded to date, or will they, perhaps, have to rely on schemes that the Finance Minister might bring out?

Ms Ní Chuilín: A lot of companies that previously may have gone to the Arts Council got support from, for example, the Department for the Economy and some from the Department of Finance, particularly for rates.

However, the issue for me is that a lot of people who are self-employed have not had access to any public funds, and that is a problem. I encourage the Member to encourage companies and individuals like that to apply to the Arts Council, because that is exactly the sort of support that we are trying to get out, particularly for people who have not had access to any public funds, who may not be eligible to universal credit or anything else and who, in the run-up to Christmas, have been put under additional pressure by not knowing where they will get support from.

2.30 pm

Mr Principal Deputy Speaker: Thank you, Members. That ends the period for listed questions. We now move on to 15 minutes of topical questions.

Musical Instruments: Funding

T1. **Mr M Bradley** asked the Minister for Communities what guidance she has given the Arts Council about the fund for musical instruments, which is due to close today, in light of the Committee for Communities supporting the forwarding of a letter seeking an extension of the fund. (AQT 701/17-22)

Ms Ní Chuilín: I have not seen the letter yet, but I am happy to look at it. When I do, I will decide whether to reissue guidance to the Arts Council or ask whether it could extend the fund. As the Member will also be aware, even the Ulster-Scots Agency has access to musical instruments, particularly for bands. It is really important, particularly when people are self-isolating and trying to do tutorials over the internet, that they are given access to instruments to teach with.

Mr M Bradley: Why was that funding open for only 17 days? Many bands have been unable to have meetings, practices or any sort of committee meeting to apply for the funding. Will it be open again for further applications?

Ms Ní Chuilín: To give the Member assurance, I was not aware that it was open for only 17 days, so I make a commitment to him that I will find out what the criteria were, how long it was opened for, what notification the Arts Council gave, and then, if there is the need for an extension, I will talk to the Arts Council about how it can happen. I do not want anybody to fall out of the loop here, particularly if they can use their skills and expertise to help others, especially during COVID.

Mr Principal Deputy Speaker: As a point of house-keeping, I should say that question 5 has been withdrawn.

Social Security: Appeals

T2. **Mr Frew** asked the Minister for Communities why she is failing the most vulnerable in society because people have to make appeals, which can be horrendous, about personal independence payment or employment and support allowance (ESA) by phone and because the Kickstart programme has not been commenced. (AQT 702/17-22)

Ms Ní Chuilín: I will take the Member's last question first. First of all, it is not my intention to fail anybody. I just want the Member to accept that.

Mr Frew: You are.

Ms Ní Chuilín: I am not, so I respectfully disagree.

The Kickstart scheme will not be introduced this month, because we are not calling it "Kickstart"; we are calling it "Jobstart". It will be far better than what the British Government in England introduced. It will be a bespoke programme, and, if I introduced it, it would be done during a two-week lockdown. I do not want that to happen, because, as soon as it is introduced, the clock starts ticking.

With regard to PIP, if the Member had been here — I appreciate that we have to do a skeleton rota because of the restrictions — he would have heard me say — I will repeat it for him — that I am not happy with people just being given the opportunity to talk about their appeals over the phone; I want other avenues to be made available to them. People have said that they prefer that to happen by desktop, phone or videoconferencing. Again, I do not accept that I am deliberately failing anyone. If there are things that I could do better, I am happy to look at them, but I ask the Member to reconsider that.

Mr Frew: I assure the Minister that she is failing people when she cannot use two decent side rooms in Ballymena to have oral hearings for PIP and ESA. A laptop or a desktop will just not cut it, Minister, when you have vulnerable people who are not able to speak or to address other people across the phone or through computer technology. You are failing in that regard, Minister.

Ms Ní Chuilín: I will certainly ask officials what happened in the Member's constituency. He can rest assured that I will do everything that I can to ensure that people have a fair hearing, because that is what it is about. I do not stand over anything that did not work or caused more stress. To be fair, the officials in my Department do not want that either, so something is not working. There is a massive backlog, and

we need to fix it. We need to fix it so that people who are already going through a stressful situation are not put under additional stress, particularly given that the benefit is for people who need it most. That is my commitment.

Social Housing

T3. **Mr Sheehan** asked the Minister for Communities what matters she is considering to increase capacity in the social housing development programme to better target areas where there is acute need for such housing. (AQT 703/17-22)

Ms Ní Chuilín: I thank the Member for his question. He will be aware of the statement that was made here some time ago. Across the North, the need is growing, and it has been growing exponentially every year. For people who live in acute housing need or what is described as “housing stress”, that is completely unacceptable. That is why I introduced ring-fencing. That is just one example, but there are many other ways in which we need to tackle this. I am in discussions and will advance those discussions with housing association and Housing Executive colleagues, as well as councils, to see what land we can develop collectively as part of the local development plans. Then, we need to get houses that are fit for purpose and meet the needs of people in the area where they live. Those are some of the ways in which we hope to address the acute housing shortage.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answer. Will she tell us what areas have been identified as having the highest need?

Ms Ní Chuilín: Mark Durkan is still here, and his constituency, Foyle, has the highest need, followed by North Belfast and West Belfast. Going back decades, those areas have had the highest need. That is why those areas need to be ring-fenced, and we need to have ambitious plans to reduce the stress that people live in, as well as future-proofing all of this for future generations. It is clear, not only anecdotally but evidentially, that, because the supply is not there and has not been there to meet demand, we need to start lifting the curve. The only way to do that is through proposals that address it head-on and look for opportunities for land development, particularly in areas of housing need. I believe that, up to now, that has not been the case.

Sport: Funding

T4. **Mr McNulty** asked the Minister for Communities how and when the £25 million that her Department has, which comprises £15 million already allocated to combat sports hardship and £10 million announced by the Finance Minister today, will be spent, particularly as sports clubs and organisations need that money now as opposed to next February or March. (AQT 704/17-22)

Ms Ní Chuilín: I agree with the Member. I am aware that, at a recent meeting with Sport NI, governing bodies were told that they would not get any money until, perhaps, the end of March, which sent everybody off in a spin. My intention is that, certainly early next month, those applications will open. I also welcome the additional £10 million that Conor Murphy has given, because it is clear that, without even getting down to the grassroots clubs, the governing bodies could have spent that £15 million themselves. We need to

make sure that the money addresses the losses that people have now from a big governing body right down to a small grassroots club with a handful of people. It is important that they all get some money.

Mr McNulty: Minister, I have been contacted by numerous gym owners over the weekend. All are concerned about the closure of their gyms and the impact on their clients physically and mentally. Does the Minister share my view that gyms should be kept open with strict social-distancing guidelines from the perspective of mental and physical health?

Will the Minister indulge me, please, by applauding the achievements and success of Cavan and Tipperary at the weekend? It is extraordinary that Cavan won its first Ulster title in many years and Tipperary its first Munster title in 85 years. It is an extraordinary coincidence that, in 1920 and in 2020 — 100 years after Bloody Sunday — the same four teams were in the semi-finals of the All-Ireland.

Ms Ní Chuilín: I totally agree. I watched the match yesterday, and I watched matches over the whole weekend, whether I wanted to or not, because they were blaring from every TV and radio in the house. I congratulate them all. This is historic, and the way in which it all happened was almost freaky.

I wonder whether you were talking to my youngest son: he is a personal trainer. Even in my home I have one in my family. My neighbours are asking, “Why are the gyms closing?”, and then people understand the restrictions. At the end of the day, people have to earn money. There needs to be some approach, even through the Department for the Economy, to try to get that. There is a walking club in my constituency of North Belfast where the people are 2 metres apart. It is like kids coming from a nursery, but at least they are outside, trying to do a bit of exercise and support each other. Some gym instructors are involved in those as well. They are trying to do their best in very difficult circumstances. I fully appreciate and understand that a lot of them are losing income when they can least afford to, but the ones who I have spoken to also want to keep their clients and customers safe and well.

Mr Principal Deputy Speaker: Looking around the Chamber, I dare suspect that, if the Minister’s son were to come up here as a personal trainer, he would do a roaring trade in the Assembly [*Laughter.*]

Charity Funding: Royal British Legion

T6. **Mr Chambers** asked the Minister for Communities whether she will give a commitment that she will consider including the Royal British Legion, if it is not already included, when her Department distributes the £5 million for charities announced by the Finance Minister today, which was welcome, because the Royal British Legion has seen a drastic shortfall in donations compared with what would normally be raised at this time of year. (AQT 706/17-22)

Ms Ní Chuilín: I thank the Member for his question. I am not aware of it being excluded, but I will certainly check. Charities have had an absolutely horrendous time since March. A lot of the work, the purpose, the companionship and, indeed, the lifelines that those charities give to individuals is second to none. I want to make sure that they are supported as best as possible. Conor Murphy has

supported my additional bid for moneys for charities in his announcement today.

Mr Chambers: Thank you, Minister. I am confident that you will be fair in how you distribute that money, and I am sure that all the local charities will have welcomed the news today.

Ms Ní Chuilín: I certainly hope that the charities heard the news today. I know many of them, and our officials have been working with them. I know that the work that they are doing not only during this year but certainly going into the new year is really important. I give the Member my commitment that every charity, regardless of who it is, is respected and valued. I appreciate the work that they do to help so many despite having so little resource and investment. I am personally committed to making sure that charities get as much money as I can afford.

Personal Independence Payment: Appeals

T7. **Mr Boylan** asked the Minister for Communities, after congratulating Cavan and Tipperary on what was a great weekend for the GAA, how many appeals for personal independence payment remain outstanding. (AQT 707/17-22)

Ms Ní Chuilín: To be honest, Cathal, there are thousands and thousands, which is unacceptable. The number is anything from 5,500 to 6,000. As I said to Daniel McCrossan earlier, the number increases all the time. I assure the Member, as I have done with other Members, that I am committed to trying to get those appeals heard as soon as possible and in a manner that helps the appellants. That is the concern that I have: the stress that they are under because they are not able to have their appeal heard in a way that suits them.

Mr Boylan: I thank the Minister for that. What can she do to dispose of that great number of appeals?

Ms Ní Chuilín: As I said to Paul Frew, I will look again at opportunities to have people's face-to-face appeals heard, as close to their constituency as possible and with maximum confidentiality and sensitivity. At the end of the day, people should feel that they have been given a fair hearing. That is one of the most frustrating things for people who are waiting for an appeal.

Mr Principal Deputy Speaker: I ask Members to take their ease for a moment. If you are exiting the Chamber, make sure that you give the Bench a wee scrub before you leave.

2.45 pm

(*Mr Deputy Speaker [Mr Beggs] in the Chair*)

Economy

COVID-19: Airlines

1. **Dr Aiken** asked the Minister for the Economy what support her Department has provided to airlines to maintain connectivity during the COVID-19 pandemic. (AQO 1156/17-22)

Mrs Dodds (The Minister for the Economy): I thank the Member for his question. He knows that my responsibility

is to maintain and enhance Northern Ireland's air connectivity, both domestically and internationally.

I played a key role in securing the £5.7 million support package announced in May for Belfast City Airport and City of Derry Airport and for airlines operating essential flights. That money safeguarded our air connectivity with GB during the initial COVID crisis period. In recent monitoring rounds, I have secured £2 million to fund marketing support by March 2021. That will be delivered by Tourism Ireland. Some £0.8 million relates to cooperative marketing support for airlines operating to all three of Northern Ireland's airports, with £1.2 million for a campaign highlighting all air and sea carriers serving Northern Ireland and their routes.

Dr Aiken: I thank the Minister for her reply. I will refer to my learned friend from South Belfast on the issue, but there is about £2.6 million in air passenger duty (APD) mitigation that we still return to the Exchequer each year. Will the Minister explain whether she or her officials have been in discussion with Belfast International Airport about supporting new transatlantic or Middle East routes? If so, has she made the necessary commitments for funding for those to occur, thus allowing us to improve our economy and our tourism offer for next year?

Mrs Dodds: The Member raises an important issue. Yes, I have been in discussion with Belfast International Airport on two transatlantic routes, one to New York and one to Boston, as well as another to Doha. The proposal from Belfast International Airport is a reserved matter, as aviation is a reserved matter, falling to the Department for Transport. I have, however, instructed my officials to investigate the idea of having support for routes, particularly to North America, as part of our recovery from COVID, but it is also important for Northern Ireland's centenary year that we can expand our markets, horizons and cultural exchanges to other parts of the world.

I have also engaged with the Department for Transport on the UK aviation recovery plan. I trust that the Government will bring that forward and finalise it as quickly as possible because it is an important part of our recovery plan. Of course, APD on domestic flights is an important issue in the recovery plan as well. I view APD as an unjust tax on travel to Northern Ireland.

Mrs Cameron: I thank the Minister for her answers so far. I welcome the fact that the Minister has made £2 million available to support airlines at this difficult time. She will agree with me that more support should be provided by central Government to help with our connectivity, including scrapping APD on short-haul flights, at least in the short to medium term. What emergency support is available for Belfast International Airport — a very large employer in south Antrim — from the Assembly to help in what are dire financial times?

Mrs Dodds: Thank you for the question. I put on record that, tomorrow, I will have a conversation with Sir Peter Hendy, who is conducting the Union connectivity review. Of course, I will be raising the issues of APD, the interconnectedness of our Union, and the importance of connectivity to GB as our main market for both goods and tourism.

On direct support for Belfast International Airport, the Member will understand that it is the role of the Department for the Economy to give support to

air connectivity; support for airports relies on the Department of Finance and, of course, the Department for Infrastructure. I note that the Infrastructure Minister has made £1.2 million available for the City of Derry Airport. I urge that recovery packages for both Belfast International Airport and Belfast City Airport come forward as quickly as possible. If we do not have viable airports and connectivity, our recovery will be slower, and that will be more difficult for everyone in the long term. I raised this very important issue in the Executive last week. I expect to see that package come forward as quickly as possible.

Mr O'Dowd: The Minister will be aware that students are desperately seeking information as to when and how they can travel home safely over the Christmas period, whether to here or from here to somewhere else. Will the Minister work in conjunction with the Health Minister to ensure that students have that information?

Mrs Dodds: An interdepartmental group is looking at that issue, and it is being governed by advice from the Public Health Agency. You will have noticed in today's headlines that Queen's University has already introduced significant testing so that students can travel and go home with a degree of confidence. Of course, we have had a constructive engagement on the issue with the Secretary of State for Education, Gavin Williamson, and Michelle Donelan, the Universities Minister.

COVID-19: Business Support

2. **Mr Allen** asked the Minister for the Economy to outline the total spend by her Department on support for individuals and businesses adversely impacted by COVID-19, broken down by measure. (AQO 1157/17-22)

Mrs Dodds: I have found my glasses; things will look brighter.

I thank the Member for his question. My department has spent £353 million supporting individuals and businesses since the start of the COVID-19 pandemic. That covers the period until 31 October 2020 and includes £243 million on the £10,000 small business support grant scheme; £73 million on the £25,000 retail, hospitality, tourism and leisure grant scheme; and £23 million on the microbusiness hardship fund. I will place full details of the interventions, broken down by measure, in the Assembly Library. In addition to the £353 million to support individuals and businesses, a further £6.6 million has been spent by my Department on COVID-19 interventions for the higher and further education sectors.

Mr Allen: I thank the Minister for her answer. Minister, it will come as no surprise that, repeatedly and daily, constituents right across Northern Ireland are contacting myself and other Members about the business support scheme for the COVID-19 restrictions, pleading for those payments to be made. Minister, can you advise what additional support will be provided to Invest NI to ensure that the money goes to the individuals who desperately need it now?

Mrs Dodds: The Member will be aware, but I think that it is worth reminding the House, as I reminded Executive Ministers this morning, that there are two schemes in operation. One is for businesses that are rates-based, and that is operated by the Finance Minister. That is by far the very largest proportion of the funding that will be able for businesses in the current period of restrictions. The scheme that I am running, part A, is, obviously, for people

who do not have a premises. It is a much, much smaller part of the scheme.

I can report that my officials in Invest NI worked throughout the weekend. Around half of those who have applied have now been paid. Everyone who applied and used an accountant's letter as a verification has now been paid, and that means that about £3.6 million has gone into the local economy. We are now down to some of the elements where this is very much a manual scheme and where we are now having to phone to address issues of assurances and verification. I am sure that the House will agree that it is important to get the balance right between getting money out and getting the verification and assurance around that money that taxpayers deserve.

Dr Archibald: Similar to Mr Allen, I know that there is some frustration among businesses and individuals about slower payments. Have you looked at, or will you look at, allocating additional resources, particularly personnel, to ensure that schemes get out quickly, particularly as there are new schemes coming on board to help the newly self-employed? When is that scheme expected to open?

Mrs Dodds: Around 100 officials from Invest NI are working on the two parts of the scheme. As I said, they are complex schemes. They are not one-off payments, and they have to be verified and measured. They are complex schemes and are difficult to get through. Officials will continue to work on those as quickly as possible, but I ask that Members of this House help by getting information out. The more information that we receive about the application, the quicker the response will be. However, I recognise that there are many people who are hurting and who need money out very quickly and that the restrictions, in the run-up to Christmas, are very difficult for people to deal with. We will endeavour to do our bit as quickly as possible, although I do say again that the vast majority of support will be delivered through the Finance Minister.

If I may, Mr Deputy Speaker, I will take the time to deal with the self-employed scheme. I asked for and circulated a paper for those who were recently self-employed and, indeed, for those who were company directors. My initial bid to the Finance Minister was for £70 million for those schemes. I have been allocated £30 million in total, £10 million that I was allocated in a previous allocation and £20 million today. Those schemes will reflect the allocation made to me by the Finance Minister.

Mr Stalford: My question is on the point that the Economy Minister has just made. In questions to the Finance Minister on his statement, I asked how much money the Economy Minister had bid for. I heard a figure in excess of £300 million, but, when I checked the BBC website, I saw that it was recorded as £190 million. Can my colleague confirm that she submitted a bid in excess of £300 million and has received from the Finance Minister £137 million?

Mrs Dodds: I can confirm that we submitted a very wide-ranging number of bids to the Finance Minister. Those were well in excess of £300 million, because we believe that the economy needs to be stimulated in order to recover. We need to offer help to those who have been impacted, but we also need to have the stimulus scheme that the economy, particularly the high street, will require to recover.

Miss Woods: A number of financial assistance schemes were outlined today by the Finance Minister, as we have

heard. Can the Minister outline whether any of that funding will be allocated to fill the gap and give support to those who have received nothing to date? If not, why not?

3.00 pm

Mrs Dodds: The Member will have seen the variety of schemes that were allocated today. If she would like to identify the gap that she talked about, of course, we can talk about it.

Coronavirus Job Retention Scheme: Employee Rights

3. **Mr Muir** asked the Minister for the Economy what actions she is taking to ensure that employees made redundant then rehired to benefit from the extension of the coronavirus job retention scheme do not have their redundancy or other employment rights impacted negatively. (AQO 1158/17-22)

Mrs Dodds: Thank you for your question. My officials are actively engaging with their counterparts in the Department for Business, Energy and Industrial Strategy (BEIS) to ascertain what, if any, changes are required to employment law in Northern Ireland following the extension of the coronavirus job retention scheme.

HMRC is responsible for the scheme and its eligibility criteria. However, I understand that employees who were on the payroll on 23 September 2020, but who were made redundant or stopped working for their employer afterwards, can be re-employed and claimed for. As the scheme is operated by HMRC, any employer requiring information on the extension should contact HMRC directly.

I firmly believe that employers who have been able to take advantage of the scheme should treat staff fairly and respect employee rights, including those relating to redundancy consultation, notice period and redundancy pay. That is why I previously introduced legislation to ensure that employees furloughed under the original scheme would not see reductions in those entitlements.

Any individual who believes that their employment rights have been breached should consider contacting the Labour Relations Agency's workplace information service for confidential and impartial information or the Law Centre Northern Ireland, which continues to provide free, independent, specialist legal advice on employment rights.

Mr Muir: I thank the Minister for her response. The extension of the furlough scheme is something that the entire House could welcome but the lateness of the hour for that announcement — hours before it was about to expire — is a real issue.

Will the Minister consider introducing primary legislation or other rules and regulations to ensure that people do not lose their accrued entitlement as a result of being made redundant and then re-employed? Is the Minister prepared to consider that?

Mrs Dodds: I am. I agree that the lateness of the hour in bringing forward the extension of the scheme has caused significant problems for employees and for employers, who had already made their business plans based on another set of circumstances. I fully agree with you. You will have heard me call numerous times for the job retention scheme to be extended, particularly for sectors that still have and

will have a significant tailback in their recovery from the pandemic.

I will, of course, instruct officials to look at any gaps that there may be, but no employee being re-employed should suffer disadvantage. If there are to be redundancies while that person is on furlough, it should not be based on their furlough wage but on their full entitlement, so that people are not disadvantaged in that way either.

Mr Dunne: The Minister will be aware that legislation on domestic violence went through the House last week. That was long overdue, and we really welcome it. Will the Minister advise the House on her views on special paid leave for victims of domestic abuse?

Mr Deputy Speaker (Mr Beggs): That is beyond this question, but, if the Minister wishes to answer, that is over to her.

Mrs Dodds: This is an issue of huge importance, and it is important that the Minister charged with employment rights should take a view on it. I know that there is huge support in the House for this issue. I recognise that some employers already act in a compassionate and progressive way in relation to this issue with people who have worked for a long time in their business. Therefore, I have asked officials to give consideration to this, and I will revert to the House in due course.

Ms Rogan: It is concerning that some employers have recently adopted policies of firing and then rehiring workers under poor terms and conditions, such as zero-hours contracts etc. Will the Minister look to amend the legislation to ensure that workers are not open to that exploitation in such a way?

Mrs Dodds: It is difficult for me to speak of individual circumstances, but employers should not use the pandemic to abuse or negate employees' rights. That is why I introduced the legislation around furlough payments and potential redundancies. I advise any employees who feel that their rights have been abused to contact the Law Centre or Labour Relations Agency where there will be specialist advice and people who will be able to take it further for them.

COVID-19: Support Schemes

4. **Mr M Bradley** asked the Minister for the Economy, following the publication of the report into the financial implications of the four-week circuit breaker, how her Department will get groups highlighted as being adversely affected back into employment. (AQO 1159/17-22)

6. **Mrs D Kelly** asked the Minister for the Economy, given that she has stated that females, younger workers and those on low pay may have been most adversely affected by the impact of COVID-19, how her recovery plan targets resources at those most in need of support. (AQO 1161/17-22)

14. **Ms Bunting** asked the Minister for the Economy, further to her Department's report on the potential economic impact of the four-week circuit breaker, how the learning from its findings will be implemented in the consideration of any future COVID-19 restrictions. (AQO 1169/17-22)

Mrs Dodds: Mr Deputy Speaker, with your permission, I will group questions 4, 6 and 14, and I ask for your

permission for an extra minute to answer those questions. Were Mr Speaker here today, he would be astounded that I am answering question 14.

My Department has developed a number of packages to support younger workers and those most adversely impacted by COVID-19. An apprenticeship recovery package has been established to encourage the return to work of up to 4,500 furloughed apprentices and their retention through to the successful completion of their apprenticeship. Those apprenticeship skills will play a significant contribution in maintaining the skills pipeline and supporting the renewal of the wider Northern Ireland economy. I have introduced a scheme to support new apprenticeships and an apprenticeship challenge scheme to try to get innovative apprenticeships up and running.

I have also allocated £6.2 million to support the provision of free flexible training for up to 5,000 individuals who have been directly impacted by the pandemic. Courses are available in all of the further education colleges, Queen's University, Ulster University and the Open University. I encourage anyone whose employment has been hit by the pandemic to explore those opportunities.

Members will be aware that I recently launched the COVID restrictions business support scheme to provide support to businesses and individuals directly impacted by the ongoing restrictions and those within their supply chain. The majority of support is being provided to those who occupy premises through the localised restriction support scheme that is run by the Department of Finance.

I have said repeatedly that we need to find ways to live with the virus. Therefore, facilitating the safe reopening of our economy is, of course, the most effective way in which we can help those across society who are adversely impacted by the restrictions. Utilising assessments, such as that produced by my Department on the potential economic impact of the four-week circuit breaker, will help the Executive to take balanced decisions around the timing, scope and duration of restrictions.

Mr M Bradley: Does the Minister agree that, irrespective of what grant support is made available, the best support that the Executive can give is to allow businesses to trade? The Minister previously launched a scheme to help businesses to get online, which will allow smaller businesses to continue to trade, even if they are shut. Does the Minister have plans to continue or enhance that scheme?

Mrs Dodds: I thank the Member for his question. I am on record as saying, over and over again, that the best way to help businesses is to help them to trade in an open, safe and effective way. I deeply regret that we will have two further weeks of restrictions in the run-up to Christmas, but the Health Minister has advised that that is necessary to stop our hospitals being overrun.

It will be difficult for those individuals who are impacted on. One of the ways that we can try to help businesses is to help them have a dual offering through some online presence as well. Back in October, we introduced the digital selling capability grant, which was a small tester grant to see how that would work in the economy. It has been significantly oversubscribed, and I am therefore pleased that the Finance Minister has allocated a further £3 million to that grant scheme, which we will be able to open up again. I have also asked Invest NI to look at the

thresholds in that grant scheme so that it is open to a wider range of small businesses.

Mrs D Kelly: I thank the Minister for her answer and the commitment to apprenticeships and skills training, which target resources at our young people in particular. Will the Minister confirm whether her Department has looked at where job vacancies in the next six to 12 months are forecast for so that young people will be better informed through the careers advice that might be available to them on what options to take?

Mrs Dodds: We already know that COVID has not had an equal impact across sectors of our economy. Sectors like hospitality and the high street have been very adversely impacted by COVID, but some sectors have actually powered ahead in this really difficult and challenging period. We continue to see significant growth in the numbers of people of all ages who are able to gain employment in the digital and tech sectors, for example. We have been looking at how we can help young people to get into those sectors, particularly through the assured skills academy routes. I often mention the academy that we ran with Microsoft, because it was a fantastic way for young people to gain experience of that sector and of employment. Twenty-four young people took part in that skills academy, which was delivered online at the height of COVID, and 23 of those young people are employed today.

Ms Bunting: We have heard a lot in the Chamber today about need and the delays in grants getting out. Unquestionably, it is imperative that people get the money that they so desperately need. Will the Minister confirm the ratio of the delays in grants between her Department and the Department of Finance? Will she also outline what support she receives from Executive colleagues when, in their discussions on restrictions and lockdown, she makes the case for the survival of businesses? Was her Department's report —?

Mr Deputy Speaker (Mr Beggs): The Member asked a number of questions.

Ms Bunting: Was her Department's report taken into account by any —?

Mr Deputy Speaker (Mr Beggs): Order. Members have asked a number of questions and had a lead-in. I ask the Minister to answer the question. If you want to ensure that your key question is put, put it early.

Mrs Dodds: It will be no surprise to you that I advocate, at all times, for an open and free economy that is able to trade safely in these COVID pandemic times. That is difficult. Many people will have seen the agonies that the Executive have put themselves through with the restrictions over the last period. That is because the balance is very difficult to get right. However, it is also imperative that we recognise that, in closing down our economy, we impair the life chances of our people and our community. That weighs heavily on my mind. I never fail to take the opportunity to advocate on behalf of those people. COVID has disproportionately impacted on the life chances of the young, women and the working poor. We need to see our economy open up again before Christmas.

I do not have the figures for the finance grant, but I have given freely and transparently the figures for the COVID restrictions grant. I will continue to work in a transparent way with the Assembly on this issue.

3.15 pm

Mr Sheehan: Minister, two weeks ago, the DUP vetoed public health advice and created a sense of confusion among the business classes about whether it would be safe to open. Does she accept that the entirely inappropriate use of a cross-community veto created unnecessary confusion and uncertainty among businesses and wider society?

Mrs Dodds: I will, of course, correct the Member and indicate to him that the decision that was taken on the previous occasion was taken with the support of the Health Minister. In fact, it mirrored almost identically, except for close-contact services and coffee shops, the request in the Health Minister's paper.

Furthermore, the decision to close down on 27 November is also at the request and recommendation of the Health Minister, backed up by the Chief Medical Officer and the Chief Scientific Officer. That is clear and has been respected by the Executive as a whole.

Mr Deputy Speaker (Mr Beggs): That is the end of the period of listed questions. We now come to topical questions.

COVID-19: Business Support

T1. **Mr Gildernew** asked the Minister for the Economy whether, given that businesses have been kept in the dark for so long and waited for four weeks for the opening of part B of the COVID restrictions business support scheme, as well as the fact that she has stated that part A of that scheme will close to new applicants before payments can be made under part B, she will extend the application dates so that eligible businesses will have sufficient time to apply and receive money before Christmas. (AQT 711/17-22)

Mrs Dodds: I congratulate the Member on a brave attempt to throw confusion over the issue. When I indicated that we would separate the two parts of the grant scheme, it was before we were to have a further period of restrictions. These schemes will, of course, run in parallel, and they will take account of the new timescales for those restrictions to apply.

Mr Gildernew: I thank the Minister for her answer. I am sure that that will be a great relief to business. I ask the Minister to consider extending the scheme to photographers, who are largely unemployed, not directly but due to the businesses that they serve as part of the supply chain.

Mrs Dodds: At my request, part B of the grant scheme specifically indicates that those who are not directly in the supply chain but cannot operate because they are part of the economy that is closed should be considered as well.

COVID-19: Safely Open Group

T2. **Ms Bradshaw** asked the Minister for the Economy for an update on the safely open group and the work that she will be involved in over the next few weeks. (AQT 712/17-22)

Mrs Dodds: These are issues that the Executive will take forward. I continue, of course, at all times, to have conversations with the wider hospitality industry and the retail industry etc. However, the Executive Office, officials from my Department, the Health Department and the Public Health Agency are involved in the rest.

Ms Bradshaw: I thank the Minister for her response. Given that we know more about the transmission of the virus in enclosed spaces, are you minded to bring forward a financial support scheme for businesses with a large number of employees who are quite sedentary during the day, so that they can improve the ventilation systems in their premises?

Mrs Dodds: That was one of the issues that was raised. I think that, if it is identified as an issue by the Public Health Agency, it is incumbent on the Executive to make money available for that.

Project Stratum

T3. **Ms Dolan** asked the Minister for the Economy, after welcoming the roll-out of Project Stratum, which will improve broadband connectivity for many in the Fermanagh and South Tyrone constituency, when 575 premises in the constituency that will not benefit initially from the project, despite being in the target intervention area, will be covered. (AQT 713/17-22)

Mrs Dodds: Of course, I was delighted that we were able to announce the beginning of Project Stratum. That is good news for Northern Ireland, and it is a direct result of the confidence and supply arrangement that the DUP had with the Conservative Government. It will be a lasting legacy for Northern Ireland. There are a number of premises that will not benefit in those target areas, and we are committed to working with the Department for Digital, Culture, Media and Sport to make sure that we can include the vast and overwhelming majority of those premises within the intervention area. This is an exciting project; 76,000 homes in Northern Ireland that are difficult to reach will have broadband and high-speed internet access. That is exciting not just for the individuals and families but for the connectivity and competitiveness of the economy in Northern Ireland.

Ms Dolan: Yes, Minister, I agree that it is exciting, but one of the ongoing issues with broadband and the digital divide has been that broadband providers prioritise urban areas for upgrades and improvements while rural areas are left behind. My fear is that, as technology develops, rural areas will be left behind and will be left with superfast broadband whereas urban areas will move to ultra-fast broadband. Minister, have you received any guarantees that Fibris will upgrade rural broadband services in the longer term so that rural areas can keep pace with urban areas?

Mrs Dodds: First of all, I indicate to the Member that 97% of the target intervention area for Project Stratum is rural Northern Ireland or settlements of less than 1,000 people. As I have said before, that is hugely important for the connectivity of the economy, for the balancing of the economy in Northern Ireland and for making our economy more competitive. In terms of the actual broadband, Fibris has a contract to deliver on the specifics of its particular contract. However, we recognise that these things are changing and moving very fast, and we will try to keep up with that, given the constraints of any particular contract that the company has.

COVID-19: Business Support Payments

T4. **Mr Catney** asked the Minister for the Economy whether she agrees that the delay in payments made under part A of the COVID-19 restrictions business

support scheme is unacceptable and has caused huge distress and hardship; and will confirm that the payments will be made as quickly as possible. (AQT 714/17-22)

Mrs Dodds: As I have said before in the House, the COVID restrictions schemes fall into two parts. One is the local restrictions scheme delivered by the Department of Finance, and I am not aware of and do not have up-to-date details in relation to that scheme. The second one is the restrictions one, which is being delivered by my Department. That grant scheme opened up for business on 28 October and made its first payment on 6 November. Almost half of all its payments are now out, and that represents about £3.6 million of assistance to date. All applications that have had an accountant's letter for verification have been paid, and Invest NI officials worked over the weekend on others that are more difficult to verify. Part B of the scheme opened on 18 November. To date, 111 applications have been received, and officials will be working as quickly as possible to verify those applications and get payments out.

Mr Catney: Thank you, Minister. You have been provided with additional resources today to extend the scheme for the next two weeks. Given — I am going to be hard — the failure of the Department that you oversee to get that desperately needed money out as quickly as possible, can you provide a time frame for the delivery of these grants to the businesses, please?

Mrs Dodds: The business support schemes that are supporting businesses during the periods of restrictions remain the same. I indicated that, because it was so close to Christmas, many of our retail businesses should receive an enhanced payment, but I was told that that was not possible on this occasion and that doing so might even delay funding being paid out. We will, however, continue to work to ensure that businesses receive their funding as quickly as possible. I do not recognise this as being a failure. These are complex schemes that have to be delivered with assurance, as they involve the taxpayer's money.

Connectivity

T5. **Ms P Bradley** asked the Minister for the Economy, after congratulating her on the announcement of Project Stratum and agreeing with her that we would not be in this position were it not for the DUP and the confidence and supply agreement, to expand on connectivity and the economy, particularly in post-COVID times. (AQT 715/17-22)

Mrs Dodds: Project Stratum is new and exciting. It is not available in any other part of the United Kingdom. It will provide greater connectivity, greater regional balance and help our economy to be more competitive. The current issues with the pandemic and the restrictions have clearly demonstrated how connectivity, and not just by road, rail or air but in the digital sense, is so vital for our economy going forward.

Many of the firms and companies that I talk to about investing in Northern Ireland have indicated, some of them very recently, that access to good broadband schemes is important but that the skills and resilience of our people in dealing with the huge difficulties that we have had are of major importance if we are to attract investment to Northern Ireland. Project Stratum is therefore a very

significant and lasting legacy of that DUP-Conservative confidence and supply deal.

Ms P Bradley: I thank the Minister for her answer. She will know that many indigenous businesses, local farmers and various other people in our rural communities have poor broadband connection. I do not understand it totally, because I am a townie and have great broadband, but what conversations has the Minister had with other Ministers about the concerns raised? We have had conversations during lockdown with the Education Minister about how children access online learning. What conversations have taken place with other Ministers?

Mrs Dodds: I am sure that everyone in the House will recognise the real difficulties that families with poor connectivity have had. I spoke to one family whose members had to take it in turn to access broadband in their home. That is a very difficult situation, when we have young people wanting to get online, schools trying to teach lessons online and folk trying to work from home. Project Stratum will start to address those difficult issues, and I am delighted that it is being rolled out. For Members' information, I have asked Fibrus to ensure that MLAs are kept well informed about the roll-out of Project Stratum in their area.

Mr Deputy Speaker (Mr Beggs): Caoimhe Archibald is not in her place.

Real Living Wage

T7. **Mr McHugh** asked the Minister for the Economy whether, if she is serious about poverty, low pay and employment, she will guarantee that public money will be used to create jobs that pay at least the real living wage, given that she and previous DUP Economy Ministers have not addressed the issue of low pay and work poverty and that, since 2014, Invest NI has supported 2,950 jobs that pay less than the real living wage. (AQT 717/17-22)

Mrs Dodds: I thank the Member for his question. He raises an issue that is very important to me. COVID and the restrictions imposed as a result have impacted significantly on families and the working poor. If you are on furlough, receiving 80% of your salary, that will significantly impact on your ability to pay the mortgage, meet the grocery bill and do everything that a family normally does.

I am concerned that, if we continue in a cycle of lockdown, we will simply perpetuate the difficulties, particularly for the working poor, for women who rely on the hospitality sector for additional family funds and for the many other sectors for which it is a real issue. We need to get to the stage where the economy is open and able to function appropriately. We will do that not only with restrictions but with better testing and the vaccine that we hope to see rolled out in Northern Ireland in the future. I am committed to ensuring that we do not have a race to the bottom either in the jobs that we create or the conditions and restrictions that we impose on the economy.

3.30 pm

Mr Deputy Speaker (Mr Beggs): That concludes the period for questions to the Minister for the Economy. Members may take their ease for a few moments before the next item of business.

(Mr Speaker in the Chair)

Executive Committee Business

Harbours (Grants and Loans Limit) Bill: First Stage

Ms Mallon (The Minister for Infrastructure): I beg to introduce the Harbours (Grants and Loans Limit) Bill [NIA 12/17-22], which is a Bill to amend the Harbours Act (Northern Ireland) 1970 to increase the statutory limit on certain grants and loans for harbour works etc.

Bill passed First Stage and ordered to be printed.

Mr Speaker: Members may take their ease for a few moments while we prepare the Chamber for the next item of business.

Committee Business

Committee for the Economy: Energy Strategy Report

Dr Archibald (The Chairperson of the Committee for the Economy): I beg to move

That this Assembly welcomes the special report of the Committee for the Economy on considerations for the forthcoming energy strategy; supports the development of an ambitious, target-driven energy strategy that will decarbonise the energy sector by 2050 while minimising the cost to the consumer; and recognises the strategy's potential to boost our economic, health and social well-being into the future.

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members will have five minutes. Please open the debate on the motion.

Dr Archibald: The Committee recently undertook a micro-inquiry to seek views from stakeholders on what they wanted to see in the energy strategy being developed by the Department for the Economy. That is in the context of the British Government's legislative target of net zero carbon by 2050. The energy strategy will determine the future priorities and potential changes needed to achieve that and other targets. During the inquiry period, earlier this year, the Committee asked stakeholders a range of questions about what they would like to see as the key elements of the energy strategy, what the future holds for the renewables industry and whether there would necessarily be a difference in the price of energy for business and consumers in the future. The Committee received over 180 responses from across energy organisations, consumers, individuals, businesses and academics. I put on record my thanks to those who took the time to respond.

The Committee has produced a special report summarising the themes that have emerged. It has shared the inquiry report with the Economy Minister, and it is that report that we are discussing today. In addition to the inquiry, the Committee heard evidence from departmental officials on the energy strategy and has, on the whole, relayed its encouragement of the process for the development of the new energy strategy, the progress of which the Committee will continue to monitor regularly.

Through the micro-inquiry, the Committee identified issues that will need to be addressed in the energy strategy. We are about to go through a massive upheaval of the whole energy system through the electrification of heat and transport systems, and it is important that stakeholders are involved in shaping the design along with government.

First, the energy strategy must have a statutory footing and binding targets that are clear, measurable, ambitious and in line with both the Programme of Government outcomes and the UN sustainable development goals. From looking in more detail at the current targets, we see that there may be scope to reduce greenhouse gas emissions by at least 45% by 2030 on the basis of the Climate Change Committee's (CCC) recommendations, with a view to assessing the feasibility of a 70% reduction by 2030. The

energy strategy should implement policies towards those targets while moving towards a target of net zero carbon before 2050. To that end, consideration should be given to establishing an NI climate Act along the lines of those already designed in Scotland and Wales.

The Committee is alive to the fact that the UK Office for National Statistics (ONS) family expenditure survey shows that households in the North spend a higher percentage of their income on energy than those in other regions. More than one in five households here is in fuel poverty, so they cannot afford to spend more on energy bills. To tackle that, we must turn our attention to enhancing the existing energy efficiency schemes to ensure that homes and businesses are as energy-efficient as possible. That will lower consumption and, therefore, bills. In that regard, it is crucial that energy efficiency targets be identified and set, together with new building regulations that future-proof the energy efficiency of new developments. Above all, the most vulnerable must be protected during the energy transition.

Investment is urgently needed in a number of areas. With regard to transport infrastructure and the rise in the number of electric vehicles, there is clearly a need for investment in car-charging infrastructure. That, along with a modal shift to encouraging walking, cycling and using public transport, will have a significant impact on carbon emissions. Investment is also required in the electricity grid, with the successful deployment of large-scale renewables projects. That is becoming urgent, as it is needed to allow renewable energy to enter the system.

Careful adjustment is necessary for the planning system to succeed in allowing forms of energy production such as wind turbines and energy storage areas. Additionally, smaller companies wishing to install renewable energy technology may need to access funding support schemes to help to cover the initial outlay and to reduce financing risks. The ability to store energy will play a significant role in bringing more renewables on to the system. To that end, we need a separate action plan to encourage large-scale storage, localised storage and biogas. In relation to the natural gas network and its expansion, hydrogen is increasingly seen as a green fuel for the future that could replace natural gas. We note that plans are under way for gas networks to transition to hydrogen over the coming three decades.

Some sectors will be able to make a bigger contribution than others to lowering carbon emissions; for example, agricultural practices. The main opportunities for reducing emissions from agriculture are evidenced in crop and soil management and measures to reduce livestock intensity. However, there is a role for increased energy efficiency. To achieve all that, we need the local workforce to develop a suitable skill set to take forward new technologies and infrastructure.

An effective strategy should identify key areas of work for government, local government, educators, businesses and communities and, preferably, should be co-produced to maximise the available expertise and ownership of the changes to take place. There is so much to do. As, I am sure, you will recognise, the energy strategy has the capacity to be one of the biggest issues that our economy can gain from right now. The energy strategy has a considerable role to play in making the North a place that is investable, particularly through having the levers to keep

manufacturing facilities here and being able to expand them. The Committee's primary concern, while meeting the carbon net-zero target, is to make energy affordable, so that businesses and consumers can thrive and enjoy higher levels of health and well-being. We have to get this right.

I will now make some remarks on behalf of Sinn Féin. Sinn Féin made submissions to the DFE call for evidence and the Economy Committee's micro-inquiry. Tackling the climate emergency is one of the fundamental challenges of this century. It is an issue that we have discussed a number of times in the Chamber. In January, the first motion that Sinn Féin brought before the Assembly was to declare a climate emergency. Since then, a climate change Bill has been submitted with cross-party support. That is an important basis for dealing with the challenge of climate change. However, the strategies underpinning the legislation will be key to achieving the targets. The energy strategy is one of the most important. It cuts across Departments and sectors. It is also a real opportunity to lay down a marker about the approach that we want to take to the decarbonisation of our economy and society.

Sinn Féin believes that the energy strategy must be based on a number of principles. Foremost of those is a just transition. As we seek to move rapidly away from fossil fuel dependency, there is an opportunity to tackle the economic status quo that has caused and exacerbated the climate crisis and to reshape our economy, creating a fairer, more equal and sustainable society. The COVID crisis has brought into sharp focus economic inequalities. As we plan our recovery, it is critical that a just transition approach is core to economic rebuilding. The second is public and community ownership of energy and renewable resources. Across the island, we have the resources that can be harnessed to provide the energy that we need. Communities and the public should have the opportunity to benefit directly from those abundant resources. Democratising our energy market not only gives communities a financial stake but increases the awareness and buy-in from the public towards the goal of decarbonisation. The third is rural and urban equality. Tackling regional imbalances in energy supply must be part of the energy strategy. On the basis of the principles of just transition, the barriers faced by rural communities — for example, the lack of public transport — must be taken account of. The fourth is a green new deal, which was a commitment in 'New Decade, New Approach'. As I have said, it must be one of the key facets of our economic recovery strategy. The potential of our renewable resources provides huge opportunities for the creation of green-collar jobs through investment in research and innovation, infrastructure and skills development. Finally, the climate does not recognise borders, so, on this small island, there needs to be strong cooperation. Our energy market is already integrated, and we must ensure that our energy strategy takes account of that. It must harness modern technologies to assist in achieving our emissions reduction targets. An energy strategy based on those principles, with ambitious targets that are reviewed regularly and sectoral plans, would go a long way to achieving the progress towards decarbonisation that we need to see in the short, medium and longer term.

I thank those who shared their views with the Committee. The report is available on the Committee's web page on the Assembly's website. I encourage anyone with an

interest in the subject to read it and to continue to engage with the development of the energy strategy. I commend the motion to the Assembly.

3.45 pm

Mr Dunne: As a member of the Economy Committee, I welcome the opportunity to speak on this important issue.

There is no doubt that energy affordability and security of supply are key issues, and we must ensure that they are kept high on the agenda. The cost of electricity to consumers continues to be a real challenge to domestic and commercial energy users. Energy has been an important issue in the Committee for some time, and the micro-inquiry has been an opportunity for stakeholders in the sector to have their say and to engage on this important issue.

The ongoing COVID-19 pandemic has presented unprecedented challenges for businesses and domestic consumers. While having a strategy in place to ensure that we have a sustainable energy future is important, it is paramount that our short-term challenge is to ensure that energy is affordable. The manufacturing sector has huge challenges with energy costs. Its high energy costs are very challenging for the sector in being able to compete globally in the world marketplace.

Wind energy has been the main source of renewable energy in Northern Ireland, which we all seem to be proud of, and it has achieved its renewable target of 40% by 2020. That was heavily incentivised through the renewables obligation certificates (ROCs) scheme, which has now closed. However, I question the total cost of the scheme, which providers have been tied into with 20-year contracts.

There are, of course, drawbacks with wind energy as wind is not consistent, and many wind turbines are producing surplus amounts of energy, which could be transferred to battery storage units for later use or to be fed into the grid system. However, there are many major challenges in getting sufficient battery capacity to deliver that.

Connections into the grid continue to be a challenge for wind turbines due to weak infrastructure in some parts of the country. There is a problem with most of the generation being in the west of the Province while there is greater demand for supply in the east of the Province.

The gas network needs further support. More needs to be done to encourage consumers to connect to gas. Suppliers such as Phoenix Natural Gas continue to encourage uptake within the greater Belfast area, which ranges from 30% to 60% where networks exist, and gives consumers more value and cleaner energy. Approximately 70% of households across Northern Ireland still have oil-based heating systems, and the current price of home heating oil is relatively cheap in comparison with just a number of years ago as it has an average price, as I understand it, of £235 for 900 litres. It is important to have a mix of energy sources to ensure that no one is left in fuel poverty and to ensure that costs are kept competitive for domestic consumers and businesses.

I recently had a discussion with Phoenix Natural Gas about the use of hydrogen to replace natural gas. I believe that that will work within the existing network and will produce cleaner and more efficient energy. Hydrogen energy has

also been described as the main driver for decarbonising the global economy. We have an opportunity here to become a world leader in hydrogen production and technology. Wrightbus is involved in development work on hydrogen buses, and I understand that Dublin is slightly ahead of us — it is hard to believe, but that is true — as it is trialling hydrogen buses. That presents an exciting opportunity for Northern Ireland. However, it will require significant investment, and I know that the Prime Minister has committed to investing in this new technology. There is the potential to create many jobs in hydrogen technology, in the aerospace industry and in advanced materials sectors and supply chains.

There is a role for education in a future strategy to encourage energy efficiency through focused education. We now have the green light for the development of the North/South interconnector, which went through in September. That will help to improve network stability and security of supply for energy users in Northern Ireland.

I look forward to hearing from the Minister, and I know that she is committed to bringing forward a fit-for-purpose energy strategy for Northern Ireland.

Mr Catney: I thank Committee members and the Committee Clerk for the work that has gone into producing the special report and their ongoing commitment to a new green future for Northern Ireland.

I stand here thankful that, finally, in 2020, we have got to the point where, despite some politically charged rumblings, I have heard our Economy Minister and our Environment Minister speak in the Chamber about the need to protect our environment and tackle climate change. In the context of the debate, I particularly welcome the Minister's recognition in her road map, which was published in June, of the central role of the green economy in rebuilding the Northern Ireland economy.

An effective energy strategy must have ambitious targets to tackle decarbonisation in heat, power and transport. It must be recognised that, when it comes to power, we have made some excellent progress. Fifteen years ago, 3% of our electricity consumption came from renewables; today, it is 47%. That is a great leap forward and a success that we should build on. It is good news not just for the environment, with 9 megatons of carbon saved in the last 20 years, but for consumers, with £135 million saved on consumer bills since 2000. I welcome the Minister's commitment to build on that success by setting new ambitious targets for emissions in Northern Ireland, which, she said, should not be below 70%.

Mr Stalford: I appreciate the Member giving way. The Member is right to note the massive progress that has been made through not only the contribution that Northern Ireland has made but through the contribution, more generally, throughout the West. Does the Member agree that it cannot be right that there are countries in the world that are still building coal-fired power stations?

Mr Catney: Yes, I agree, and I have to ask that question, but we are looking at what we are doing here in Northern Ireland. It is good news that has to be commended and welcomed as much as possible.

The suggested target of renewable energy for Northern Ireland of 80% by 2030 would have the effect on the reduction of carbon emissions of every household turning

off the electricity for 1-5 years. The key success to our increase in renewable generation has been the increase in onshore wind. The Northern Ireland renewables obligation (NIRO), which was the main support stream for encouraging increased renewable electricity generation, spurred that on. However, the scheme closed in 2017. Any future targets must be accompanied by credible incentive schemes in order to spearhead movement towards our ambitious targets.

However, it is not all good news. Successive Executives have failed to produce a coherent plan to realise the benefits of offshore wind, while all our closest neighbours have shot forward in that area. There must be continued engagement with partners across Government and businesses, including the Crown Estate, to address barriers and ensure that Northern Ireland has the potential to benefit from future seabed leasing rounds.

We need to consider the clear targets on heat that were set by the Government in Dublin to have 500,000 greener homes and 400,000 heat pumps installed by 2030. That goes beyond the structured thinking of just looking at heat, power and transport. It will require us to look at changing behaviour, and a model should be taken from the EU clean energy package's ambition to see citizens put at the heart of the future of energy. That behavioural shift will be key to any effective energy transformation.

We need to keep an eye on emerging transport technologies, which has been alluded to by my colleague. While hydrogen will be the key to unlocking the greener transport system, any energy strategy must have the flexibility to deal with new technologies that we may not have fully considered today. That will not only make the strategy more effective but will add to the longevity of it. I also welcome the work that the Minister for Infrastructure has been doing to develop a green transport strategy, particularly the groundbreaking cross-border work with Minister Ryan that I hope to see much more of.

A new green economy is not only central to protecting our area for the next generations but it is now clear that it is central to the recovery of our economy from the pandemic and will be a key driver for growth in the future. I know that the Committee will continue to work to make sure that any energy strategy realises that potential.

Dr Aiken: I welcome the report and thank the Chair and members of the Committee for it. It is entirely timely.

I need to make a declaration: I was formerly the chief executive of the British Irish Chamber of Commerce, and I was heavily involved in the renewable energy sector. It always struck me that, when I asked businesses in the sector from across these islands why they did not want to invest more heavily in Northern Ireland, they said that there were four reasons that prevented a greater output of renewable energy. The first was the monopolistic position that was, very clearly, held by the Electricity Supply Board (ESB) and EirGrid, the large costs that were involved in connection and the lack of investment in the grid.

The second was the role of the regulator and the fact that, in many cases, the Utility Regulator seemed to prevent moves towards best practice, including in renewable energy. The third issue was the question of whether the Department for the Economy was fit for purpose and whether it had the breadth and scope to deal with the issue of renewable energy. Unfortunately, from what we have

picked up from the RHI inquiry and other evidence that has come to light, the Department for the Economy was not fit for purpose and could not deal with that issue. We hope that that has changed.

The final issue was the lack of ambition in Northern Ireland to get to the point at which it could be a leader not only on these islands but globally when it comes to renewable energy. Thanks to our geography, we have an abundance of wind energy. We have the ability to have an abundance of offshore wind energy. We have the ability, because we have suitable scale, to be a gateway between the Republic of Ireland and the rest of our nation, the United Kingdom. In the wider energy field, we have the ability to connect to the new developments that are going on in Norway, Denmark and the Netherlands, and to the very large offshore wind energy fields in the North Sea. All of those things point to how Northern Ireland could be more ambitious.

I thank Dr Archibald very much for the report. My issue is that it talks about 2050. Our Prime Minister is talking about electric vehicles (EVs) being rolled out and being the only vehicles allowed on the road by 2030. That is much more ambitious. That is what we should be aiming for. To decarbonise energy, we need to get to the point where we send a signal to everybody in Northern Ireland who wants to invest in green energy that we are the place in which to do so. How can we do that? One example is biogas and the move towards hydrogen. We have a surplus of biogas. We have heard on numerous occasions about the problems that we have with anaerobic digestion and the waste that comes from our dairy and poultry businesses. We have a real opportunity to strip out that biogas and transform it so that we become a hydrogen economy. We can do that because we have the scale to make it work effectively in Northern Ireland, but there must be a signal to the market to make that happen. That ambition must be part of a strategy to try to make it happen.

The issue with the grid is significant. Many of us will have had many constituents complaining that, when they tried to connect low-energy wind or anaerobic digestion to the grid, they discovered that they were being charged three or four times the rate that they would be charged in the south of Scotland. It is even more galling that the exact same contractors who do this in the south of Scotland are charging three or four times as much in Northern Ireland.

There are also issues with planning. How can it be that, after this length of time, we do not have a planning process that is fit for purpose? I say to the Committee Chairman and the Minister: let us have some ambition in Northern Ireland and set ourselves a target not of 2050 but of 2035. It is ambitious, but it is doable. Let us do it.

4.00 pm

Ms Armstrong: On behalf of the Alliance Party, I welcome this special report and its contribution to the debate on our energy future. I thank Dr Archibald, the Committee and all its staff for the work they have put in on this. It is a really informative document on the choices and issues that we face in energy policy.

When it comes to energy policy, we must always pursue an evidence-based approach. This is a huge issue that affects our everyday lives. We face a climate crisis right now, and we must act to reduce emissions, protect the

natural environment and make our ways of living more sustainable for future generations. Northern Ireland has done well in the past in increasing our energy efficiency and, especially, our renewable electricity generation, but we must not consider this to be mission accomplished. We can, and should, be out front, as others have mentioned, leading not only in the UK and Ireland, but in the world, and we have the potential for this. I echo Dr Aiken's point: I see the Department setting an ambitious target for renewable energy generation. Ultimately, we want 100% of our electricity to come from renewables. I note that Scotland is aiming for 100% by the end of this year, so this is clearly doable.

Time is short, so I want to highlight some of the key points made by respondents, if I may. They highlighted the need for energy issues to be interconnected through partnership across government. Departmental silos will harm our ambitions for a better future. Departments, especially Finance, Economy, DAERA, Communities and Infrastructure, must ensure that close and functional working relationships are the norm. Many have already pointed towards a green new deal. The transition to a greener economy must also be clearly interconnected with the relevant skills training. We must not leave people behind as the deindustrialisation of the 1970s and 1980s did, causing massive ongoing impacts on our community today.

One particular area that the report and respondents noted in the decarbonisation of heat was the issue of fuel poverty. That has been a persuasive issue for this part of the world, and must always be a key priority for policymakers. We must make sure that, as we invest in the future of green energy, the costs do not fall on the vulnerable. So much more could be done in home insulation. As communities spokesperson for the Alliance Party, I know that our housing stock does not perform particularly badly, but many of the poorest live in poorly insulated private rental homes. Our entire housing stock will need to be looked at, and serious amounts of easy-to-access funding provided to people to live them to adequately heat and light their homes.

Our public buildings, too, will need improvement. That is why the Departments of Education and Health, which own a huge portion of the public buildings of Northern Ireland, need to be brought in. Let us not forget the roles of the Department for Communities and Department of Finance with the number of publicly owned homes. There are many opportunities in the decarbonisation of heat already, and more needs to be done in integrating these into plans and planning regulations for the future. This will require investment in our energy infrastructure and breaking down barriers that prevent necessary and eco-friendly projects from progressing.

Energy storage will also be key. In particular, as the report highlights, we should be looking at our mix and at whether offshore wind and other marine technologies could play a considerable part in this.

Finally, there is transport. As has been mentioned, we are a heavily car-dependent society. Until COVID, private transport was having a renaissance, more out of necessity, but, when things start to return to normal, major investments in transport will be needed. That needs to be taken into electric vehicles and a hydrogen infrastructure for cars. It should absolutely mean that public transport runs on electricity or clean energies, certainly not

petrol or diesel. With the Department for Infrastructure and Northern Ireland Water, we have an opportunity in Northern Ireland to consider whether there are options to develop hydrogen production. As we know, that needs a steady volume of water and, given that Northern Ireland Water is one of the highest users of electricity, it is in their interests to be part of that process. We may even be able to resolve the ongoing issue of the cost of running a water system and keeping it at the required standard by bringing energy production options into consideration through Northern Ireland Water.

Energy policy affects us all, so we have to get this right and ensure that everyone in our society is invested in this. Northern Ireland deserves clean and healthy air, a protected environment and a sustainable and secure energy supply. I look forward to the Department's consultation on an energy strategy, taking into consideration this report in order to secure it.

Mr Frew: I welcome the micro report and thank the Committee for its work. Energy will always be a massive piece of the economy portfolio. I also pay tribute to the Minister, who has met me on the issue.

Let us face it: energy is a massive issue for any devolved jurisdiction, simply because we all pay for it. The problem that we have in Northern Ireland is that our heavy industrial users pay more for energy because of the network charges and everything that goes with them. That has been a massive problem over the years and has led to job losses not only in my constituency but across Northern Ireland. Energy costs have been ranked in the top five reasons that businesses have left these shores. They are therefore a massive issue, and I thank the Committee for keeping it on the boil.

I must speak about my constituency and Wrightbus's work with hydrogen. There are massive energy issues, but carbon is not necessarily the issue, as a good bit of that has been resolved through the use of renewable energy. Where the use of carbon has to be fought is in the areas of transport and heat. By bringing in hydrogen and producing hydrogen buses, two birds can be killed with one stone. Growth can be created in the transport sector that reduces carbon, but wind is also being utilised, and that cannot currently be done, as it cannot be put into the grid because of the inertia issue. We can produce as much wind as we like, but, unless there is a system to back it up and the inertia to keep the energy stable, it cannot be used. There are many ways to do that. Battery storage can be used to contain the energy produced, or that energy can be converted into hydrogen. That hydrogen can then be put into our bus stock and heavy goods vehicles, I suggest. I suspect that batteries are the way to go for small cars, but hydrogen is most definitely the way to go for buses and heavy goods vehicles.

There are times in the energy sector that you stay still and watch and monitor what happens across the world. With hydrogen, I suggest to the Committee and the Minister that now is not one of those times to stop and look. We should go for it, as we have the tools and wherewithal available, and Wrightbus is in the lap of Northern Ireland.

Ms Armstrong: I thank the Member for giving way. One of the outcomes of producing hydrogen is oxygen, and there is a world shortage of oxygen. Northern Ireland not only could be one of the higher producers of hydrogen but

could resolve an oxygen problem. Does the Member think that there should be investment in hydrogen production on a massive scale?

Mr Frew: I entirely agree with the Member, I really do.

You can have all the energy strategies and plans in the world, but, unless you have a system operator that is fit for purpose, you will fail. What do I mean by that? The system operator here is the System Operator for Northern Ireland (SONI), and it has massive issues with independence and governance. That hurts Northern Ireland and will hurt Northern Ireland in the future. SONI has been before the Economy Committee only once. I must applaud my colleague Christopher Stalford, who tore them to pieces over the problems in SONI.

I will pick one example, as I know my time is short. SONI's owner is EirGrid. I have no problem with who owns SONI or with who owns the owners; it is the transparency issue that I have a real problem with. Since EirGrid has owned SONI, there has been a sifting of £12 million out of SONI to EirGrid for cross-charging. EirGrid will not tell us what it is for, what it was charged on or what it paid for, and it hides behind its statement of accounts to Companies House. EirGrid uses a model, FRS 101, to justify that secrecy and lack of transparency. If we do not have a system operator that functions properly, is fit for purpose, is at full capacity and is truly and properly independent, we will fail, no matter what strategy we put in place. No matter what plan we have for the future, if we do not have a fit-for-purpose and fixed SONI, we will fail. We will all pay, every one of us, but mostly our businesses and heavy industry users. That will be catastrophic for jobs, business and the economy.

Mr McGuigan: As other Members have done, I thank my party colleague the Chair of the Economy Committee for bringing the inquiry report to the Assembly for debate. Any energy strategy must be placed firmly in the context of the global climate and biodiversity crisis, and, therefore, for us in the North, the strategy must be an ambitious exercise in decarbonisation and radical climate action. The United Nations Intergovernmental Panel on Climate Change has reported that two thirds of all fossil fuels that we know to exist must remain in the ground if we are to avoid irreversible climate change. Therefore, it is madness that we would even allow exploration for further fuel reserves in the North. Ireland's fossil fuels must remain in the ground. That is the view of the Assembly, as expressed clearly and loudly in a recent debate on fracking and petroleum licensing. It is a view that must direct the action, strategies and policies of the Economy Minister.

The Climate Change Committee requires at least a 35% reduction by 2030 to contribute to the fifth carbon budget, and we have modelled for a reduction of up to 45%. That 45% reduction should be the lower limit of our ambition; in fact, given our abundance of renewable resources, it is decidedly unambitious. As other Members have pointed out, the Scottish Government, for example, have committed to 75% reduction against the 1990 baseline by 2030 in their Climate Change Act; in fact, we in the North still do not have a climate Act and are the only jurisdiction in these islands with that dubious claim. That is, again, recognition that we need to catch up. A bespoke climate change Act must be devised and implemented as a matter of urgency to codify targets and lay out clear emission

reduction milestones. It should also codify sectoral sub-targets for emission reduction.

To decarbonise rapidly, we must also tackle the issue of demand. The energy strategy should lay out clear sectoral energy-efficiency targets bound by an overall efficiency target, and it must do so in a way that is consistent with just transition principles. Any move to decarbonise cannot disenfranchise workers or their families or make their lives more difficult; otherwise the policy will be resisted and fail. If planned properly, though, a just transition could, in fact, positively transform the lives of people, rapidly reducing emissions while creating high-quality and secure green-collar jobs and warmer homes for all through retrofitting and other measures. It could develop more efficient ways of moving around through investment in active travel and public transport, helping to create a healthier lifestyle. It can produce a world-class digital and physical infrastructure, with an abundance of renewable and more affordable electricity from our common wind and tidal resources.

The Kilroot coal-fired power station, for example, must be closed by 2025 at the latest. However, in line with just transition principles, that should be done only with the necessary employment supports and retraining offers in place for workers and in full cooperation with trades unions. The closure of Kilroot should not leave any worker unemployed or any family worse off.

For both moral and practical reasons, we need an energy strategy based on the principles of just transition. The requirement to urgently transform our society and our economy away from fossil-fuel dependency and wastefulness presents an opportunity to tackle the economic status quo that caused the climate crisis in the first place. As we confront the climate crisis, we must also reshape our economy to create a more democratic, equal and sustainable society. That must be the guiding principle at the heart of any energy strategy.

An energy strategy should, as others have said, be rural-proofed and must take account of the specific issues facing rural areas that result in more carbon-intensive lifestyles, such as sparse connections to the gas grid, poor investment in renewable infrastructure and extremely limited public transport.

We must grow the economy through a green new deal. By 2016, more than 50 renewable energy companies were active in the North; as of March 2020, that figure stands at just five. Less than 1% of the private-sector workforce is employed in the green economy, which is accountable for 1.6% of the total turnover. Given the vast economic potential of our renewable resources and the opportunities for high-skilled jobs, high-value research and innovation, retrofitting and construction of green infrastructure that stem from them, that is a stark policy failure. Prioritising the green economy should guide energy strategy policy. An 80% target for renewable electricity by 2030 could result in £1.1 billion of new investment in the North. Climate change does not recognise borders. To be effective, the island of Ireland must operate together where possible to ensure maximum efficiency gains —

Mr Speaker: The Member needs to wind up on his remarks, please.

4.15 pm

Mr McGuigan: — and most appropriate use of resources. I welcome this strategy and the shift in policy that it represents.

Mr Middleton: Like other Members, I welcome the motion. As an Economy Committee member I thank all of the members who played their role in bringing the report to the House, and I thank the Clerk and the Assembly staff for the way in which they conducted themselves on this and all of the matters. As Members have said, energy has a huge part to play in a very significant and large Economy Department. I thank them for that.

The micro inquiry received a large range of responses from across energy and business organisations, consumers, individuals and academics. There was a lot of good engagement, and it brought together this important report, though, of course, the report is just the beginning of a discussion of the ideas that were brought forward. We know that, as that report has been provided to the Department for the Economy, the energy strategy itself will determine future priorities and the potential changes needed to achieve the targets in it. Whilst we want to see progress as soon as possible, we recognise that there are time frames to be met, and we hope that the energy strategy can be put out to consultation early in 2021.

There is no time to stand still, and we need to continue to make progress. I welcome the fact that the Minister has said that this is one of her priorities. She has, of course, announced the 2030 renewable electricity target as being at least 70%. I, like many other Members, have met many people across the sectors who have welcomed that. There will, of course, be those who say that we need to be more ambitious, but it is welcome that we have that target in place.

We got a range a views on what would or should be the key elements of the energy strategy. It is clear that there is strong support for the principal focus of the energy strategy to be the 2050 net zero carbon emissions target that the UK has adopted. All of the actions in the strategy should, at the very least, promote and be very consistent with the aim of meeting the 2050 target. It was highlighted that this should require cross-departmental working. We all acknowledge and reflect on the fact that all we do in the Assembly requires a certain level of that.

As has been highlighted by other Members, consumers and affordability are key issues. I welcome the fact that the responses brought that very much to the fore, because all of us who represent constituents want to ensure that whatever comes out will tackle fuel poverty and benefit the consumer and businesses.

The infrastructure element is important. There was a strong recognition that we need to see more investment in public transport systems as a way to reduce energy consumption. There was also an important view, which I share, that we need to see more investment in the electricity grid and the realisation of strategic infrastructure in a timely manner. That is crucial as well.

On a final note, promoting the energy strategy and increasing public awareness were important points to come out of the micro inquiry as well. We want to encourage stakeholders to be fully aware of the energy strategy and of the draft energy strategy and of how their

role as businesses and consumers is important to its success. It is important as well that we see the involvement in this of communities at every level in our constituencies and Northern Ireland, because this will impact all of us. We all have a role to play.

I look forward to seeing the outcome of the debate on the energy strategy. We look forward to seeing the consultation. There will be many more discussions to be had in the Chamber around all of the details, but this is an important discussion that we are having today. As I said, I very much welcome the motion.

Mr O'Dowd: I apologise to the Chair and to Members who have spoken thus far on the report for not being in the Chamber for most of the debate. It is important work. The Committee Clerk and staff are to be congratulated on the work that has been done on what is proving to be a more important issue each time that we debate it. Of course, we have to move beyond debate to action and to seeing change in how we produce, manage and invest in our energy and, in turn, ensure that that investment is for the benefit of all the people whom we serve.

With the ongoing economic crisis caused by COVID-19 not only here but across the island, these islands and globally, eyes are turning to how we will come out the other side of the economic disaster. Over the weekend — perhaps, over a longer period — we heard talk of higher taxes. I do not object to higher taxes, but I want to know whom they will tax at a higher rate, because experience tells us that it is not always those who can afford to pay most. We hear talk of public-sector pay freezes and cuts to public-sector spending. They are issues of great concern, particularly to those in lower income brackets. When they hear politicians and Assemblies talk about climate action, climate change and new energy strategies, they are quietly concerned and ask themselves, “Who is going to pay for that?”. Will the new energy cost those people, as consumers who are trying to run a family home, a small business or even a large business, more? Will they or their family have to do without other things as a result of a new energy strategy?

That does not have to be the case; in fact, green energy and tackling climate change can be an economic driver, if used properly. If we can invest in programmes that create green energy, jobs and sustainability, why would we not do that? That is the factor and the prism through which all of this has to be looked at. A number of Members have said that the consumer is concerned. Let us allay that concern by saying that we see this as an economic driver and a way forward for change. We, as a society, could be energy providers across these islands, if we invest properly. We could lead the way in how we retrofit our homes. Recently, the Minister for Communities announced a programme of building new social houses. Those houses can and should be built to the highest standards in energy efficiency. I know that the Housing Executive does not build the social housing currently, but those involved in building social housing are fitting out their properties to high standards, which means that there is less cost in heating them, but improvements could be made.

I cannot speak on energy without plugging my Bill, which I propose to bring forward in the near future. It is out to public consultation. That Bill looks at how we allow for the microgeneration of green energy, where we allow farmers, individuals and communities to produce energy and then sell it back to the major producers, and calls on

the producers to have a fixed price for it and to ensure that they purchase at least 5% of their energy from those producers. That allows for the production of energy to be brought down into communities.

Last week, we had a well-intentioned debate on how certain elements of agriculture produce harmful greenhouse gases. It is an important area to focus on, but, rather than simply focusing on how agriculture produces harmful gases, we should look at how we can support agriculture to produce energy. If we can get our farming community involved in the production of energy, as many are, along with others, they will not see this as an attack on them. They will see it as an opportunity. Many small businesses and individuals could also produce energy. Hopefully, we will hear more about the Bill during the consultation.

I welcome the report. It is another example of how Committees in this place do important work. They do not always attract the headlines, but they do important work behind the scenes. A lot of work is done in our Committees. I congratulate everyone involved in formulating the Committee report.

Mr Beggs: I find this to be a useful report, although I have to say that it tends to gather information rather than make clear recommendations. I would prefer to have seen clearer recommendations. The motion mentions a wish for ambitious targets. I did not get that in the report. I will illustrate what I am talking about. On the available options, the report mentions that some want 70% renewable energy by 2030, some want 80% by 2030, some want 100% by 2035, some want net zero by 2040, and others want 100% renewable as soon as possible. I do not know what the Committee is recommending. It just reports a series of figures. It would be better if the policy could be further developed with clearer targets. I recognise that this is a cross-cutting issue, so it is not just for the Economy Committee.

There are two sides to reducing our hydrocarbons. Yes, it is about replacing hydrocarbons with renewable energy, but it should also be about reducing energy demand in the first place. I would like to have seen more references to the green new deal scheme. Interestingly, on Friday, I visited a new development that is destined for social housing. It has triple glazing — not double glazing — and a heat ventilation recovery system. All that is built to a high standard. I suspect that the energy loads for those new tenants will be very low. By designing our houses in that way from the start, we can considerably reduce our energy demands.

Members mentioned retrofitting. We need to look at building control standards for our new buildings. Do we need to increase those? It is most efficient to build in that way from the beginning rather than having to come back in five or 10 years' time and add further insulation. I urge that we look at our new builds to see whether we need to increase that efficiency from the start. It is difficult to retrofit some houses, and it can certainly be expensive. However, we need to look at retrofitting insulation to bring about improvements.

Like others, I welcome the change in the Housing Executive. That may enable more houses to be built in a much more efficient way and to a higher standard, for the benefit of tenants. We have to recognise that there may

be a slightly higher rent in the new houses because they are built to a higher standard, but look at the total cost. What will the energy bill be? Look at the quality of the environment in which individuals will live. Damp should be a thing of the past. There are thermostats to regulate heat to reduce bills further, so it is possible to improve heating standards.

Bespoke schemes have also been mentioned. I am conscious that Northern Ireland is a part of the United Kingdom — I dare say that it also applies if you take in the Republic of Ireland — with some of the lowest levels of government support to market new energy schemes. I suspect that that is a sad reflection of our past in terms of the renewable heat incentive (RHI) scheme and other forms of renewable energy; indeed, the Northern Ireland Audit Office reported recently that some turbine owners were being paid up to £100,000 a year above what they needed. It is important that we learn lessons and that we deviate from schemes that are applicable elsewhere with great caution. We must make sure that we build in contingency plans from the start in primary legislation, so that any rates that are set can be quickly adapted if that is needed.

Transport is another important area. Yes, the number of electric cars is increasing, as the Prime Minister has just indicated. However, equally, as others said, we need to get into hydrogen. A hydrogen hub needs to be created for Northern Ireland to support our buses and HGVs. For heavy goods vehicles that travel longer distances, hydrogen seems to be the only way to go.

Already, many other countries are taking a step ahead of us. China, in particular, is investing heavily in that, and I urge Northern Ireland to catch up and create its own energy hub for hydrogen.

4.30 pm

Ms Bailey: The Green Party also very much welcomes the motion. We are encouraged by the vast range of views and positive suggestions given by organisations to the energy strategy micro inquiry. We would now like to see those carefully analysed in order to extract the enormous amount of value and level of expertise that has been given to us in the report. Whilst we are hearing the strong common theme of interconnectivity from Members, we feel that there is a gap in the responses, because most are about energy. We heard in the debate that energy is only half of what we should be thinking about. Rather than the focus being singularly on energy, it, rightly, needs to extend to the green economy and to how all the things that are suggested in the micro inquiry can be used to generate more and better jobs, more savings and better and healthier lifestyles while giving us the tools to begin to combat and redress the damage that we allowed to happen to our environment before we reach the point of no return.

We know through previous motions and debates that the House has recognised that we are in a climate crisis and that decarbonising is urgent and essential. If the primary role of a Government is to work for the betterment of its people, one of the primary purposes of an energy strategy should be to provide a healthy, robust and sustainable economy in which all people can thrive.

The Green Party sees that future through a climate change Act, transforming and growing Northern Ireland from a fossil-fuelled driven economy to a green energy economy. With the level of renewable electricity that is being produced and managed, Northern Ireland will become a world leader in the technologies of renewable electricity and smart grid.

A green economy provides for a range of really transformative policies that will help us to rebuild society in a sustainable and ethical way, including, but not limited to, decarbonising our energy systems in order to prevent the worst of climate change and the immense monetary costs that global warming would bring to the people of Northern Ireland. It would also include opening a new range of quality jobs and economic opportunities for the people of Northern Ireland; providing a solid base for our economy to grow and compete on the European and world stage; preserving the biodiversity on which our planet and we depend for our existence; and providing a Northern Ireland that will sustain and nourish our children and their children, physically and economically. However, we really need to focus on the priorities. The proposed energy strategy process of which this micro inquiry report and debate are part, will take another year to be enacted. Only then will the required actions begin to be planned and deployed, which is likely to take another two years post-November 2021. We simply cannot wait another three years, particularly as the existing strategy is 11 years old.

The Economy Minister acknowledged that in her presentation at the energy forum on 29 September. In her responses to my questions for written answer, she said that she would not wait on the energy strategy to take urgent action. I ask the Minister to clarify what exactly those actions are and when she will be carrying them out.

Whilst the Green Party is not in the Executive, nor do we have members on the Economy Committee, I am confident that, as a party, we can offer some very valuable advice on the priorities and actions that should be taken. I am delighted to have the opportunity, through the motion, to put some of them on record. My party's view is that those actions should be based around four key themes. The first is electric vehicle-charging infrastructure. It is obvious that we in Northern Ireland are being left behind GB and ROI in the uptake of electric cars, with the main issue being the absence of adequate charging infrastructure.

Mr Beggs: Will the Member give way?

Ms Bailey: I certainly will.

Mr Beggs: Does the Member accept that the reluctance to buy electric cars may be more to do with the initial funding that is required to buy them but that there is emerging evidence that the running costs over a number of years can be cheaper? However, with a 300-mile radius, that is perhaps more than adequate for most people in their daily commute.

Ms Bailey: I accept those points, but I have had conversations with electric vehicle owners who have given them up because of bad infrastructure, so that issue needs to be tackled. The existing charging network is outdated, not reliable and needs to be urgently upgraded and extended. We suggest that the Minister for the Economy and the Minister for Infrastructure work together with the owners and operators of the existing network to find a way to get more investment and unlock the potential of electric

vehicles in Northern Ireland, because, if we do not build it, they will not come.

Another key area is building regulations, and that has been mentioned. Today, we still build homes that are not adequately insulated and which use fossil-fuel boilers for heating, and we heard a little about that during Question Time. We suggest that we need to move quickly to change the building regulations so that we design and build for the future zero-carbon world. We urge the Minister of Finance to produce immediately the technical documentation on the requirement for any new buildings being erected to be nearly zero-energy buildings. We need this as soon as is physically possible so that the regulations work seamlessly with the Communities Minister's announcement about the Housing Executive and the proposals to build more homes where they are needed. Let us not be content with another issue that we know needs addressed failing to be delivered on time. We are already behind. Until these measures are made and mandated, all we will continue to do is stack up more problems for the future.

Another key area, as has been mentioned, is the grid investment.

Mr Speaker: The Member's time is up

Ms Bailey: Another one is connecting to the grid, and Mr Aiken made a point about costs. We support the motion and thank the Committee very much for bringing it to the House.

Mr Speaker: I call the Economy Minister, Mrs Diane Dodds. The Minister will have 15 minutes.

Mrs Dodds (The Minister for the Economy): Thank you, Mr Speaker. Apologies for my coughing fit earlier. Rather than anything more sinister, it was because I have a dry throat and, possibly, if a politician can say this, because I was talking too much.

I welcome the opportunity to respond to the motion, and I congratulate the Economy Committee on producing the report. It is an exceptionally important issue. I also thank the individuals, academics, organisations and businesses that helped to provide the broad scope of views contained in the report. My Department has engaged with many hundreds of stakeholders in the development of the energy strategy to date, and it is encouraging to see consistency in the themes being raised in the report. I am struck by the positivity and ambition that come through from our stakeholders, and I would like to use today to discuss how the energy strategy can help to take advantage of the opportunities that are open to us.

Many in the Chamber have spoken of the importance of the energy strategy. I agree. Developing a new energy strategy is one of my top priorities. The strategy will set out the vision for our energy system to 2050, and a major programme of work is ongoing to deliver that. It is important to highlight that our strategy will be a living, breathing document. Once published, it will be regularly monitored, reviewed and updated to ensure that it is future-proof and able to respond to developments. Our future success will be built on many people working together, and a collaborative approach has been taken to developing the strategy.

My Department's call for evidence received over 160 responses from a wide range of organisations and individuals. There were also a number of stakeholder

events across Northern Ireland. Five working groups comprising more than 70 individuals from over 30 organisations have been established and are working on developing policy options. That is being supplemented by additional research and inputs from academics and international experts. In developing the strategy, my Department is therefore drawing on an extensive network from across government, the energy sector and a wide range of stakeholders. The report presented today by the Committee will be considered alongside the evidence that has been gathered to date. That will contribute towards the policy options and future scenarios being developed, which will form the basis of the public consultation in March 2021.

The report correctly highlights the need for a joined-up approach across government. I completely support that view, and I am delighted that the energy strategy is now providing that leadership. The energy strategy government stakeholders group brings together central government, local government and the Utility Regulator to ensure that the policies and programmes being taken forward at this time across government are aligned and joined up. There is also significant membership across the five working groups from central and local government, alongside industry and stakeholders, to ensure that the development of policy involves all those who have a role in delivering it from the outset. I welcome the fact that the Department for Infrastructure is leading on the transport theme in the energy strategy, which demonstrates that a cross-departmental approach is being taken. I want this to be a true, Executive-wide energy strategy, and that is reflected in our approach.

I agree and recognise that there is a need for clear and ambitious targets. We continue to work within the context of net zero emissions by 2050. That will guide the focus of the strategy. I am also working closely with the Environment Minister to ensure that any future targets on emissions reductions will be reflected in the energy strategy. The Committee Chair referred to the need for measurable targets. That is a key part of the ongoing work. I have already made a strong statement on my ambition for the strategy to contain a target of at least 70% of our electricity consumption to come from renewable sources by 2030, which is one of those immediate actions that the Green Party leader referred to in her contribution. That provides a clear signal to the industry and wider stakeholders to allow them to begin to plan investment now in advance of the strategy being published.

However, if we are going to meet ambitious targets that will be in an energy strategy, the Executive will need to reflect it as one of their top priorities. I expect to see a prominent role for the energy strategy in addressing climate change and growing a green economy in a new Programme for Government. We will also need to ensure that the ambition within a new energy strategy is backed up by funding to reflect its importance for society, the economy and consumers. There are many steps that we will need to take to decarbonise energy, but our first priority has to be energy efficiency. I welcome the fact that this has been identified as a priority in the report. Energy efficiency can play a vital role in driving down emissions, helping to tackle fuel poverty and providing positive health outcomes. Energy efficiency and retrofitting are also widely being recognised as an important policy lever for green economic recovery, with significant potential for job

creation going forward. It reassures me to see that many of the report's findings align closely with the work currently being taken forward to develop policy options in that area.

We will need to look at ways to decarbonise heat, power and transport. Our success at achieving and exceeding 40% renewable electricity targets demonstrates what we can achieve with a clear target and supporting policies. Our renewables base is a fantastic asset to have, particularly as the electrification of heat and transport will feature in our future energy mix. I see a clean, indigenous renewables base being key to our future energy mix. Every kilowatt-hour of energy that we generate from indigenous renewables is a kilowatt-hour that we are not importing fossil fuels. However, I am also clear that there is no single solution, and we will need to deploy a range of technologies and approaches and make use of our other assets, such as our agriculture base and modern gas infrastructure. The options consultation in March 2021 will outline short-term, low-regret options, as well as the long-term potential scenarios that we can achieve our aims.

I want to specifically highlight the crucial role of consumers in this energy transition. Consumers are at the heart of the strategy and will be involved in its development and implementation. We need to enable those consumers who want to be active in generating and trading energy while also protecting others, particularly the most vulnerable.

We need to rethink our relationship with consumers and make that a two-way engagement with the energy sector that brings citizens on the journey with us. The provision of a one-stop shop to provide information, advice and support to consumers came through strongly in our call for evidence. My officials are looking into options for a single delivery body as part of the strategy development.

4.45 pm

Costs are, of course, key for consumers. A long-term energy system based around clean, indigenous renewables that makes use of our abundant natural resources can be cheaper, but there will be investments, with associated costs, along the way. That is why an evidence-based approach is being taken to the development of an energy strategy, to identify the most cost-effective options for domestic and business consumers.

I also want to use the energy strategy to grow a green economy. When I published the medium-term plan for rebuilding a stronger economy in June 2020, which has been referred to in the Chamber today, I identified clean energy as a priority for future investment. We currently have a low-carbon, renewable energy economy made up of 3,500 businesses, around 5,400 jobs and £270 million of exports. It could be so much larger. In the context of our response to COVID, there are real opportunities for economic recovery through decarbonising energy as part of growing the green economy across Northern Ireland. I see those opportunities to lead the way in green hydrogen production and to have a world-class manufacturing base contributing to supply chains for, for example, offshore wind, hydrogen buses and electrolyzers; innovative pilot projects in new energy technologies that can be scaled up and deployed across the world; and significant capital investment in buildings and the new infrastructure needed to generate and distribute low-carbon energy. I also see opportunities for energy entrepreneurs and business

start-ups to develop skills in green energy technologies, low-carbon buildings and transport.

I am excited by the developments in the hydrogen economy to date. There is a range of potential projects that can showcase our ability to develop cutting-edge hydrogen technology in Northern Ireland. That was mentioned by Kellie Armstrong and Paul Frew in particular. I am delighted to have been able to provide funding to Northern Ireland Water to trial an innovative commercial-sized electrolyser as part of its waste water treatment works.

Dr Aiken: Will the Minister give way?

Mrs Dodds: Yes.

Dr Aiken: I thank the Minister for her remarks. She will be aware, as will anybody who has visited one of Northern Ireland Water's waste water treatment plants in particular, that many of them were built with or provided with anaerobic digesters that, owing to Northern Ireland Water's contracting arrangements, they have never been able to use and have never been able to use for renewable energy.

Mrs Dodds: I am aware of a number of problems that are associated with the energy sector. What I want us to focus on, however, is the potential going forward. This is an exciting new development in the field of hydrogen energy, and, if we can make it work, not only will we save for Northern Ireland Water but we will be at the cutting edge of how to take the sector forward.

The Northern Ireland Water trial could be part of a portfolio of projects that leads to a real stimulus to grow a local, world-leading hydrogen economy. There has also been reference made in the Chamber today to the work of Wrightbus and the need for that hydrogen hub at Ballymena. I have met colleagues there on a number of occasions. I assure the House that we are exploring the issue. I am also exploring the potential for further funding from central government for that.

Mr Storey: I thank the Minister for giving way and for the interest that she has shown in that issue. Wrightbus is in my constituency of North Antrim. Can she assure the House that she is aware of the concerns raised by the general manager, Buta Atwal, and Jo Bamford, who presented to the Infrastructure Committee a couple of weeks ago, and their frustration over the lack of progress? They are businessmen. They work in a business environment. They do not, thankfully, work at the pace worked at in this Building or in any other bureaucracy. Can you assure us that there is a degree of haste in trying to bring forward some of those schemes?

Mrs Dodds: I would, of course, like to see the schemes come forward at pace. I received the latest submission from Wrightbus just last week, and I have asked Invest Northern Ireland to look at it with Wrightbus. These are exciting opportunities for Northern Ireland. We have also done some work with the local council to see whether we can have a hydrogen academy on the site, as we believe that that will grow the skills base for Northern Ireland to become a leading-edge contributor in that sector of the economy.

To conclude, I welcome the report by the Economy Committee and the opportunity afforded to me to respond to today's motion. I am excited by the opportunities that will come through a new energy strategy. The report is a

welcome addition to the evidence that has already been gathered. I look forward to the publication of the options and the consultation next March, so that we can take this forward and lay down a road map for Northern Ireland's energy needs into the future.

Ms McLaughlin (The Deputy Chairperson of the Committee for the Economy): I am delighted to wind up on behalf of the Economy Committee today's extremely important debate. As the Chair and other Committee members have indicated, we are keen to engage with the Minister to ensure that Members' and stakeholders' views on the shape of the new energy strategy are acted on. I thank the Minister and all the Members who contributed for their participation today. I also thank the many stakeholders who contributed their views to the Committee's special report, as well as the Committee team for its work behind the scenes.

The forthcoming energy strategy is a key part of our interlocking network of policies. It will help us to bring our economy into recovery and to build it back better than before. The energy strategy will take us decades into the future and will be a key determinant of how we respond to the climate emergency, as well as creating thousands of new jobs in related sectors.

As my party's economy and energy spokesperson, I will now speak on behalf of the SDLP. Today, my party launched an energy policy that is radical, exciting and forward-looking. Northern Ireland can be a world leader in restructuring the energy market to eliminate carbon emissions. We have the right weather conditions and geography to take advantage of the necessity to reform the energy market through wind, geothermal and tidal power, as well as having a role for solar and hydro. Not only can we be self-sufficient in electricity production, but we can use the surplus energy to become global leaders in the essential new technologies of battery storage and green hydrogen.

Northern Ireland has academic researchers and businesses engaged in developing those technologies, promising jobs and wealth for our society. Although we are still blighted by the COVID-19 crisis, it is essential that we consider our economic and social recovery. Investing in green infrastructure provides the basis for future economic growth and jobs in the near term. That is why we want to fast-track investment in electricity and broadband.

We have to move and move quickly. Northern Ireland, particularly my city of Derry, has a serious problem with air pollution that is literally killing hundreds of people prematurely every year. Air pollution is recognised as a major factor in COVID-19 mortality. As well as moving ahead with electric cars and hydrogen-powered buses and trucks, we must act against the burning of coal and wood, promoting instead clean energy sources. Those can also combat fuel poverty, given that coal is an inefficient and expensive means of home heating. We must make progress on the green new deal to bring our housing stock up to the highest standards of energy efficiency and decentralised renewable energy generation. Those policies would create substantial numbers of new jobs, as well as cutting our carbon emissions.

The motion is timely, and I am delighted at the level of debate and the contributions made by Members across

the House. There were high levels of synergy around key areas, and I will now reflect the contributions.

Gordon Dunne rightly stressed the importance of energy affordability and security of supply. As well as those key themes, he highlighted the challenges related to weak infrastructure. He said that the gas networks need to be expanded and spoke of a need for a mix of energy sources. He highlighted the opportunities in hydrogen energy and the importance of ensuring that there is a fit-for-purpose energy strategy.

Pat Catney welcomed the cross-party support for bringing together an ambitious energy strategy. The growth of renewables in Northern Ireland is to be applauded, and that success augurs well for the future. He said that targets must be followed by good incentive schemes to support consumer engagement. Pat also mentioned that a lot will be reliant on behavioural changes in communities, and that shift will be important.

Steve Aiken talked about his previous role in the British Irish Chamber of Commerce, in which he outlined the barriers for Northern Ireland in relation to energy. He spoke about monopolies the role of the electricity regulator and whether the Department for the Economy is fit for purpose, on the basis of previous renewables schemes. He also spoke about lack of ambition. We need to stretch ourselves and be more ambitious. He emphasised that we should be recognised as leaders in the energy sector. He spoke in depth about biogas and our biogas surplus but said that we have planning challenges. I agree with him that about that and that we need to be more ambitious. He said that we should look to realising some of our ambitions by 2035.

Kellie Armstrong welcomed the report and called for an evidence-based approach. She said that we could and should become world leaders, and that was a common theme among Members. She endorsed the points made by Mr Aiken. She warned against departmental silos, and that was another theme that many Members raised. She said that the green new deal needs to be interconnected and that there is a need to develop a skills base, which, I know, the Minister is supporting and championing in order to deliver for our economy. She talked about the important part played by the housing stock and the need to look at whether there is adequate investment in heat and light for homes, particularly in the rental sector. Our social housing stock is very good, but our rental sector can have poor energy usage and high energy costs. Kellie also talked about high private car dependency in Northern Ireland, the need to transition to public transport and how we have fallen back on that a little because of COVID-19.

Paul Frew welcomed the report. He said that the big issue facing us is the high cost, particularly for industrial users. That is close to my heart. We are not competitive when it comes to energy costs for our manufacturing sector, so any energy strategy must address that. He spoke of his constituency, Wrightbus and hydrogen development. Close to Mr Frew's heart, as always, was the system operator, and he talked in depth about that and the transparency required in the relationship between SONI and EirGrid. He said that, no matter what we do, if we do not get that right, there will be poor outcomes. He said that we needed to be sure that the system operator functions properly and is fit for purpose. I hope he is happy that I have reflected exactly what he said.

Philip McGuigan discussed the energy strategy in a global context and spoke of the need for radical climate action.

He also pointed out that Northern Ireland does not have a climate Act, unlike the other three nations in the United Kingdom, and that we needed to act on that very quickly. He spoke in depth about a just transition — it was the key theme of his address — and outlined the health benefits of decarbonisation. He was also very much aware of the need to rural proof any kind of energy strategy that comes along and to make sure that there is an all-island approach to energy within this small island.

5.00 pm

Gary Middleton welcomed the wide engagement in bringing together the report. He said that it was an important discussion and talked about there being no time to stand still. He also emphasised the need for cross-departmental working — again, no silos. Fuel poverty was highlighted in his address, as well, as was the fact that the benefit to consumers was very important for business and domestic consumers.

Mr Speaker: The Member's time is nearly up.

Ms McLaughlin: Right.

He said that more investment was required in the electricity grid.

John O'Dowd said that the importance of energy is growing each time that the issue is discussed. He discussed the cost of energy transition and the fact that tackling climate change should be an enormous economic driver.

Mr Speaker: The Member's time is up.

Ms McLaughlin: I say sorry to the Members whose comments I have not reflected. Thank you.

Mr Speaker: Thank you very much.

Question put and agreed to.

Resolved:

That this Assembly welcomes the special report of the Committee for the Economy on considerations for the forthcoming energy strategy; supports the development of an ambitious, target-driven energy strategy that will decarbonise the energy sector by 2050 while minimising the cost to the consumer; and recognises the strategy's potential to boost our economic, health and social well-being into the future.

Mr Speaker: I ask Members to take their ease for a moment or two, please.

(Mr Principal Deputy Speaker [Mr Stafford] in the Chair)

Assembly Business

Suspension of Standing Order 10(3A)

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 23 November 2020 be extended to no later than 7:30pm. — [Mr O'Dowd.]

Committee Business

Health: Impact of COVID-19 Pandemic

Mr Gildernew (The Chairperson of the Committee for Health): I beg to move

That this Assembly recognises the negative impact of the COVID-19 pandemic on Health and Social Care (HSC) services, staff and patients; further recognises the impact on the physical and mental well-being of staff, patients and the public; acknowledges that restrictions are a consequence of the inability to suppress transmission rates; urges and encourages every member of the public to exercise individual responsibility by adhering to guidance, washing hands thoroughly and regularly, maintaining social distance and wearing face coverings; further acknowledges recent progress and commitments from the Minister of Health to increase testing and contact-tracing capacity; and calls on the Minister of Health to bring forward a robust, scaled-up find, test, trace, isolate and support (FTTIS) strategy based on international best practice as part of a wider Executive strategy to help avoid a cycle of lockdowns and the particular negative impacts on mental health and well-being.

Mr Principal Deputy Speaker: The Business Committee has agreed to allow two and a half hours for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Gildernew: The Committee for Health tabled this motion for a number of reasons. It is to mark and acknowledge the loss suffered by so many and the extraordinary dedication and service of our Health and Social Care staff; to encourage each of us to recommit, on a personal level, to do our utmost to bring down transmission; to acknowledge the progress made since February; and, importantly, to create a vehicle for constructive discussion on how best we can now move forward, given the difficult situation in which we find ourselves once again in terms of cases, hospital capacity and the resulting socio-economic restrictions that are impacting so heavily on so many.

Since the early days of the pandemic, the Committee has dedicated most of its meeting time to considering and responding to issues connected with this health crisis and, particularly, hearing from and about the most vulnerable groups in our community.

Some of our first sessions focused on care homes and their urgent efforts to cope, the fear and confusion around an early lack of PPE, staff shortages and new and changing advice. The Committee heard about the significant impact on children, particularly those on the at-risk register or in care, as visiting became more difficult and children were out of sight of those adults who normally helped to teach and to care for them. In recent months, while hearing positive news about progress, we have also heard about staff exhaustion and stress across the system, particularly given pre-existing workforce shortages. What has also clearly come across is staff dedication and their continuing readiness to go beyond what we should reasonably ask of them.

The Committee has welcomed regular engagement with the Minister and senior officials, and would readily acknowledge that we are in a totally different place now compared with February. Testing has increased considerably, and contact tracing has been established, is public health-led and supported by an app with international and cross-border interoperability. The workforce appeal has brought significant interest and staff back to the front line, and, for that, we will always be grateful.

Given the high numbers of asymptomatic cases identified through regular staff testing in care homes, we had asked about scaling up wider testing of all Health and Social Care staff. I am sure that Members will welcome the Minister's recent announcement to introduce mass testing.

While the focus of the motion is on scaling up the initiatives that will reduce the need for lockdown measures, it, rightly, reminds us of the role that each and every one of us can play and the impact that our decisions and behaviour can have on transmission. I urge everyone, once again, to wash hands regularly and well, wear a face covering, observe the 2-metre social-distancing rule and cooperate fully with the contact tracers.

Having acknowledged that progress and recognised the role and responsibility of individuals, it is necessary and important to ask this: given our circumstances, how do we still differ from the countries that have had the most success in containing this highly infectious virus? What more can we do to avert or mitigate the need for restrictions in advance of a vaccine? I emphasise that the Committee is putting forward those questions for consideration rather than providing definitive answers on those matters. While differences in testing and tracing might primarily be questions of degree, when it comes to isolation and support, wider differences can be seen. The issues with testing remain the scale and timeliness of getting a result, given what we are seeing internationally in mass and rapid testing, which I know that the Minister is looking into. Mass testing will be particularly important for Health and Social Care and key workers, such as public transport staff, on a regular and ongoing basis.

There are differences of scale in and approach to contact tracing that we could explore. Back in May, Germany had a target of five contact tracers for every 20,000 people, which equates to around 450 here in the North. Other sources indicate that even higher levels may be desirable or necessary in that context. However, by late October, we had only 88 full-time equivalent staff, with more being recruitment. That demonstrates that we still have some way to go. The World Health Organization and the European Centre for Disease Prevention and Control have tools for advising on workforce requirements, depending on a range of variables. It would be useful to hear from the Minister whether or how such tools have been used, to what effect and whether or when we will reach those recommended levels.

Effective self-isolation is, clearly, key to stopping transmission. Committee members have been contacted by individuals who were unable to isolate effectively in their home due to sharing bathroom and bedroom facilities. Given the infectiousness of the disease, sending a COVID-19-positive person home to isolate in such circumstances creates a very high risk of onward transmission in the home. Again, while no support was expressed for any

type of mandatory use of dedicated isolation facilities, it is clear that domestic transmission in households remains an issue. Could isolation facilities be explored as a means of addressing that, particularly for larger households and those in multigenerational families or high multiple-occupancy housing or for those with vulnerable family members? Other countries, including New Zealand, requisitioned hotel facilities for isolation purposes or made available dedicated health facilities to support that.

Although the support payments that were introduced here are very welcome, we must consider the level of payments and support versus the loss to individuals due to self-isolation. We know that those in low-paid work are less likely to be able to work from home, more likely to contract the virus and more likely to lose out financially if they have to self-isolate. It is crucial that we address that and communicate clearly as well as deliver effective support to those who need it most.

In terms of the wider Executive, the Committee appreciates that no single element of the motion can defeat COVID-19. It is true to state that the strategy and response to COVID-19 is only as strong as its weakest component. Chains of transmission of COVID-19 can be effectively disrupted only with properly planned, resourced and functioning chains of suppression. We cannot rely on restrictions indefinitely, nor can individuals stop transmission on their own. However, with individuals playing their part on hands, face and space, an effective and well-resourced find, test, trace, isolate and support strategy still holds out the best hope for us to escape or reduce a cycle of lockdowns and ease the pressure on the health and social care system in the context of the wider Executive strategy to support those who are impacted across society.

I acknowledge the collegiate work that has been undertaken by the Committee, including in drafting the motion. It remains committed to providing constructive input based on continuous engagement with constituents and stakeholders. I also acknowledge the frequent engagement with the Minister. He carries a heavy burden on our behalf with integrity and dedication. I trust that he views our scrutiny and advice in the spirit in which they are offered, and I wish him and his Executive colleagues well as they lead us through the days and weeks ahead.

5.15 pm

With your permission, a Cheann Comhairle, I will make a few remarks in my role as Sinn Féin spokesperson for health. This motion was agreed at the Health Committee through consensus, and I thank each and every member for that. The benefits of an agreed message, strategy and approach go a long way in effectively tackling the spread and damage of this virus. It helps to protect lives, jobs and our fragile health service.

A new strategy from the Department of Health, which is central to a wider Executive strategy, must place public health as a driving force to avoid further lockdowns and all the negatives that are associated with that. We cannot get sidetracked by attempting to make a pitch that is perfect. We do not have time for that, frankly, but we need to demonstrate and deliver the doable. This means breaking the chains of transmission by finding the virus even where it does not show signs or symptoms. It means increasing testing capacity and increasing the speed at which we get

results to people. It means increasing the capacity and effectiveness of contact tracing and ensuring that those who have to self-isolate do so and are fully supported in that.

The current departmental strategy, test, trace, protect, dates from 27 May. It talks about needing an effective strategy to suppress the virus until an effective vaccine arrives. However, in elements, it falls short of a full FTTIS strategy. We are now, for example, on to our twenty-second amendment to international travel restrictions, yet travel restrictions are not mentioned in the overall strategy. I recognise that there are parts of a wider strategy that we need other Departments to deliver and lead on, but it needs to be a public health-focused strategy to protect health services and the economy. This is how health and social care staff are supported, with childcare or adequate PPE, so that they can carry out vital services. It is also how they rely on health and social care services. It is vital, in my view, that any strategy or response from the Executive takes account of how their actions and inactions impact on everyday lives.

Mr Principal Deputy Speaker: I am sorry. The Member's time is up.

Mr Gildernew: More importantly, I support the motion because it is the best way to tackle this deadly virus.

Mr Principal Deputy Speaker: Looking around the Chamber, I see many more Members than I have on my list. I will read the names that are on my list. If you want to participate and are not on the list, please rise in your place. I have Mr Buckley, Mr McGrath, Mr Chambers, Ms Bradshaw, Ms Flynn, Mr Sheehan, Mr McNulty, Mrs Kelly, Ms Bailey and Mr Carroll. Pam Cameron is to make the winding-up speech. If anyone is not on that list but wishes to participate, please stand in your place. I see that Mr Nesbitt is standing in his place.

Mr Buckley: I thank the Committee for agreeing this motion, and I am happy to add my support to it.

Plenty of accusations have been made in the House of political point-scoring, from whatever side of the argument or debate, on how best to approach COVID. Let us approach this in the spirit of the Chamber being a safe place, as I believe it should be, to debate legitimately held views and alternative ways of approaching COVID. This is not a political issue, but it is personal. I imagine that it is personal for every single Member. Much focus has been directed at the economic effects, but the Principal Deputy Speaker knows my sincerely held beliefs about the effects of lockdown not only on the economy but on the health service.

Earlier, the Health Minister's statement referred to COVID as the one common enemy. I am sorry to say that that is not true. The common enemies affecting the health service still exist: cancer, cardiac illness, poverty, children at risk, domestic violence and suicide; and I could go on. There is a plethora of issues, and the Committee is all too aware of the effects that the current restrictions and lockdown have on these specific sectors.

Earlier, I mentioned a letter that I received from a GP operating in the north Antrim area. A part of it merits quotation:

"What I am most concerned about is the fact that our beloved NHS is becoming nothing more than a national

COVID service. We are turning away other patients and not treating them because of COVID. Our red-flag waiting times for the most common cancer diagnoses in Northern Ireland in the Northern Trust are now in excess of six months."

That is six months before people with a potential cancer diagnosis are being seen by a specialist.

Mr Clarke: I thank the Member for giving way on that point. It is interesting to note that he refers to a GP from north Antrim. Regardless of where the GP is from, recent reports in the media suggest that some GPs and hospital doctors are concerned about coming forward and giving their opinion because of a fear of being disciplined.

Mr Principal Deputy Speaker: The Member has an additional minute.

Mr Buckley: I thank the Member for his point. There is no doubt that there are differences of opinion among our health professionals. Staff on the front line are worried about the damaging impacts that some lockdown situations have caused. The impact of lockdown measures on health and social care services has had a profound and serious impact on the detection and treatment of routine illnesses.

Between 1 March and 12 September, the number of patients found to have cancer was 23% lower than the average for the previous two years. Urgent suspected cancer referrals dropped by more than 50%. It is a particular concern that people with suspected lung cancer symptoms delayed going to their GPs because the symptoms are so similar to those of COVID. There is a fear there. An extra 10,000 people were waiting for a diagnostic test in June in comparison to the same month last year. Research by the British Heart Foundation found that 41% had a planned test, surgery or procedure postponed during the UK lockdown. Between March and October, almost 13,000 elective appointments throughout the trusts were cancelled.

The tragic reality is that, so far in 2020, cancer deaths are increasing. Sadly, the number of suicides is increasing as well. COVID and non-COVID patients alike deserve a continuity of care, and they need certainty about their pathways to treatment or surgery. There is a genuine concern about the impact that reallocating some staff to fight COVID will have on routine services, including elective care and red-flag surgery, long after this crisis has subsided.

We approach these difficult decisions with the caveat that we know there is no easy answer. However, there needs to be a strategic assessment of the impact this will have on other health services. We are immensely grateful for the efforts being made by our NHS and care staff in the most difficult of circumstances. Many staff are personally aggrieved at having to down tools to redirect their time to COVID pressures. We owe it to them, collectively as a House — and, indeed, to the Minister — to urgently work on workforce planning and give them the additional support and resource that is needed to reduce in-work pressures and maximise the capacity of our health service. I truly believe that we need to learn to coexist with the virus, and increasing the capacity in our health service and ramping up the test-and-trace service is vital for that. We need to build resilience and health service capacity and

roll out the mass testing for NHS and care staff. We know that, while the restrictions can help reduce the R rate, the virus is still getting through.

In closing, Minister Swann, I want you to succeed in your job. I want this country to succeed in its approach and fight against COVID, but it will not succeed if we continue on a path that prioritises COVID over other illnesses. We only need to look at cancer, heart disease, strokes, mental health and children at risk.

Mr Principal Deputy Speaker: The Member's time is up.

Mr Buckley: We want you to succeed, but we do not want you to be the Minister who is responsible for excess deaths —

Mr Principal Deputy Speaker: The Member's time is up.

Mr Buckley: — because of failed treatment on other issues.

Mr Principal Deputy Speaker: I am sure it was not the Member's intention to offend or malign the Minister. However, I was uncomfortable with the words "that is not true" being directed at the Minister. I suspect the Member had no intention of implying that the Minister was being untruthful, but I suggest that he takes this opportunity to say that he was mistaken, or some other form of words. I did not feel comfortable with that.

Mr Buckley: Thank you, Mr Principal Deputy Speaker. I will apologise if that is how that sounded, but it certainly was not the intention. I meant that, in the general thrust of the debate, we have to look at other serious illnesses, not just COVID. I know that the Minister has concerns about that as well, as he has said at meetings of the Health Committee.

Mr Principal Deputy Speaker: Thank you. I appreciate that.

Mr McGrath: I welcome the opportunity to speak to the motion. There can be no doubt that our healthcare system has been rocked as a result of COVID-19, and I pay tribute to the countless numbers of healthcare staff who have gone above and beyond the call of duty in their work. In these past months, our healthcare staff have worked from morning to night and have often had to put family to the side in their service of caring. They have been pushed to their breaking point, however, and the message that I am hearing loud and clear is that we do not know how much left they have to give.

A good start for a debate on another day would perhaps be how we remunerate our healthcare staff for what they have done and what they continue to do in their work. Another might be to ask the management of various trusts to give consideration to the conditions that our staff are having to work in. As one nurse articulated to me, they have to go out to their car to get a cup of tea, because they are not allowed one anywhere within the hospital. I know of a member of staff who has to get changed at the side of the road in a car park because she has nowhere else to don her PPE. Those are the very real stories of life in the healthcare sector during COVID.

Furthermore, significant stress and pressure is being felt by our local businesses. Those family-run institutions are the lifeblood of our local economy, and we saw at the start of the pandemic that local businesses were able to avail themselves of grants to keep afloat. As time has

progressed, however, the cracks have begun to show in the way in which we do things, and we have only to reflect on what we are hearing in our constituency offices, where businesses and individuals are seeking clarity on the restrictions and the guidelines, to understand that the message is not getting across.

The public are asking why. Why is it that our hospitalisation figures continue to rise, no matter what we seem to do? Where is the flaw in the plan? Where is the weak link? We are about to enter a fortnight of intense and enhanced restrictions, and this is all being done to flatten the curve to protect our healthcare system from being overwhelmed and to save lives. At this point, however, we should have been halfway through those restrictions, were it not for the display of division that we witnessed two weeks ago. Where previously this House spoke as one, with a sense of unity and cohesion of purpose, there is now division.

That division is not one that has its roots in a five-party Executive. Rather, it is a division within the DUP: a deep-seated division that has existed longer than COVID. What does it say about the party that, in the middle of a worldwide pandemic, when the Executive met to discuss new restrictions and to listen to our Health Minister and expert scientific and medical advice, it chose to deploy a cross-community vote and veto such advice? If we are looking for a full range of the negative impacts of COVID, the disgraceful behaviour of some on our Executive and the impact of that on our health service, together with the reputational damage done to MLAs in this place, should surely be added to that list. Less than a week later, a bit of a U-turn was pulled, and suddenly the party wanted enhanced measures to be brought in again for a fortnight, but only after a week of restrictions being relaxed. That led directly to the scenes that we saw in Belfast city centre yesterday afternoon, which were beamed all around these islands and served as an embarrassment.

An issue that I want to talk about as being a negative impact of COVID is that of mental health. Mental health figures in the North are absolutely shocking at present, and the stories that I and, I am sure, many others have heard of members of the public being passed from service to service and from one waiting list to another would break your heart. What about our young people, who have suffered as a result of COVID, not just in their education but in their sense of social interaction? Representatives of other parties and I met the Youth Forum last Thursday night. All the parties were represented except one, and I urge the Members opposite to send a representative to be part of the political champions' panel and to listen to the voices of young people, because they can articulate very clearly to us how COVID is impacting on them, and it would be good to hear from them. The Youth Forum told us that three quarters of the 2,500 people surveyed said that they have no faith in the leadership shown by our Government; three quarters said that their mental health has got worse during the pandemic; and nearly 90% said that they feel that they are not being listened to.

5.30 pm

Mr Clarke: Will the Member give way?

Mr McGrath: Yes, please.

Mr Clarke: If nothing else, it will give you the benefit of an extra minute. Whilst you are on your feet bashing this

party, would you like to bash your own party in relation to the lack of funding that Belfast International Airport has got from your party? Five thousand people are employed there, and I am sure that for many of them their mental health is affected greatly by knowing that that airport is the only one that has had to have closures over the COVID-19 period. Ask your Minister what she has done to support them and their mental health.

Mr Principal Deputy Speaker: The Member has an additional minute.

Mr McGrath: I am sure that our Minister will help, and she will not take as long as many other Ministers have to get programmes out through the door to help people. I believe that part B is still waiting to be delivered, some five weeks after businesses were asked to close, so let us help everybody and let us all work together.

Let this be our wake-up call. The voices from the past have had their say; it is the voices of the present and the future that are crying out for action and demand genuine leadership. We will find a way through this if we take stock of where we are and see what we have got wrong, if we speak as one with a real sense of unity and find again that cohesion of purpose so that, when a vaccine appears, we will emerge from the shadow of COVID-19 as one.

Mr Chambers: The motion calls on the Assembly to recognise the negative impact of the COVID-19 pandemic on many sections of society. It is an easy call to acknowledge. The number of deaths from this dreadful virus is creeping towards the 1,000 figure, and thousands of our fellow citizens have fallen victim to the serious illness that the virus produces. Many recover quickly, but some require hospitalisation and others need intensive ICU care as their illness becomes life-threatening. A worrying aspect for those who contract the virus is that the debilitating symptoms can persist and affect their quality of life. If we did not have the committed body of people that we have working in our NHS and social care sector, the death count would be much higher.

The other victims of the pandemic are those who have either lost their job or those on furlough who are worrying whether they will still have a job at the end of all this. The self-employed and the small and large entrepreneurs who create and provide employment have also suffered. Many will have put every penny that they have into their business, and many will have handed over the deeds of their family home to secure borrowing from their bank.

Just as the Minister of Health is battling round the clock, along with the entire staff of the NHS and social care sectors to protect and save lives, there is a responsibility on the Economy Minister to devise schemes that can be deployed in a timely fashion to help those who stare financial ruin in the face. Promises and media announcements do not cut it for those people. We hear too many stories of people being left behind. Many have not received a penny of support from the Executive to date. The Economy Minister needs to address that at once: promises do not pay bills.

The motion promotes the importance of adhering to current advice and guidance in relation to personal hygiene and the wearing of face coverings. Regrettably, those simple measures have been undermined on occasion, among the most prominent being the many breaches at the funeral of Mr Bobby Storey. Newspaper

revelations that broke over the weekend of emails that allegedly went out from Sinn Féin in regard to that funeral have added to the sense of outrage of those who have had to bury loved ones in accordance with the regulations.

Mr Nesbitt: I thank the Member for giving way. Would he agree that, while we can debate all night what might be the best set of actions or policies, there is no debate that, sometimes, some actions are simply wrong.

Mr Chambers: I entirely agree with that statement.

Mr Principal Deputy Speaker: The Member has an additional minute.

Mr Chambers: Thank you. Elected MPs who should know better have openly rubbished the concept of face coverings. A member of the Executive responsible for making collective decisions has broken ranks on more than one occasion to undermine the vital messages that the Executive are trying to promote. That, regrettably, does nothing to instil public confidence in that message.

The motion also acknowledges recent progress on test, trace and protect measures. From regularly speaking to the Minister about the issue, I am aware that the targets for index cases and close contact are both being widely surpassed. The motion also

“calls on the Minister of Health to bring forward a robust, scaled-up find, test, trace, isolate and support (FTTIS) strategy, based on international best practice.”

Recent announcements and innovative programmes should give us all confidence that the Minister will deliver and, indeed, is delivering on a scaled-up scheme. However, it is also important to realise that no TTP service can successfully suppress transmission when community transmission is at a high level. For example, I remember hearing, a few weeks ago, that the system in Germany, which is widely considered to be the best in Europe, was unable to cope due to infection levels that were far lower than those that we were experiencing. Therefore, while it is the easiest thing in the world to grab a headline by blaming testing or contact tracing, the reality is that the experts and scientists are clear that TTP is not a silver bullet to suppress high levels of community transmission.

The suggestion that not enough work was done in the health service to prepare for the second wave is an insult to the clinicians and staff across the trusts who worked so hard on the surge plans. It is also clear that some of the people criticising the surge planning are not aware of the surge plans or, if they are, have not read them. The limiting factor is staffing, but the serious staff shortages in our health service existed long before COVID, and it is an issue with which a series of previous Ministers failed to get to grips. That is the main reason that there are almost 2,000 vacancies across nursing and midwifery alone.

Mr Buckley: Will the Member give way?

Mr Chambers: No.

Those who ask for increased staffing do not realise that it takes years to train a specialist nurse or doctor. Equally, the insinuation from some political quarters that all non-COVID care is being sacrificed is simply not true. The reality is that we have a limited pool of HSC capacity. When looking at the dashboard, one could be led to think that there are around 3,500 general hospital

beds across Northern Ireland, but the reality is that many are dedicated to specialities such as stroke, cardiology and maternity. Those beds will be required, pandemic or no pandemic. There are, therefore, approximately 1,600 general medical beds, which means that, suddenly, 450 COVID inpatients become a significant pressure on our medical beds. Whilst I applaud the Minister for committing to maintaining as many non-COVID services as possible, we must realise that the best way to protect non-COVID care is to reduce the spread of the virus and the pressure that it subsequently places on our already overstretched health service.

Ms Bradshaw: I rise to support the motion, naturally. I start by thanking those who work in the contact-tracing service and the Public Health Agency for all of their efforts to this point in the pandemic. I also place on record my sympathies to the families who have been bereaved by this horrendous virus.

While the motion rightly refers to some advances that have been made in the contact-tracing services over the current close-down period, I remain concerned that they are still not sufficiently resourcing the system to do all that it promises to do. There are significant gaps in what we are doing in each of the find, test, trace, isolate and support elements, and they need to be filled urgently.

One purpose of contact tracing — the one that is simplest to explain clearly, perhaps — is that it traces the contacts of those who are affected and asks them to remain at home. The aim is to ensure that people who may have been infected by others restrict their movements so as to break chains of infection and, thus, slow and reduce the spread of the virus. However, it has two other purposes. One is to find people and ensure that they receive treatment early. That remains a flaw in our testing system, because it remains too heavily biased towards people with symptoms, when peak infectiousness is usually before symptoms appear. Another purpose of contact tracing, which is highly relevant, is that it is supposed to help us with epidemiology. However, we can see from the lack of information, including in response to some of my questions for written answer, that contact tracing has not told us enough about the behaviour of the virus in the context of Northern Ireland. We need to do more, particularly with regard to the latter purpose, so that we can target restrictions and drive down transmission much more efficiently, which is precisely what the motion says, and help limit the impact on health service workers and users.

Earlier today, the Health Minister provided information around the restrictions that have been imposed in relation to churches and gyms. I welcome that. Contact tracing needs to be more effective in identifying the actual source of infections and the risk associated with certain types of venue and behaviour. We must remember that most people who are infected do not affect anyone else, but a small minority of infected people infect a huge majority of those who end up infected. They are the so-called superspreaders. Contact tracing needs to be able to tell us much more about them.

Let us make one thing clear: the health service does not close down because of lockdown; it closes down because transmission levels rise far too quickly. We need to get those transmission levels down. That means avoiding crowds, limiting contact and wearing face coverings appropriately. However, another reason transmission

levels grew is that the “isolate” in test, trace and isolate was clearly not happening. We do not have figures in Northern Ireland for how many people actually self-isolated when they were asked to; there is no way to measure that compliance. However, the suggestion from King’s College London and NHS research is that perhaps 80% of those asked to isolate after showing symptoms or having a positive test did not do so for the required time and close to 90% of contacts did not do so at all. Part of that was because the rules around how long people should isolate for and exactly what isolation means were unclear. Part of it was because of a lack of support for those who were isolating, as is mentioned in the motion. However, it has to be said that part of it was because not enough people were reached.

I wish to touch quickly on support. We often hear discussion of payments available to those who are self-isolating. Those are, of course, important, but money is not the only reason for someone not to self-isolate when they are asked to. Lack of social contact, fear of falling behind at work, lack of leisure activities or simply lack of clarity about why and how to self-isolate all play a role. Support has to go beyond finance, therefore. This is an area in which I am unconvinced that digital tracing, most obviously contacting people in the first instance by text rather than phone, really works. Contact tracing is about speaking to people and even building a relationship with them to ensure that they are adequately supported. That simply cannot be done on a relatively low budget with a relatively small staff team.

There is a clear need to reform all five aspects of find, test, trace, isolate and support. We have, in effect, just bought ourselves another two or three weeks in which to do that. I look forward to hearing some clear details on what reforms have been implemented and what reforms will now be implemented to ensure, as best we can, that the circuit remains broken from mid-December.

Ms Flynn: I support the motion. I will focus my remarks on a few important areas: one, the negative impact of the restrictions; two, the need for an effective response in isolating; and, last but by no means least, the need to support people who have been affected by COVID and the restrictions. We have heard examples of the various ways in which people have been affected. It should act as a chilling reminder that many if not all of us who speak here tonight will know someone who has contracted COVID-19. I am sure that we all know someone who has been hospitalised with COVID-19. Sadly, many of us will know of someone who passed away as a result of COVID-19. That is just a microcosm of how the infection is spreading among the wider population outside this Building.

The virus is a threat to us all, but, as other Members have said, the restrictions can also have a serious negative impact through, for example, the loss of support networks or the closure of services, whether that be counselling support to help someone with their mental health or a long-awaited screening appointment for a physical health condition. I also cannot help think of the turmoil felt by those who are unable to see a loved one in a care home due to visiting restrictions. These are extremely emotional, personal and invasive issues that we are dealing with. At the same time, logical decisions must be made in an attempt to save lives. Therefore, the questions and scrutiny must focus on what strategy is in place to avoid

the need for further restrictions and weeks of lockdown. It is better to fix a problem when it is small than to wait. Could we have had proposals and measures sooner to avoid lockdowns or stronger, more robust public health systems in place to give greater warning?

The key is to break the chains of transmission. That means reducing social contacts, and enabling and encouraging more people to stay at home and to self-isolate. I note the efforts of the Department for Communities on discretionary grants and the advice helpline for those self-isolating, and also the work of the Public Health Agency, the contact-tracing team and the mobile app. I got a notification to self-isolate due to being a close contact of someone who had tested positive. Thankfully, my results came back negative. However, throughout that period, all I received was a text message. No one called me to see how I was or to make sure that I was self-isolating, which is important for compliance.

5.45 pm

There is pressure on those who, financially, are living week to week or month to month. Their worry is not entirely about catching the virus but about receiving the alert and what comes with that, and having to self-isolate for two weeks and the consequences of that for someone with children, who is in a low-paid job and may be struggling to put food on the table. I do not think that statutory sick pay goes far enough to encourage anyone to self-isolate and to help to break the chains in transmission, yet the lack of follow-up calls offering healthcare or financial support or enforcement does little to help.

My concern is not so much about increasing fines but about providing the means and reasons for the public to self-isolate, and for them to feel equipped to do so safely for themselves, their community and their future livelihoods. We need a new strategy that is health-led but that involves everyone and every Department in the Executive. It needs to recognise that the rampant spread of COVID-19 is still damaging, even with the emerging and hopeful news that a vaccine is close to being developed.

Mr Sheehan: I welcome the opportunity to speak in the debate. Unfortunately, the narrative around the pandemic has degenerated into a binary choice between those who favour restrictions and those who want to open up.

I am leaving aside the tinfoil hat brigade, the science deniers, the conspiracy theorists and the crackpots, who, unfortunately, seem to be given equal validity when debating this issue. The fact is that there is clear evidence that there is another option. Some countries have been able to keep their economies open and suppress the virus at the same time. That is what we should be aspiring to: the gold standard, not the bargain basement. That is how we should be thinking. There should be ambition and lateral thinking. Some people say, "These countries had previous experience of MERS and SARS", as if that is a negative. However, it is exactly that: they had experience. The experience is there, so let us learn from it. I am very disappointed that, when I question officials in the Committee and ask them if anyone in the Department had been in contact with any of the countries that have been able to keep their economy open and suppress the virus at the same time, the answer is, "No, we have not".

We have a number of weapons in our armoury to fight the virus. We cannot defeat it, but, hopefully, when the vaccine comes, we will be able to do that. In the meantime, we need to look to non-pharmaceutical options. Find, test, trace, isolate and support is the gold standard. Why do we need to find? Depending on the research that you look at, between 50% and 66% of those who get the virus are asymptomatic. They are the most dangerous ones. They are out and about in society, unwittingly spreading the virus, so we need to trace them.

Mr Buckley: I thank the Member for giving way. He has previously mentioned the need for test, trace and isolate. There have been reports that, in Scotland, a target of 2,000 contact tracers has been set, yet, for Northern Ireland, the last figure that we got was around 200. Does the Member agree that there needs to be a plan to scale up the service in Northern Ireland?

Mr Sheehan: Absolutely. I was going to come on to my experience of dealing with the PHA, which is responsible for the contact tracing. On 16 April, the chief executive told the Committee that 500 people were being trained to carry out contact tracing. She appeared at the Committee three weeks later, and when she was asked how that training was going, she tried to avoid the question, but when she was confronted with her own words from Hansard, she had to admit that she had spoken "out of turn".

She appeared again at the Committee on 15 October and said that there were 151 contact tracers. When she was asked to quantify that in full-time equivalents, she either could not or would not. She did not have the answer. It now transpires that there are, apparently, 88. At that time, we were getting nearly 1,000 positive cases a day. The ECDC says that, outside of a lockdown situation, each positive coronavirus case will produce between seven and 20 contacts. That amounts to between 7,000 and 20,000 contacts. How could 88 people do that? They could not. It is impossible. There is a lack of transparency and openness on this, because the PHA was out again saying that there are now 250 contact tracers. What does that mean in full-time equivalents? Somebody could be working part-time for six hours a week.

It was mentioned that Germany has a target for tracers per capita that equates to us having 250. If we benchmark with Wuhan in China, we will need 1,000. We certainly do not need 88. We need a high number of contact tracers to get out and find the people who are positive. They can then isolate, and we will not have to lock down the whole of society. It is that lack of ambition that frustrates and exasperates people, and it frustrates and exasperates people like me in the Committee when I am asking simple questions of the chief executive of the PHA, who is a highly paid official, and she cannot or will not answer them.

Let me say this, Minister: when it comes to rolling out the vaccine, I would like to see at least a skeleton strategy here within the next few weeks, because if it is left to the PHA, somebody will need to put a rocket up its backside or we will be talking here this time next year about a strategy to roll out a vaccine that could not be done because we did not have enough people to do it or we had this problem or that problem.

Those are the issues that we face. As the Minister said, rapid testing will not lead to a reduction in the short term if community transmission is high, and I agree with that.

That is why we need to beef up substantially the number of contact tracers that we have, because if we can do rapid testing, it will throw up more positive cases, and we need more contact tracers to trace the people they have been in contact with.

A Cheann Comhairle, I got quite excited here today about this, but it exasperates me when there is a lack of ambition in the way that we are approaching it, and that needs to change.

Mr McNulty: I welcome the opportunity to speak on the motion, as we all continue to endeavour to navigate a way through the uncharted waters that the pandemic presents and as we seek to get the virus under control.

The public are being asked to make significant and very difficult sacrifices. For the most part, they are complying, and they deserve enormous credit for their efforts. Whilst COVID-19 and the restrictions have undoubtedly impacted every aspect of our daily life, the toll on mental health is a huge concern. The increased number of constituents I am coming into contact with on a daily basis from every walk of life who are beside themselves with worry and fear as a result of the enormous challenges presented by the pandemic is scary.

We are now nearly nine months into living with, dealing with and trying to cope with the pandemic. COVID-19 has disrupted almost every aspect of life as we knew it. I welcome the Health Minister's statement on the ambition to give people hope. We do not know how long it will be until vaccines are available and deployed or until life returns to something approaching a semblance of normality, but, without hope, we have nothing.

Small physical, mental and emotional things, such as getting to the gym, offered an avenue of escape. Sadly, that has been removed, causing immense distress to many. I understand the steps that the Minister has taken. They all focus on saving and protecting lives. However, I encourage the Minister to ensure that he explains the rationale behind every decision on each sector so that people and sectors clearly understand them.

We must be mindful that the restrictions of recent weeks, and those in the weeks to come, take place in the midst of the winter months, with longer and darker evenings. The isolation, loneliness, fear and worry that many have been experiencing, and will continue to experience, as a result of the lockdown restrictions on their way of life will be very painful and, potentially, detrimental to their mental health.

I feel particularly for those who are the most vulnerable. I feel for the elderly, people living alone and those already suffering from poor mental health. I feel for those who have lost their jobs or whose jobs are at risk. I feel for the elderly in nursing homes who have not seen family for so long. I feel for the business owners and the self-employed. I feel for the families and parents of children with special educational needs or complex needs. I feel for families who are coping with grief. This has been the most difficult year for them all.

I am concerned not only about the pandemic's current impact on the well-being of families, businesses and communities but about its longer-term consequences for mental health. Sadly, I believe that we will continue to see those consequences long after the pandemic has passed. We must all work to ensure that everything that

can be done is done so that the mental health crisis that we have been experiencing here in the North since long before the pandemic even arrived does not escalate. In the months and years ahead, our mental health services, from counselling and therapy to crisis intervention, will be under immense pressure — greater pressure than ever. Therefore, I call on the Minister of Health to commit to ensuring that a world-class mental health service is provided here and to commit to providing for its funding. It will be needed more than ever in the coming months.

I would like to take this opportunity to pay tribute to the inspirational NHS front-line staff, including those on the front line of mental health services, who work day after day under the most challenging of circumstances, often putting the health and well-being of others ahead of their own and, indeed, that of their families. I salute them all. Where would we be without them? We must do everything that we can to ensure that staff feel valued and to ensure that their mental health is protected at such a stressful time. I very much welcome the steps that have been taken by the health and social care trusts and partners in recent months, including the development of a framework for leaders and managers to support staff well-being and the psychology helplines that are open to staff.

Despite all the present difficulties, we recognise that the restrictions and sacrifices are an unfortunate necessity if we are to get the virus under control. Whilst the recent news about vaccinations has given us all some hope, we still have some way to go, and I call on the public to dig deep and, as the Minister said earlier, to dig in and continue to adhere to the restrictions and guidelines. Only by acting together will we be able to beat the virus and return to life as we knew it.

Mr Principal Deputy Speaker: The Member's time is up, I am afraid.

Mr McNulty: I support the motion.

Mr Principal Deputy Speaker: I tried to wait for a nice juncture, a nice full stop, before I cut you off.

Mr Nesbitt: Who knew, at the start of the year, that we would need 20/20 vision to figure out the best way through this pandemic? Who knew, on 11 January, when we gathered in the Chamber to reform the Assembly and Executive that, come late November, we would be looking at a second lockdown? Who knew how difficult this would be? COVID-19 has given us a very sharp and unwelcome reminder of just how challenging it is to run a five-party coalition Government, but that, of course, is where we are.

6.00 pm

It has challenged all of us. With personal regret, I must acknowledge that some of us have come up short on occasion. It has challenged us and confused us. I welcome the Minister's reporting earlier that he and the First Minister and deputy First Minister are involved in talks about what we might call an "all-islands approach" to COVID over Christmas. That would be most welcome. The fact that the various jurisdictions are adopting multiple approaches surely goes to underline the fact that there are no right answers as such. What we have are options, many of which have significant upsides but all of which probably have downsides as well, so we follow the medical and scientific evidence. I thank Dr Michael McBride, Professor Ian Young and the Minister for so doing.

I acknowledge Mr Buckley's concern that the health service is turning into a COVID service at a cost to those with needs that relate to mental health, cancer and heart disease. However, I declare an interest here: in August, I had a procedure for heart disease. I do not believe that it was delayed by one hour, never mind a day, because of the focus on COVID-19 — nor, by the way, do I believe that I was fast-tracked because I am an MLA. The last that I heard about special treatment for MLAs was yesterday, when I was told that there is a restaurant chain that, when it finally reopens, will be open to everybody but Members of the Legislative Assembly, who, to quote a famous elected politician, can go and eat "where the sun don't shine".

Mr Buckley: I thank the Member for giving way. I am glad to see that he is back in the Chamber and in good health following that procedure. However, research by the British Heart Foundation has found that 41% of heart patients throughout the United Kingdom had a planned test or surgery postponed because of lockdown. Will the Member accept that, while it may have been the case that he got an appointment, for many others, sadly, that has not been the case?

Mr Principal Deputy Speaker: The Member has an additional minute.

Mr Nesbitt: Thank you, Mr Principal Deputy Speaker.

Yes. I am not saying that there are not issues. However, I have been in the Chamber for eight and a half years. We have debated consistently that there is a problem of underfunding in the National Health Service in this country and that we need to transform care and implement Bengoa. It comes round again and again. The Minister is entirely aware of the need to do things differently and, therefore, better. I accept that there are issues and that some of the issues may have been exacerbated by the pandemic, but I am also saying that it is not all bleak. Some services have continued, and I am a lucky recipient of one of them.

The Member will know that I have campaigned on mental health since I arrived in the Chamber eight and a half years ago. Therefore, I know that the Minister has done more than most of his predecessors in that area. There has been the appointment already of an interim mental health champion. I have been on many a Zoom and virtual meeting with Professor Siobhan O'Neill, who keeps saying, "Do not judge me until you see what I have achieved at the end of my term". I tell her that I have already judged her, because she has already brought something really useful to the table: positive energy. That is something that people who suffer from poor mental health really appreciate from somebody in a position of leadership, like Siobhan O'Neill.

I also welcome the fact that it appears that, in the spending review on Wednesday, the Chancellor, Rishi Sunak, will announce another £500 million of funding for mental health in England. If my rough maths is right, that means anything up to £15 million of a Barnett consequential. I hope that the Executive will ring-fence that for mental health services in Northern Ireland. The Chancellor apparently thinks that the additional money is needed particularly for young people in schools and for staff in the National Health Service, who are under the most unbelievable pressure. I do not know whether any other Members have spent a night in the emergency department of an acute hospital. The night

that I did was a revelation. It was relentless demand met by unfailing professionalism and courtesy.

Mr Sheehan talked about a gold standard, and I agree with him. I also heard a colleague of his who is on the Executive say that we need to react to the pandemic by being agile and flexible, but sometimes I do not think that we have been agile and flexible enough, particularly on the economy.

I finish by wishing the Minister and health service staff well as we continue the fight against this deadly disease.

Mrs D Kelly: I listened carefully to the Committee Chair's appeal as he set out the agenda for the debate. He talked about being collaborative and about people working together, particularly on contact, trace and isolate. It seems to me from listening to other Members and, indeed, the news today that the biggest problem around contact is contacting the Sinn Féin leadership to answer the police investigation of why it did not follow the restrictions and the regulations that the Executive introduced to suppress the virus. Why it chose to disregard that message remains a question that only that party can answer. We on this side of the House lost two colleagues, yet we complied with the restrictions and regulations because we had a public responsibility to do so. I hope that my colleagues gave leadership to the wider public in that regard.

It is a huge issue. Let us not underestimate the loss of public confidence in the messaging on dealing with the pandemic. Minister, you have my sincere sympathy and empathy as you seek to turn that around. There are not many on the Executive whom you can rely on to comply on an ongoing basis, and you are often let down by some of your ministerial colleagues and others.

The pandemic has put the spotlight on where the shortages in the health service have been for many years. There has been repeated underfunding and a failure by previous Executives to take tough decisions on the delivery of health and social care. In the past few days, the Royal College of Nursing has launched another campaign for fair pay for nurses and other healthcare workers. I, for one, very much support that campaign. We know how much money has been spent on agency nurses over many years. We know that, in the surge plans, we are reliant on agency nurses to help fill the gaps on wards when health service staff are moved across to the respiratory and COVID wards. That tells me that, if there is a proper salary and recompense in place, people are prepared to put in the extra hours. Nurses ask me, "Why can't they give some of that money to the people who are on the front line permanently, rather than it going repeatedly to agencies, which take their cut out of that?"

This is not the first time that I have raised the issue of workforce planning in the Department of Health. Of course, that cuts across to the Department for the Economy, which has responsibility for higher education. Earlier today, Minister, you talked about there being 300 additional nursing posts. That will not look at it. Have you given any thought to or considered discussing with the universities and the royal college whether there is a way in which the time taken to train nurses can be compressed into a shorter time than is currently the case? There is a need to look at how universities manage courses and provide training. As I have said before, there are higher education courses in the South of Ireland that enable people who

perhaps do not have the academic qualifications that they need to get one of the highly sought after places at university to get there by another route. There is other work that can and should be done on that.

I will touch on mental health. I know that many people who use mental health services are not getting their face-to-face contact. I wonder about the management and supervision of some of those services. I know that staff have had to call with clients and that some clients, because they have, for example, a psychotic illness, have had to go to a clinic to get an injection. If, however, a client does not appear, just how dedicated are some of the staff in going after them? Concerns have been expressed to me about the use of agencies. Agency workers do a great job, but there is a lack of continuity, and, therefore, a lack of accountability in following through on the service. From a service-user perspective, there are questions to be answered. Some older people are being asked to make contact via Zoom.

I know, Minister, that you like to get out on the ground, but I appeal to you to give people at the coalface an opportunity to talk to you or to someone on your team in a real way without fear of retribution —

Mr Principal Deputy Speaker: Sorry, the Member's time is up.

Mrs D Kelly: — for whatever they want to tell you.

Ms Bailey: We need to have a good look at ourselves. The five-party Executive system is not designed to manage crisis; it was a means to create a sense of stability and bring an end to violence. It was never meant to be a long-term solution, and we have lost sight of that. We see each party playing to its base and doing duck and cover to blame somebody when delivery fails. At the outset, we wrote civic society out of the process, and we are feeling that now. We are in a triple crisis, and I cannot see how our governance system will be able to manage a way through it. This is a health crisis and an economic crisis, and we have the climate crisis, with Brexit as the cherry on top. Now is the time when we need to engage with people, with business, with sectors, with ourselves across these islands north, south, east and west to begin to navigate our way through this and to build a stable system from which we can steer a path to the future.

We had a mental health crisis before COVID-19: we did not address it. We had a crisis in the NHS: we did not address it. Our high streets were in crisis before COVID-19: we did not address it. We had poverty before COVID-19, and we did not address it. As for economic crises, how many do you want? We had many before COVID-19, and we did not address them. The COVID-19 crisis is about much more than health. It is about all of the above rolled into one, and, after last week, with the stand-offs and U-turns, people have lost confidence and the advice coming to them is no longer making sense. They are not buying into it any more, so we need to do an awful lot to reach out to people again, because people know that we are not all in this together.

When the Chief Medical Officer gives advice to the Health Minister, the Health Minister creates a set of recommendations and they are then blocked by a single party using a cross-community veto — an abuse of power and privilege during a pandemic — to stop that advice being carried out, we need to have a look at ourselves. Regulations are being announced to the media before they

are announced to the Assembly, despite our setting up an Ad Hoc Committee on the COVID-19 Response to deal with such situations. Moreover, they are being announced before the financial package is put in place to give people the assurances that this will be OK.

Wind turbine owners and Sinn Féin offices are receiving tens of thousands of pounds in payments while businesses have received nothing. People are broken and on their knees. Workers put on furlough, taken off furlough, made redundant, kept on zero-hour contracts. Low-paid workers, some valued as key or essential workers, cannot afford to stay at home and self-isolate if needs be. Sure, nobody is checking anyway. Care home deaths and infection rates are akin to what they were during the first lockdown, so what have we been doing since March? Payments to student nurses who are putting themselves at risk to step in and step up have been stopped while they are still being asked to do that. Why? Vital care staff are not being tested routinely, and those are some of the low-paid, essential staff. There is no plan. We are just stumbling from one point to the next in an attempt to crisis-manage, from a five-party Executive that have no track record in getting to grips with crises.

The motion calls for a plan. I noted the words of the Chair of the Committee when he asked each of us to recommit to do all that we can to address this. Well, let us start by wearing a mask. Let us start by not getting into a lift with somebody else in it in this Building where you cannot socially distance. Let us start by washing our hands and sanitising before coming into the Chamber.

We are not all in this together, so if there is any confidence to be regained, let us start acting on our own advice and start setting an example.

6.15 pm

Mr Carroll: As the motion sets out, it is important to recognise the essential work that is being done by our healthcare workers in the middle of a dangerous and deadly pandemic. Without the sacrifice, skills and gritty determination of these healthcare workers — many of whom were forced to live away from their families for weeks on end — what kind of an unthinkable situation would we be in?

It would be remiss of me not to mention that today is the first ever Royal College of Nursing (RCN) nursing support workers' day. On this day, I thank all of those RCN workers and healthcare workers for their roles and work over the last year. It is worth noting how many of these workers now feel as a result of working through this pandemic, working hard and sacrificing so much for the health and well-being of us all. I have spoken to many over the last few weeks, and they have told me that they not only feel exhausted but underappreciated and underpaid. Many of them are disgusted, to be frank, at the fact that they were promised by the Health and Finance Ministers that they would not lose out on pay for taking strike action earlier this year to stand up for safe staffing levels, yet they are still waiting as the issue is ping-ponged by Ministers across the Executive.

ICU nurses are predominantly on a band-5 pay grade despite the fact that a lot of them are doing the work of a band-6 or a higher-banded worker. We need to respect our nurses and medical staff by not only paying them

the money that they were promised and are owed, but, in recognition of the essential work that they have done, the Health Minister and the Executive need to urgently begin work to ensure that they are given a significant and worthwhile pay increase, as is in line with their unions' demands. This would not only begin to acknowledge the work that these workers have done in the last year, through a pandemic that none of them signed up for or expected, but it would go some way to encourage these workers to stay here after this pandemic rather than go somewhere else where they are paid a higher wage.

I think that it is also important to mention student nurses, as has briefly been mentioned by some, and to recognise their role during the pandemic. They have worked through the pandemic; they still have to pay their bills, they have no sick pay if they are forced to isolate, and they have a bursary that effectively amounts to being paid £1 an hour for the work that they do. Who here would work for £1 an hour? Who else out there would work for £1 an hour? It is totally unfair, and that issue needs to be addressed to support student nurses and student midwives.

When you compare the role of student nurses and healthcare workers, generally, to the actions of the Executive, then it really is like comparing night and day. While health workers have gone above and beyond, putting the lives and safety of all of us and the community first, the Executive have committed themselves to a dangerous strategy of living with COVID, which, by definition — if it has a definition — means repeatedly going in and out of lockdown without committing to eliminating the virus. The result is, sadly, that we have one of the highest infection and death rates per population across the world.

The motion tonight talks about individual responsibility, and I suppose that that is important in a general sense. However, I hope that the same applies to Ministers, especially when many of them blatantly ignore the glaring and stark medical advice right in front of them. Shame on all of those parties and Ministers who are willing to threaten — and maybe still want to — the health of so many in our communities by adopting a laissez-faire approach to this virus. Many of them feign concern about low-paid workers while doing nothing to help and to protect them, except to implement a strategy of further impoverishing them and throwing them to the COVID wolves.

The motion also talks about the negative impacts of lockdown on mental health, and there is no doubt that this has been a very tough and difficult period for people's mental health, illness and issues. However, we should also avoid believing that simply opening up the doors of the economy again, forcing people back into unsafe or dangerous working conditions before a safe vaccine is rolled out, will do wonders for people's mental health. It will not. It is likely to create more problems in the short and long term. The Executive have the opportunity to now implement plans to ensure that everything is done to avoid a deeper mental health crisis in our communities after the pandemic is over. Therefore, we now need to ensure that people do not wait for months for treatment from counsellors, therapists and so on.

Finally, while we absolutely need to have a robust and improved test, trace and isolate system, it will be pretty ineffective, in the grand scheme of things, if the Executive

jump in and out of restrictions based on the fluctuation of the R number, or by putting their finger to the wind. Even a world-class test and trace system, which is what we should have, is pretty useless if the Executive repeat the same mistakes of the past, time and time again.

Mr Principal Deputy Speaker: I am sorry; the Member's time is up.

Mr Carroll: OK. Thank you.

Mr Principal Deputy Speaker: I call the Minister of Health, Mr Robin Swann, to respond to the comments that were made in the debate. I remind the Minister that he has 20 minutes, should he choose to use them.

Mr Swann (The Minister of Health): No pressure. Thank you, Mr Speaker. First, I thank the members of the Health Committee for proposing the motion. It provides us with the valuable opportunity to consider the impact of the COVID-19 pandemic on our health care system, the staff who work across that system, and the patients and public whom we serve as we continue to manage and mitigate the impacts of the current pandemic. I have listened very closely to those Members who have spoken in support of this issue today, and I can confirm that I am happy to support the motion. I thank the Chair for the tone and tenure of his opening comments on how he wished the debate to proceed.

In what are, clearly, unprecedented circumstances, our fantastic health and social care service has remained steadfast in its dedication to patients and those in need of care and treatment. All that work, including the continuing efforts of many to maintain services where and when possible while tackling the largest pandemic of the modern world, is testament to the dedication and expertise of our staff across the system.

Following the decision by the Executive last week, we now face a challenging, but totally necessary, period of extended restrictions. I fully appreciate the huge impact that those restrictions will have across so many sectors in Northern Ireland and the many sacrifices that people are making, but it is my job to protect our health service and to save lives. I will not and have not shied away from that. Without this circuit breaker, we would, most certainly, continue on an upward trajectory that would cripple our health service. That is why the additional measures, which were agreed by the Executive last Thursday, are needed and were covered in my statement to the Assembly this morning. I am hopeful that we will come out the other end of this period in a better place and, in particular, that we will be able to reflect more positively on the R number at the end of the two weeks, in order that we can all enjoy some sort of normality, over a short period during Christmas.

I will turn to some specific issues highlighted in the motion. You will recall that our Chief Medical Officer recently spoke about the impact that the current situation is having on mental health right across society. That was raised by a number of Members today. Specifically, Mr Mike Nesbitt talked about mental health awareness in this place before it was seen to be the right thing to do in many other places. Mr Nesbitt has been championing mental health since long before many took up that cause. Thankfully, it is now firmly on the agenda not just of this place but of political discussions across these islands. Since taking up post as Minister of Health, I have been very clear that mental

health is a priority for me. To underline that commitment, I appointed Professor Siobhan O'Neill as the interim mental health champion in Northern Ireland. I fully recognise the additional challenges that COVID-19 has presented for mental health, not least for our young people. I will ensure that this area remains front and centre in our response to the pandemic.

There is no doubt that the pandemic is having a devastating impact on our hospital services, particularly in elective care and increasing difficulties in our emergency departments. I take exception when people accuse me or my health service of turning into a COVID-19 service. The assessment and medical support that are given to patients, as they present, are assessed and delivered by clinical need, by extremely experienced and professional health service professionals who have been doing this day and daily.

I am committed to reforming the services that we provide so that we can truly have a health service that delivers for all the people whom it serves. We have made real progress on a number of fronts. Members will be fully aware of the detail, including creating Northern Ireland's first regional day procedure centre at Lagan Valley Hospital, which provides a regional resource for less complex planned day surgeries and procedures.

The health service has rapidly introduced new ways of working, including the regular use of technologies such as virtual clinics, telephone appointments and videoconferencing to deliver services in new and innovative ways. In terms of the tools that we have at our disposal to address the challenges of COVID-19, our testing programme and contact-tracing systems are key. I totally agree that robust systems for testing and contact tracing are critical if we are to try to limit the impact of COVID-19 on our lives, our livelihoods and, importantly, our health and care services. However, I urge caution: neither testing nor contact tracing alone can ever be expected to provide the full answer. They are an essential part of the equation, but no more so than the need for all the people of Northern Ireland to continue to follow the public health advice, which is vital.

I am pleased to advise Members that we are now commencing the implementation of a number of new testing interventions (NTIs). In Northern Ireland, those NTIs are part of the UK-wide population testing programme. As we progress to implement those, we will evaluate the new technologies that are used for testing and realise their benefits for our citizens, services and wider economy. The testing of asymptomatic healthcare workers is due to begin this week. That NTI will enable the early identification of the SARS-CoV-2 virus in healthcare staff who do not have symptoms. That will ensure that those front-line staff self-isolate early, which will reduce the risk of onward transmission of infection. That testing will take place, in the first instance, with staff working in the Belfast Health and Social Care Trust in acute services such as oncology, haematology and nephrology. As I said, testing will commence this week, and roll-out to other trusts will follow in a planned manner.

The testing of asymptomatic students started today at Queen's University using our lateral flow devices. The learning arising from that NTI will be important to help us to better understand how asymptomatic testing can be implemented and extended more widely in the future to

other parts of Northern Ireland. It is through undertaking those NTIs that we can develop fully informed plans for the future to everyone's benefit. Plans are progressing to offer testing to the wider population of students who attend Queen's University Belfast, Ulster University and a number of other colleges. In that context, asymptomatic testing will form part of a wider strategy to support and enable students to travel home for Christmas. That will require swift and agile planning and roll-out over the coming weeks, working closely across a number of Departments and other delivery partners.

The testing technologies in those NTIs are based on saliva testing and swabs tested outside of laboratory settings. They use our lateral flow devices, which can produce results for the person tested within 60 to 90 minutes. As I mentioned, those new interventions test asymptomatic individuals — people with no symptoms — with the aim of improving our ability to detect the virus, find positive cases earlier and reduce the risk of onward transmission of infection. I am keen to offer new testing interventions at a larger population level in Northern Ireland as soon as is possible and practicable. Such a programme to test larger populations in Northern Ireland — for example, testing in a local government area — would, no doubt, pose many logistical and implementation challenges. Its success would rely heavily on cross-departmental and multi-agency joint working. However, I believe that it would assist us in further reducing infection and, by extension, protecting our health service and saving lives.

6.30 pm

However, it is important that I highlight that those new testing interventions, which involve new approaches to testing and the deployment of new technologies, are additional to the COVID-19 testing programme that we have established and operate across Northern Ireland. It is also important to highlight that our current testing programme continues. That uses laboratory-based PCR testing and has to date focused mainly on the testing of symptomatic people. It will continue, and my Department will continue to work to further expand both pillars of that programme in the coming weeks and months.

Aligned to our testing programme, I am determined that our contact-tracing system will continue to offer us the best opportunity to identify cases and their close contacts as swiftly as possible and to disrupt chains of transmission between cases and their contacts. It is important to acknowledge the work of our Public Health Agency in establishing the service, which is the first of its kind to be established in the United Kingdom.

There is no doubt that our contact-tracing service has faced many challenges, not least the threefold increase in the numbers of positive cases that were notified to the service over a short period in October. That rapid increase in cases undoubtedly strained our contact-tracing system. It is clear that contact-tracing services in many other countries have experienced similar strains in recent months. Large numbers of positive cases have been notified for tracing as a consequence of increased transmission and disease activity. A number of digitally enhanced solutions have been introduced to our contact-tracing service, including a new digital self-trace platform.

The positive impact of those developments can be seen in the performance of our current service. For example,

in the six-day period up to 16 November, 90% of indexed cases were contacted within 24 hours of notification to the service, while in the three days from 13 to 15 November, 92% of those contacts were successfully reached within 48 hours. However, we continue to use any benefit that the current period of restrictions affords us in order to strengthen the contact-tracing service.

The service continues to look for ways to improve and find new solutions to assist in the delivery of its functions. Increased understanding of the service and further developing the public's trust in the service model will continue to be essential to its success over the coming months. Our Public Health Agency is driving forward a mass media campaign to optimise the public's awareness and understanding of the components of the contact-tracing system and, in particular, to increase the public's awareness of the benefits of using the digital self-trace platform that is offered by the service. The PHA is progressing significant work through social media and other media channels in order to encourage our public to stay vigilant in the fight against coronavirus and to ensure that everyone who has symptoms comes forward for a test. It explains the vital role of the contact-tracing system, how it operates in practice and its crucial role in preventing the daily spread of the virus.

In parallel with those developments, the agency has also commenced enhanced tracing for all new cases notified to the contact-tracing service from 16 to November. In association with conventional contact tracing, which aims to identify a case's close contacts and then reach them to advise them of the actions that they must take, enhanced contact tracing ensures that there is a strong focus on identifying the likely source of a case's infection and the potential common exposures that can lead to clusters and outbreaks. That was the issue that Ms Bradshaw specifically raised.

That combination of conventional and enhanced contact tracing will increase the contribution of the contact-tracing service to the control of community transmissions across Northern Ireland and to detecting the source of clusters in community settings. Using that enhanced tracing approach, PHA's contact tracers are working with indexed cases to capture information for seven days prior to the date of their symptom onset or the date of testing if the case has no symptoms.

It is important to highlight that the approach to contact tracing in the future will be based on that hybrid model of service provision. That model will focus on innovative digital solutions to reach and deliver early messages to cases and their close contacts while enabling targeted input from expert, professional healthcare staff who will risk-assess and deal with the more complex cases, clusters and outbreaks. Work to develop and refine this hybrid service model is being taken forward, at pace, through the Public Health Agency, and it is being overseen by my Department.

There is no doubt that more hard work and difficult times lie ahead, but it is important to know that there is hope. You will know that, although still early days, exciting progress is being made on COVID-19 vaccines. They are not yet approved for use in the United Kingdom. However, there is now a very real prospect that we will be in a different place next spring and summer as we deliver our vaccination programme. I acknowledge the enormous

work currently in progress to ensure that we are ready to commence our programme as soon as the vaccine is made available to us in Northern Ireland. I hope that that will allay some of Mr Sheehan's concerns about the ongoing work.

Mr Sheehan: Will the Minister give way?

Mr Swann: I will.

Mr Sheehan: I take the Minister at his word, and I always have. However, I want to see some outline of the plan for how it will be rolled out and who will be responsible for doing the vaccination. To have confidence, we need to see the plan. I know that I got a bit passionate about the PHA but, after its contact-tracing performance, I have absolutely no confidence in it.

Mr Swann: I am sure that a presentation can be provided for members of the Committee, who have been supportive of the work that we have been doing at a departmental level and of me as Minister. I am appreciative of the multiple engagements that I have had with the Health Committee and the proactive stance that it takes. However, I encourage Mr Sheehan to be challenging but not to get personal when dealing with the departmental professionals who come to present to the Committee. As I said, the vaccination programme will begin as soon as possible after it is made available to us in Northern Ireland.

In supporting the motion, I thank all Members who made contributions. It remains essential that we address the impact of the virus on the population of Northern Ireland and that we protect our healthcare system, the people who work in it and, importantly, the people whom we serve who require care and treatment within it. It is clear from what I outlined here today that much progress has been made to date as we collectively find, test, trace, isolate and support those throughout society who have been impacted on by COVID-19.

Earlier, I said that COVID-19 was our common enemy. I firmly believe that it is our common enemy. It is not just the health service's common enemy, it is the common enemy of our economy and of our education service because, day and daily, we must tackle it not only at an institutional level, an Executive level and an Assembly level but at a personal level.

Ms Bailey: Thank you, Minister, for giving way. If this is our common enemy, why do we not have a common response? Last week, I stood on the street where a friend's young daughter had taken her life. I watched the funeral cortege make its way to an open-air ceremony before an open-air burial that only 25 people were allowed to attend. The very next day, our First Minister gets into a taxi and, with 1,000 others, heads to a football match in an outdoor venue. How is that "common"? How does that show that everyone is in this together?

Mr Swann: I know the point that the Member is making, and I respect the point that the Member is making. However, the common message coming out of this place must be one of encouragement to the people of Northern Ireland that there is hope, if we challenge COVID-19 as a collective. If it is done politically, that saddens and challenges me as the Minister of Health. What I do not want is some of the political commentary that has developed over the past number of weeks and months.

We were able to get Northern Ireland into a very good place during the first wave of COVID-19. We did that because we stood side by side. We did that because we stood shoulder to shoulder with our healthcare professionals, with those who had tested positive for COVID-19 and with those who needed support. In my comments this morning, I appealed for that united approach once again. So I say to the Member, to every Member and to anybody who is listening to this: let us put those differences, those political challenges and those political point-scoring opportunities behind us for the next number of days, weeks and months until we get this virus under control.

I support the motion. In concluding, I again remind all present, and those listening to this debate, about the important responsibility that we all have to ensure that we follow the public health advice to drive down infections. I appeal to everyone: reduce your contacts, keep your distance, wash your hands, wear a face covering and download the StopCOVID NI app. Mr Principal Deputy Speaker, thank you for your indulgence.

Mr Principal Deputy Speaker: That is OK. I call Mrs Pam Cameron to wind up on the motion.

Mrs Cameron (The Deputy Chairperson of the Committee for Health): Thank you. From now on, I am just going to refer to you as “Mr Speaker”, because that will save some time.

I support the motion, and I am winding up on it as Deputy Chair of the Health Committee. First, I put on record my sympathy to all of the families who have been bereaved in recent months, whether through COVID-19 or not. We are all very well aware of how difficult it is living with the restrictions, and how much more so it is for those who are living in grief right now. I wish to declare that I have family members working in the health service at this time.

I will move to quickly summarise some of the remarks made by Members. The Chair of the Health Committee outlined the interdependent elements of the motion and the evidence taken by the Committee on the impact of vulnerable groups. All Members who spoke paid warm tributes to health and social care staff, recognising the risks taken, the stress and exhaustion felt and the dedication shown. The Chair acknowledged progress in testing and tracing and put forward suggestions for consideration around increasing the find, test, trace, isolate and support systems. A move to mass and rapid testing was endorsed by many contributors. Colm Gildernew emphasised the need to increase the capacity of the FTTIS system, especially around isolation and support, and he talked about the connection with wider policy such as travel and childcare.

Paula Bradshaw also expressed concern about the adequacy of resources in the FTTIS system, particularly around asymptomatic testing and the capacity to learn more about the origin of infections and the risks associated with certain types of behaviour. Órlaithí Flynn asked if more could be done to build up our public health approach to reduce the need for restrictions, and Mr Sheehan emphasised the need for learning from international experience, expressing concern about local capacity.

Justin McNulty accepted that restrictions were necessary due to the current figures, and Jonathan Buckley raised concerns about the impact on patients awaiting treatment for cancer and other conditions. Alan Chambers countered

that much non-COVID work had been maintained in the second surge. The legacy of underfunding of the system was raised by Dolores Kelly, who called for progress on workforce planning and fair pay for nurses, and by Mike Nesbitt, who also recognised progress made under the Minister’s leadership.

Having joined in the tributes to staff, Mr McGrath raised concerns about staff exhaustion and practical challenges facing workers, such as time and facilities to have meal breaks. Dolores Kelly called for better channels for front-line workers to feed through issues to the Minister and senior figures. Turning to restrictions, Colin McGrath expressed disappointment around progress on bringing down transmission.

The wide-ranging impact of the pandemic was acknowledged by all contributors, from mental health, which was raised by Mr McGrath, Mr McNulty, Mrs Kelly and Mr Carroll, to the economic impacts and knock-on effects on well-being described by Mr Chambers and Mr Clarke. Órlaithí Flynn referred also to the loss of social connections and the impact of visiting restrictions and missed appointments.

Several contributors, including Mr Buckley, Mr McGrath, Mr Chambers, Mr Clarke, Mrs Kelly and Ms Bailey, referred to the political divisions and mixed messaging of recent weeks and months, and many called for a constructive and collaborative approach.

6.45 pm

Mike Nesbitt referred to the challenge of having a five-party coalition but pointed to the ongoing work to develop a cross-island approach. Dolores Kelly called for the recognition of the importance of consistent political leadership for public confidence. Alan Chambers challenged the suggestion that not enough work was done in preparation for the second surge and flagged the time required to train additional staff.

Compliance with self-isolation was raised by Órlaithí Flynn and Paula Bradshaw, who also called for additional support to be made available to affected individuals. Making the point that financial support is not enough, Órlaithí suggested that follow-up calls should encourage compliance. She also underscored the need for wider cross-departmental cooperation to tackle the pandemic.

Clare Bailey put the debate in the wider context of the climate crisis, the high-street crisis, long-standing issues of poverty and low pay, and political difficulties. She asked why payments to nursing students have been stopped. Gerry Carroll called attention to the current figures and the particular impact on low-paid workers, and he criticised what he feels is an Executive policy of living with the virus.

The Minister responded and acknowledged the impact of the restrictions and the sacrifices that people would have to make. He outlined the rationale for them and his hopes for progress in two weeks. The Minister restated his commitment to mental health, saying that he would keep it front and centre going forward, and acknowledged the work of Health and Social Care staff throughout.

Members expressed support for the motion, acknowledged public efforts to date and urged everyone to take individual responsibility and to adhere to all the hands, face, space guidance. The Minister also outlined the next steps in

mass-testing initiatives and in public messaging, as well as new initiatives for enhanced contact tracing.

In closing, I put on record my thanks to the Clerk and the Committee staff for their tremendous work and support given throughout 2020 to date, and I thank the Committee membership for their contributions on the motion this evening.

With your indulgence, Mr Speaker, I will say a few words of my own as a DUP MLA. First and foremost, it is important to pay tribute to our staff on the front line. Although we may feel that the past eight or nine months have been challenging for this place, it is nothing compared with the challenges and the physical, mental and emotional strain faced by our nurses and doctors. We owe them a great debt of gratitude. It is a debt that should be repaid, in part, by a pay rise, as advocated by the RCN, amongst others. I urge the Health Minister to work with the Health Secretary to deliver that across the UK.

Furthermore, let us not underestimate or ignore the mental health strain on our staff. This has been a hugely difficult time of emotional strain and for having to do things that no nurse has been trained to do. Adequate support structures must be in place. I have heard of nurses who have been working on COVID wards who are now looking for jobs in supermarkets. What a terrible indictment of the lack of support for those professionals and heroes.

This House and the Executive cannot be deaf to the public anger about, and disillusionment with, what they have witnessed from this place in recent weeks. We now face two weeks, at least, of sweeping restrictions, and although the time for asking searching questions and for accountability will no doubt come, it is the job of this place to do better, by coming up with solutions quicker and for those to be more effective, and to avoid the cycle of lockdowns that we all say that we want to avoid but about which we seem to do too little, too late to avoid. That is failing local business, failing workers and failing families. It is simply not good enough.

What we have, outside of this place, is a health crisis, a mental health crisis and an economic crisis. The health crisis is dominated by COVID-19 but goes far beyond that. It is heart disease, undiagnosed diabetes, suicide and undiagnosed cancer. It is the lack of early intervention that will lead to more health misery. Last week, we marked Pancreatic Cancer Awareness Day. How many today are living with that awful cancer and do not know it? How many cannot and will not get treatment in time to help them?

What are we going to do, Mr Speaker? An immediate priority must be to improve our track-and-trace system. Put frankly, it is not up to the job. The mantra has been that it works best with lower numbers. That is a logical assumption, but we have not had low numbers in weeks. As a net, the holes are too big, and too much is slipping through. I am sure that we all know of examples of someone who has been in close contact but no notification was received of any description, and that is helping the virus spread.

I pay tribute to the staff who are working on contact tracing. They are doing great work, but there are not enough of them. The service needs additional resource, and that resource should be available by now. We need innovative thinking on ways to improve how we track and trace to make it even more effective. We have known about the issue for a long time, but here we are talking about it.

We also know about the lack of awareness of the rules on self-isolating. I was told three times whilst having a COVID-19 test that I could go about my business if I received a negative test. That was after being notified by the StopCOVID NI app of a close contact and being told to isolate for 14 days. Just last week, I heard the same story of several other individuals who were given the same wrong advice. I appreciate an emailed apology received from the PHA over the completely wrong information that was given, but it is not good enough. At this stage in a pandemic, we are still being given dangerous, incorrect information on isolation. I question, therefore, whether the PR campaign has been ramped up enough to deal with that, because I do not see it.

If we become a pilot for mass testing, will the test, trace, isolate and protect programme be able to cope? That is the question. The groundwork needs to be put in place now. If the contact tracing is not fit for purpose, mass testing will not be as effective as we need it to be.

It goes without saying that our care homes need a focus, which, to date, has not been here. Over 140 care homes with outbreaks is a damning indictment on the Department's protection of the most vulnerable. We clearly did not act on what we learned from the first wave, if we learned anything, because, sadly, our care homes are under attack from the virus, once again.

Mr Principal Deputy Speaker: I ask the Member to conclude her remarks.

Mrs Cameron: We need staff testing to be as frequent as possible.

I do not have enough time to finish all my remarks, but I want to say that, recently, I have spoken to people who cannot sleep for fear of not being able to provide for their children at Christmas. I welcome that all Members agree with the motion. Thank you for your time.

Question put and agreed to.

Resolved:

That this Assembly recognises the negative impact of the COVID-19 pandemic on Health and Social Care services, staff and patients; further recognises the impact on the physical and mental well-being of staff, patients and the public; acknowledges that restrictions are a consequence of the inability to suppress transmission rates; urges and encourages every member of the public to exercise individual responsibility by adhering to guidance, washing hands thoroughly and regularly, maintaining social distance and wearing face coverings; further acknowledges recent progress and commitments from the Minister of Health to increase testing and contact-tracing capacity; and calls on the Minister of Health to bring forward a robust, scaled-up find, test, trace, isolate and support (FTTIS) strategy based on international best practice as part of a wider Executive strategy to help avoid a cycle of lockdowns and the particular negative impacts on mental health and well-being.

Mr Principal Deputy Speaker: The next item in the Order Paper is the Adjournment. Please clean your surfaces before you leave the Chamber.

Adjourned at 6.52 pm.

Northern Ireland Assembly

Tuesday 24 November 2020

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Ministerial Statement

Urology: Southern Health and Social Care Trust

Mr Speaker: I have received notice from the Minister of Health that he wishes to make a statement. Before I call the Minister, I remind Members that, in light of social distancing being observed by the parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members still have to make sure that their name is on the speaking list if they wish to be called, but they can do this by rising in their places as well as notifying the Business Office or the Speaker's Table directly. I remind Members to be concise in asking their questions. This is not a debate per se, and long introductions should not be entered into.

Mr Swann (The Minister of Health): Mr Speaker, it is with deep regret that I inform the House of a further occurrence of serious concerns about the clinical practice of a hospital consultant notified to my Department by one of our health and social care trusts. The incident concerns the clinical practice of a urology consultant, Mr Aidan O'Brien, who retired from the Southern Trust earlier this year.

On 31 July 2020, the Southern Trust contacted my Department to report an early alert concerning the clinical practice of the consultant. The trust informed my Department that, on 7 June, it became aware of potential concerns regarding delays in the treatment of surgery patients who were under the care of the consultant urologist employed by the trust. The trust became aware that two out of 10 patients listed for surgery under the care of the consultant were not on the hospital's patient administration system at that time. As a result of those potential patient safety concerns, an initial look-back exercise in relation to the consultant's work was conducted to ascertain whether there were other areas of potential concern.

The initial look back, which considered cases over an 18-month period of the consultant's work in the Southern Trust from 1 January 2019 to 30 June 2020, concentrated on whether patients had had a stent inserted during a particular procedure and if the stent had been removed within the clinically recommended time frame. The initial look back identified concerns with 46 cases out of a total of 147 patients who had the procedure and were listed as being under the care of the consultant during the period addressed by the initial look-back exercise.

When my Department was contacted on 31 July, the trust confirmed that the following actions had already

been taken: discussions with the GMC's employer liaison service had been conducted; the case had been discussed with NHS Resolution, which recommended restrictions of clinical practice; restrictions were put in place by the trust preventing the consultant from undertaking clinical work in the trust and denying him the access or ability to process patient information; the trust requested that the consultant voluntarily undertake to refrain from seeing any private patients at their home or any other setting and that he confirm the same in writing; and a preliminary discussion was undertaken with the Royal College of Surgeons' invited review service regarding the consultant's practice and the potential scope and scale of any further look-back exercise that may be required.

The trust also established a review group to assess the further findings of the initial look-back exercise and to explore the potential need for a further look-back exercise in the context of the emerging concerns. That group has been working diligently since August, and I am now in a position to inform the Assembly of its most recent findings. Whilst Mr O'Brien has worked in the Southern Trust for 28 years, in consultation with the Royal College of Surgeons, the review group has looked at the time frame from 1 January 2019 until 30 June 2020. During that time, 2,327 patients were under his care. The review group identified the most vulnerable group of urology patients in that cohort and concentrated on those patients initially.

There are areas of concern relating to elective and emergency activity; radiology, pathology and cytology results; patients whose cases were considered in multidisciplinary team meetings; oncology; and the safe prescribing of an anti-androgen drug outside established NICE guidance in the management of prostate cancer. Across those areas, to date, 1,159 patients' records have been reviewed, and 271 patients or families have been contacted by the trust. The group's work continues across those areas of concern. Further details of the various review strands are appended to the statement.

So far, nine cases have been identified that meet the threshold for a serious adverse incident (SAI) review, and all nine patients and/or their families have been contacted by the trust to inform them of the position of their respective cases. A further six cases are being reviewed in more detail to establish whether those patients have come to harm.

The consultant also had a significant amount of private practice. Much of that was carried out in private domestic premises and, therefore, sat outside the regulatory framework that requires the registration and external assurance of facilities in the independent sector in which

clinicians may undertake private practice. That is also of significant concern to me, as many of those patients may be unknown to the Southern Trust or the wider Health and Social Care (HSC) system.

Following a recent media report about the developing situation, the trust has issued a statement and has advised patients that, if they are concerned about aspects of their urology care and require further advice, they should contact the Southern Trust by email or through its urology information phone line. That information line is available from Monday to Friday between 10.00 am and 3.00 pm, and the number is 0800 4148520.

I am sure that the House will agree that the issues identified by the trust's review group are of the gravest concern. The impact of the concerns will be felt most severely by the patients and families affected, and, unfortunately, we are only at the start of what is likely to become a long and detailed investigation of the matter. As Health Minister, I want first to unreservedly apologise to the patients and their families for any upset and distress that has been caused. I wish to reassure them that I will endeavour to ensure that they obtain appropriate treatment and support and the care that they need over the coming weeks and months.

I propose to take a number of actions to uncover how the situation developed over a number of years without any apparent action being taken by the trust to deal with the practice of the consultant before now. I need to determine quickly whether a further look-back exercise is required that might necessitate a significant review and recall of a larger group of patients, other than those identified to date, who require a review of their clinical care and treatment. In addition to that, given the large number of cases that have been identified as meeting the threshold for an SAI review, particular action will be required to ensure that matters relating to those patients and their care and treatment are dealt with in an effective and timely way.

I have therefore taken the following actions. First, I have established a urology assurance group, chaired by the permanent secretary of my Department, to provide external oversight of the various work streams arising from the initial look-back exercise initiated by the Southern Trust. Specifically, that group will review the progress of the initial look-back exercise; consider emerging strategic issues; commission and direct further work as necessary; monitor the impact on urology and related services in the Southern Trust; ensure coordination with other associated reviews or investigations; and oversee communication across all stakeholder groups, with patient care being the central focus throughout. I have published the terms of reference for the group alongside the statement. Secondly, the Royal College of Surgeons has been commissioned to carry out an independent review of a sample of the clinical cases included in the initial look-back exercise to determine whether a further, more extensive look-back or patient recall by the trust is required. Thirdly, in relation to the consultant's private patients who are not known to the Southern Trust, I have requested that Mr O'Brien's solicitors outline how he intends to provide a similar independent process to ensure that those private patients are alerted to issues arising and that their immediate healthcare needs are being met. While the Department has no explicit duty to take this particular matter forward, as part of our wider healthcare responsibilities, I want to do

all that I can to safeguard patients who may have received care or treatment in a private capacity from the consultant.

The remaining issues to be addressed relate to the management of all past, present and future cases that would meet the threshold for an SAI review, as well as establishing why this happened and whether action could have been taken by the Southern Trust to identify and address the apparent deficiencies in the consultant's clinical practice. Given the large number of cases already identified as meeting the threshold for an SAI review and my concerns that there may be more to come, a different and specific approach is required. The fourth action, therefore, that I intend to take is to establish a statutory public inquiry under the Inquiries Act 2005. I believe that that is the best way to ensure that the full extent of the concerns is identified and for the patients and families affected to see that those and all relevant issues are pursued in a transparent and independent way. My officials are preparing the way to get the inquiry up and running as soon as possible. That will take some time, and I would expect that the respective families and patients will have the opportunity to influence the inquiry's terms of reference. I must also be mindful of the statutory duties placed on me to discuss the issues with the appointed chair in advance of establishing the inquiry. Further details will be provided in that regard when they are available.

Inevitably, this type of work leads to a range of statistics relating to patient numbers, records reviewed, patient contacts and so on. Members will know that, behind every statistic, there is a patient, a family and their story and experience. These types of exercise can cause upset, distress and anxiety.

A significant element in all this work, therefore, will be to communicate with and support patients and their families as much as possible in the coming weeks and months. To help with that, the Southern Trust is developing a patient support package to include any counselling and psychological support that is needed, alongside the provision of family liaison and related support services.

10.45 am

Members will be all too aware that these significant concerns come hard on the heels of the recall of neurology patients by the Belfast Trust, and I am sure that Members will be keen to see the outcomes of that inquiry in due course. I recently met patients and families affected by the neurology recall and reiterated my apology to them for how they had been let down by the Health and Social Care system. To address those cases, as Members will know, an independent inquiry was initiated by the Department. That inquiry was established in the absence of Ministers, when it was not possible to constitute the inquiry under the Inquiries Act. To date, the work of that independent inquiry has been largely unaffected by that non-statutory approach, and I take the opportunity to thank Brett Lockhart QC and his team for their immense efforts in recent months. However, to ensure that, in the closing stages of the neurology inquiry, Mr Lockhart and his team have timely and unfettered access to all relevant information, I also announce that I intend to convert the Independent Neurology Inquiry to a statutory public inquiry under the Inquiries Act 2005. It is important to note that the inquiry team is at a very advanced stage of its evidence-gathering process, and I want to be clear

that I do not intend this decision to add to or alter the work or timescales of the neurology inquiry team, nor do I expect to see changes in the way that evidence has been gathered or public access has been provided. That would not be in the interests of the patients and families affected. They have already waited too long for answers. My officials will be in contact with Mr Lockhart as soon as possible to ensure that the transition is as seamless as it can be.

The emerging situation in the Southern Trust causes me and my Department the gravest of concerns. While I remain convinced that the experience of patients who use our health service is overwhelmingly that of a safe and quality service, these incidents, regrettably, dent the confidence of service users. I fully acknowledge that, and I will do all that I can to ensure that lessons are learned to prevent situations such as these occurring again. I trust that Members will agree that what I have announced today constitutes robust and timely action in a deeply concerning situation. I commend my statement to the Assembly.

Mr Gildernew (The Chairperson of the Committee for Health): Go raibh maith agat, a Cheann Comhairle, agus gabhaim buíochas leis an Aire. Thank you, Minister, for coming today to make the statement. It is a detailed and concerning statement.

I note your reference to the neurology inquiry, and I welcome the fact that it has been translated into a public inquiry. There will be lessons there. I also welcome the fact that a public inquiry has been called into this issue. I also reference the O'Hara inquiry, which probably has information that will be of benefit in how we move forward with this.

Minister, I welcome the fact that you said, on 27 October, that you would make the statement, and I have met the Southern Trust on the issue. Will you provide us with an update on how the terms of reference for the assurance group were developed and especially whether any urology patient voices are involved at this point? Will you outline the timelines for that urology assurance group and the review by the Royal College of Surgeons?

Mr Swann: I thank the Chair for his comments. I apologise for not being able to give him a personal briefing on this; there was an Executive meeting this morning.

On the terms of reference of the urology assurance group, as I said, the Department received the early alert from the Southern Trust in July 2020. By that stage, the trust had taken initial actions relating to the concerns, including the restriction of the consultant's clinical practice and access to patient information, notifying the GMC and discussing the matters with the Royal College of Surgeons' invited review service to understand the scope. Officials from my Department, the Health and Social Care Board (HSCB) and the Public Health Agency (PHA) have participated in weekly progress update calls with the trust since 10 October, summarising the current position and including the quantity of patient case notes that need to be reviewed and progress on the SAIs.

The object of the group is to review the progress of the initial scoping exercise; consider the emerging strategic issues; commission and direct further work as necessary; monitor the impact on urology and related services; ensure coordination with other associated reviews and investigations; and oversee communication across all stakeholder groups. As I said, detailed terms of reference

and the membership of the group are attached to the statement and will be available to Members.

On the participation of patients, as we are in the early stages of the identification of a number of them, they have not been engaged yet, but they will be engaged in the terms of reference of the full inquiry, as my statement detailed.

Mr Buckley: I thank the Minister for his statement. This will no doubt cause a lot of concern for patients across the Southern Trust. I welcome the establishment of a public inquiry to ensure public confidence, and I reiterate my call to ensure that its chair is independent of the Southern Trust and, indeed, of all the health and social care trusts.

Does the Minister agree that there is a need to look back further and examine Dr O'Brien's entire 28 years at the Southern Trust and in private practice? The review group looked at the time between 1 January 2019 and 30 June 2020, so there is a need to examine his entire time at the Southern Trust. Will the Minister outline whether he anticipates any further disciplinary or police action in relation to Dr O'Brien's actions?

Mr Swann: I thank the Member for his comments. The chair will be appointed under the Inquiries Act and will, of course, be independent.

As I said in my statement, the first look back was from 1 January 2019 until 30 June 2020, and further look backs will be decided depending on what they find in that, what the urology review group bring forward and the references from the Royal College of Surgeons. That time frame will be looked at, and they will go as far back as necessary. It is important to instil as much confidence in patients as possible to ensure that they come forward, make contact using the number provided by the Southern Trust and seek the help and assistance that they need.

The outworkings of the inquiry with regard to Mr O'Brien will depend on the outworkings of the royal college and the inquiry itself; it is not for me to predetermine them.

Mr McGrath: I thank the Minister for his statement and welcome the fact that the neurology inquiry and this inquiry will be public inquiries with statutory foundation.

The statement refers to significant work being carried out at home or in a non-clinical setting. Will the Minister detail how widespread that practice is? Is he concerned that that may be at variance with the clinical rules, guidelines and accountability that we have? To give people assurance, might the public inquiry investigate that type of practice?

Mr Swann: We do not have specific numbers for that, which is why we have been in contact with Mr O'Brien's solicitor to make sure that whatever provisions are put in place also apply to the private group of patients that he was seeing, sometimes in a domestic setting. As I said in my statement, the Southern Trust does not hold those records, so anyone who has seen Mr O'Brien in a private practice or in a domestic setting should come forward to the Southern Trust and seek assistance from that information helpline, which is now available from Monday to Friday, 10.00 am to 3.00 pm. The telephone number is 0800 414 8520.

Mr Chambers: I thank the Minister for his statement on these two rather distressing and concerning issues, and I welcome his intervention. Whilst noting the increased

powers and scope that the neurology review will have following its conversion to a public inquiry, I ask the Minister whether he is satisfied that, to date, the review has not been impeded in its work and that this is instead a case of ensuring that its future work will continue unhindered.

Mr Swann: The basis and need for the neurology inquiry to be converted to a statutory public inquiry is primarily to ensure that the Independent Neurology Inquiry team has access to all relevant information to draw its conclusions and make recommendations to my Department and to support a timely outcome of the inquiry team's report. Even though the inquiry team is at a very advanced stage of its evidence-gathering process, I do not foresee the decision adversely impacting on its work or timescales. As the Member would expect, I consulted the Independent Neurology Inquiry chair in advance of my decision, and he was fully supportive. I know that the patients and families involved are eager to see the publication of the cohort to recall, and I can advise that I expect to make a statement addressing that publication in the near future.

Ms Bradshaw: I thank the Minister for his statement. He will know that some of us have been campaigning for a long time for this neurology inquiry. Those of us who received private political briefings from Hugo Mascie-Taylor and Brett Lockhart know that they wanted this, so I appreciate that we have got to this stage today.

The common factor in Muckamore, neurology, hyponatraemia, this and others is clinical governance. How many times will MLAs be brought to the Chamber to discuss breakdowns in clinical governance? Will the Minister look at a more Health and Social Care-wide process to improve that?

Mr Swann: It brings me no pleasure coming forward to make these statements; in fact, it distresses and upsets me that we find ourselves in the position that we have to make them. When I engaged with the neurology families, the most distressing piece that I heard was that they had lost trust in our health service. That is why I have moved, as the Member acknowledged, for a public inquiry in relation to Muckamore and urology and am now transferring neurology across to that as well to make sure that we get to the root cause of the problems so that we can correct them.

This is not just a recent manifestation that we have to address, but I hope and am sure that the inquiries will bring things to light so that we can really get to grips with what are — I will not go as far as to say that there are systemic failings in our health service, because it is not widespread — distressing incidents. There are many, many good people working across our Health and Social Care system who need support and need the structures to support them, but, when we find cases like this, we need to ensure that we find and bring to light all that went wrong and all that is needed to correct what went wrong, so that it does not happen again. In the outworkings of all the inquiries, there will be a strong thread of recommendations that, I hope, will leave our Health and Social Care system in a far better place from a clinical governance point of view.

Mrs Cameron: I thank the Minister for his statement to the House this morning on yet another health blow to the

public in Northern Ireland and much worry for the people who have been involved in these urology cases.

Can the Minister give a commitment that there will be timely and urgent engagement with the affected patients, given the frustration demonstrated in the past by neurology patients who felt that they were not involved or listened to in that malpractice scandal?

11.00 am

Mr Swann: I give the Member that assurance. One thing that came to light when I met some of the neurology families and the charities was the frustration over communication. That is why I have asked the Patient and Client Council (PCC) to lead on the engagement. It was leading on the work that we did with the neurology families; it will now do similar work with urology patients and families to ensure that they are as fully embedded in the process as possible and kept up to date regularly with each step that is being taken. It is important that they know that the work that is being brought forward by the inquiries is there to support them as well as to identify what went wrong so that we can make sure that it does not happen again.

Mr O'Dowd: This is probably one of the most disturbing and concerning health statements that I have heard in the Chamber in the 17 years that I have been an MLA. Not one but two public inquiries have been announced today. In my opinion, the reason for that is the culture in our health service. Our consultants have far too much power. The vast majority of our consultants are fine people who carry out healthcare and save lives daily, but the culture in the health service means that they have too much power. When someone has too much power, that person is not held to account.

I will give the Minister an example. Six months ago, I wrote to the same trust about a consultant. I made a formal complaint on behalf of the mother of a disabled adult. The consultant wrote back to me and told me that he was doing a fine job. He may well be doing a fine job, but it is not up to him to tell me that. He should have been investigated. Will the Minister agree with me that, until the culture changes and that power relationship between the trusts and consultants changes, we will be back here talking about another public inquiry into a different consultant at some stage?

Mr Swann: I thank the Member for his comments. Unfortunately, I recognise what he says. I stress, however, the point that he made about there being many fine consultants working across our Health and Social Care system. I want to be clear to the Member, the House and the public who are listening that there are very many good people working in our Health and Social Care system. I ask people to put their trust in them.

The relationship between trusts and consultants is a piece of work that will be brought to bear in the inquiries that I have announced today. Health Ministers before me have had the same struggle with that relationship and the same level of concern. It gives me no pleasure to announce two public inquiries on the same day. That indicates the concern that I have as Health Minister that things need to change. I am sure that that will be the outworking of all three inquiries that I have instigated and announced since taking over as Minister of Health 10 months ago.

Mr Clarke: Like others, I welcome the Minister's honesty in his statement and the detail in it. The Member opposite talked about a culture, but there is another culture among consultants, which is for private as well as public work. While the clinical side is referenced, the bit of the statement that worries me is where it states that two out of 10 patients were not on the patient administration system. At this stage, does the Minister know whether that has anything to do with the relationship between private work and trust work, or is there something wrong with the trust's administration itself? Will that be included in that inquiry's scope?

Mr Swann: Again, that came to light when the trust became aware that two of the 10 patients who were listed for surgery with that consultant were not on the hospital's patient administration system at the time, so that will be included in the inquiry's scope. As the Member highlights, the concern then is the relationship between what was being done privately, often in domestic settings, and how that goes unregulated, unrecorded and unnoted. Unfortunately, that leaves us having to contact Mr O'Brien's solicitors to make sure that he brings forward any records or any patient details that he holds.

The reason why, today, I am calling on anybody who has been under the attention of Mr O'Brien in a private capacity to come forward to the Southern Trust is so that, through the terms of the inquiry, we can support them as well and make sure that they get whatever medical and psychological support they need and deserve, even having been under Mr O'Brien's private care.

Ms Kimmins: I thank the Minister for his statement. As others said, what we face this morning raises serious concerns. Supporting governance is a key safeguard in the delivery of services. Can the Minister confirm whether annual appraisals were carried out for the individual involved? They are a way of identifying issues early on, so I am keen to hear whether they were completed in the lead-up to the issue.

Mr Swann: I thank the Member for her point. I do not have that information with me, but I can get it and update the House when we have it.

Mrs D Kelly: I thank the Minister for his statement. I welcome the public inquiry and declare an interest in that my grand-niece's late mother was one of Dr Watt's patients. Her mum is now part of the campaign to seek answers, and they will very much welcome the public inquiry.

In relation to Dr O'Brien, I must say that I have spoken to generations of nursing and medical staff and, indeed, patients of Dr O'Brien, who are shocked at this. He was held and continues to be held by many in the highest regard. Members have talked about the relationship between the trust and consultants. Is the Minister aware of and will the terms of reference look at events preceding the inquiry by the Southern Trust? Will the terms of reference include Mr O'Brien's grievance and legal action that, I believe, may be under way against the trust?

Mr Swann: If there is legal action, I cannot comment on it, as the Member will be aware. The terms of reference for the inquiry have yet to be finalised and will not be finalised until the chair has been appointed. However, there will be full engagement on how the terms of reference are drawn

up to make sure that we get to the root cause of why this was allowed to happen and, indeed, why it happened.

Mr Beattie: I thank the Minister for his statement. I also thank him for his frank and honest answers and his decisive action in ordering a public inquiry. The Minister will know that this will cause deep concern to patients, past and present, in the urology service. Even this debate may cause them concern. Can the Minister give a commitment to patients in the Southern Trust that the urology service is safe and that they are receiving the appropriate treatment?

Mr Swann: I will give that assurance, because one of the things that the Southern Trust has done is make sure that Mr O'Brien's patients are now being supported by other consultants and receiving the treatment and the updates that they need. As I have said before, anyone who has concerns about whether they fall into the scope of the review or, indeed, whether they were under Mr O'Brien's care, can phone that number to seek help, medical or psychological, should they require it. One of the outworkings of the neurology inquiry was an understanding of the necessity to provide support and care. We possibly failed to do that in neurology, but we want to make sure that we get it right in the urology inquiry, given the concerns that have been raised today.

Mr T Buchanan: Like others, I thank the Minister for making his statement to the House today. I know that the thoughts of the Minister and of everyone in the House are with those patients today. I agree with Mr O'Dowd, on this occasion, that consultants have far too much power. They dictate to their employer where they will work, and that has to change. Given the length of Mr O'Brien's 28 years' service in the trust, were concerns raised about his actions prior to this? If not, does that not cause the Minister concern about those in the trust with responsibility, who, apparently, failed to pick up on this until late in the day?

Mr Swann: As I said, that will be the outworkings and some of the work that the inquiry team will look into, as well as how far back it goes and how many look-backs we need to have. As I said in my statement, the initial look-back was at the work completed between 1 January 2019 and 30 June 2020. The trust became aware only when two out of 10 patients listed for surgery under the care of the consultant were not on the hospital's patient administration system at that time. That came to light early this summer. The inquiry will pick up on a lot of that work and answer a lot of the Member's questions.

Ms Dillon: I thank the Minister for bringing the statement to the House and for his answers. Can the Minister outline how this will affect urology services not only in the Southern Trust but across the North? As was outlined, we have delays in normal circumstances, but, in the current circumstances of COVID, we have further delays. The dent in confidence that was alluded to in doctors and urology services may lead to some people not bringing themselves forward for services? What impact will that have? Those patients will have to go to other consultants now.

Mr Swann: The Southern Trust will work to make sure that any of Mr O'Brien's patients who need follow-up assessments or interviews, even in regard to work completed by Mr O'Brien, will be seen by other consultants in the urology team.

The Member is right to raise a concern about the pressures that our urology service is already under. Like

many of our health services, it already has vacancies in posts, so it will put additional strain on that service. Should patients be assigned or designated to go to a urology service, I encourage them to take up that offer because, as has been said, there are many good clinicians still working in our health service across Northern Ireland, and they are there to provide the best health and social care that they can.

Mr Boylan: Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement. The Minister may have partly answered in his statement how he will contact patients, including those who were private, who were seen pre-January 2019. What extra supports can be put in place for those patients and their families, and how do we instil confidence back into the system?

Mr Swann: Putting that trust and confidence back into the system is the challenge that I have and that we all have. We have good people working in the system. We have a good health system, and I ask Members to encourage people not to lose faith in all the good people working across our health and social care sector. The Southern Trust has led in providing support mechanisms, and I reiterate that there is a telephone number for people, should they be seeking support. The number is in the statement, and it has been made available.

The concern that we have is the number of people who were seen in private practice. Much of that work was carried out in private domestic services. Therefore, it sat outside the regulatory framework, which requires the registration of external assurances of facilities in the independent sector. That side of the work concerns me as well, and that is why we have been in contact with Mr O'Brien's solicitor to make sure that we get full access and that we provide as much support to the patients he saw privately as we do for those known to the Health and Social Care sector. However, patients seen privately by Mr O'Brien can seek that reassurance and support from the Southern Trust. They will be treated equitably with Southern Trust patients.

11.15 am

Mr McNulty: I thank the Minister for his statement. This will be a difficult day for patients, for the Southern Trust and, indeed, for Mr O'Brien. There are conflicting narratives here, Minister. Many whom I have spoken to, including former patients and colleagues, speak very highly of Mr O'Brien, and that is why this statement is such a shock. I welcome the setting up of the inquiry, as it will ensure accountability, fairness and transparency for all involved.

The Minister stated that Mr O'Brien treated a minimum of 2,327 patients through the trust's services, and then there are private patients, as well. The Minister then advised that 271 patients have been contacted. Minister, I am sure that you will recognise that, after today, many more patients and their families will be concerned. Given that it has been identified that many patients have not been impacted, will the Minister undertake to ensure that those patients for whom concerns have been identified will be contacted with the appropriate care and support as quickly and expeditiously as possible?

Mr Swann: The Member talks about numbers. As I said in my statement, it is important that, when we get into a

situation and a process such as this, which is about the numbers of people who are being seen, the records being looked at and all the rest of it, we do not forget that, behind each of those numbers, there is an individual and a family, as well. It is important that we do not just try to look at this in those pure number terms.

With regard to the number that the Member referenced, the more than 2,000 patients were the patients who were in his care during the initial 18-month look-back exercise, which was conducted for the period between January 2019 and June 2020. Of those, 1,159 patient records were initially reviewed and 271 patients were contacted, and, out of that, there was an identification that nine serious adverse incidents would be initiated. That is why I have decided to establish the public inquiry, under the Inquiries Act 2005, to address those concerns.

Ms S Bradley: At the outset, I declare an interest for the part of the statement that refers to the neurology recall, as my husband is one of the patients who have been recalled.

Turning to the urology statement and its contents, I thank the Minister for the assurance that he has given of the current safety in the Southern Trust. However, I refer the Minister to the part of the statement where he says:

"two out of 10 patients listed for surgery under the care of the consultant were not on the hospital's patient administration system at that time."

Will the Minister elaborate on that? Is a consultant personally and solely responsible for ensuring the administration duty of placing a patient on that list? Furthermore, will he give an assurance that the terms of reference of any investigation will be to look at processes such as this and to compare them with how they are operating in other trust areas? Thank you.

Mr Swann: I give the Member the commitment that the terms of reference will be as full and complete as is necessary. I am sure that the trust's becoming aware that two out of those 10 patients who were listed for surgery under the care of the consultant were not on the hospital's patient administration system at that time will also be a major part of the inquiry.

Mr Speaker: Members, that concludes questions on the statement. Please take your ease for a moment or two.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call Mr Jim Allister to move the Bill.

Moved. — *[Mr Allister.]*

Mr Deputy Speaker (Mr Beggs): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 9 and opposition to clause 2 stand part, which deal with the appointment, conduct and management of special advisers. The second debate will be on amendment Nos 10 to 12, 21 to 23 and 25, which deal with accountability to the Assembly. It should be noted that amendment No 25 is consequential to amendment No 21. The third debate will be on amendment Nos 13 to 20, 24 and 26 and opposition to clause 7 stand part, which deal with administrative reform and governance. It should be noted that amendment No 26 is consequential to amendment No 15.

I remind Members who intend to speak that, during the debates on the three groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate in each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Question on stand part will be taken at appropriate times in the Bill. If that is clear, we will proceed.

Clause 1 (Amendment of the Civil Service (Special Advisers) Act (Northern Ireland) 2013)

Mr Deputy Speaker (Mr Beggs): We now come to the first group of amendments — the appointment, conduct and management of special advisers — for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 9 and the opposition to clause 2 stand part.

Mr Allister: I beg to move amendment No 1: In page 1, line 7, after “(2)” insert “(b)”.

The following amendments stood on the Marshalled List:

No 2: In page 1, line 12, leave out “involvement or”. — *[Mr Allister.]*

No 3: In page 1, line 13, before “A minister” insert “Subject to section 3A”. — *[Mr Allister.]*

No 4: In page 1, line 14, at end insert

“(3A) In section 8 (Code for appointments), after subsection (1) insert the words:

“(2) Without prejudice to the generality of subsection (1), the code must provide that the appointing minister must -

(a) create a job description and person specification for the post,

(b) set out the requirements to be met by a successful applicant,

(c) achieve a candidate pool from which the minister shall select on sustainable and lawful grounds, and

(d) complete and the department retain documentation associated with the above processes, including recording the minister’s reasons for the selection made.”. — *[Mr Allister.]*

No 5: In page 2, line 9, after “adviser” insert “by reason of the holding of that post”. — *[Mr Allister.]*

No 6: In page 2, line 12, leave out “him” and insert “the special adviser”. — *[Mr Allister.]*

No 7: New Clause

Before clause 2 insert

“Repeal of the Civil Service Commissioners (Amendment) Order in Council 2007

A2.The Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007 is repealed.”. — *[Mr Allister.]*

No 8: In clause 4, page 2, line 28, after “Office” insert “under the provisions of the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007”. — *[Mr Allister.]*

No 9: In clause 4, page 2, line 33, leave out subsection (3). — *[Mr Allister.]*

Mr Allister: I will proceed to speak to amendment No 1 and the other amendments in group 1. It is no part of my ambition to beat the record of last Tuesday and to be here at 2.15 am, but let us see how we go.

I begin by thanking the staff, including the Bill Office staff and the Committee staff, who, behind the scenes, do a great deal of work and give a great amount of invaluable guidance and help. I also thank the Business Office staff and the Speaker’s Office staff for their roles in progressing matters to this point. It all fits together in the necessary workings of bringing forward a private Member’s Bill. I also thank the witnesses who came to the Committee and gave of their time and knowledge and afforded us useful insights into much pertaining to these matters. I thank the Committee as a whole for its thoughtful interrogation of the Bill. Having listened to the points made, most particularly in Committee but also outside, I believe that the amendments provide the opportunity for a better Bill than was first drafted.

That, of course, is the whole purpose of a thoroughgoing Committee Stage. I am grateful for that.

It will be noted that not all parties participated as fulsomely as others. Sinn Féin, as was its perfect entitlement, took a different approach. There was, essentially, non-engagement with many of the issues and an unaltered declaration from the beginning that, come what may, it was opposed to each and every clause of the Bill. That is, indeed, its entitlement. It was disappointing to note that the Bill was being judged on the identity of the sponsor rather than on its content. Indeed, Mr O’Dowd made it plain in the Second Stage debate that it was not for me to bring forward a Bill such as this. I encountered that again with

Mr Pat Sheehan in the Executive Committee, where there was an attitude that the Bill should be rejected, essentially, because of its authorship, not its content.

The other major party in the Executive had probably greater reason to be stand-offish. It is, undoubtedly, a difficult topic, arising as it does from RHI and all the misdemeanours that that revealed. However, it is to the credit of the DUP that it took a more mature attitude to the Bill. Similar to the other parties on the Committee — the SDLP and the Ulster Unionists; unfortunately, the Alliance Party is not on that Committee — it took an engaging and mature attitude to issues, which cannot have been easy, in some respects.

This is not a green and orange issue. There is nothing about the Bill that is of that nature. It is not about whether you are pro- or anti-Belfast Agreement, as one Sinn Féin Member sought to suggest to me. It is not about attacking these institutions. The House needs no reminder of my view of these institutions, but the Bill is not an assault on the institutions. It is not about attacking the functions of spads. I know that spads have an important and necessary function in government. I am not disputing that; I accept it entirely. It is about bettering government. It is about bringing probity and principle where those have been demonstrated to be deficient. It is, therefore, about improving the standards and principles of the functioning of government, as the title of the Bill suggests.

As we go through today, the single most significant ideological, perhaps, and political issue that Members will have to address is whether codes of conduct are sufficient to deal with the issues that have been thrown up or whether we need legislation. That will be a fundamental dividing line in the debate. It is a dividing line to be drawn and a decision to be taken in light of not just the reality of what we need and what we do not but of the perception of the public. Stormont may be something of a bubble. RHI may have been eclipsed in the public focus by the pandemic. However, the issues that arose are such that the House cannot gloss over them. It needs to address and grasp hold of them.

11.30 am

The primary Sinn Féin approach seems to be that codes are enough. Indeed, there is a certain irony there, in that we have codes only because of the Civil Service (Special Advisers) Act (Northern Ireland) 2013, sections 7 and 8 of which brought in codes of conduct and appointment for special advisers. Yet the party that, today, will tell us that codes are enough was the very party that voted against even having those codes in the 2013 Act. Such was the party's antipathy to the restraint even of codes that it voted against it. We will hear from the Minister today. I cannot accuse him of voting against it because, in 2013, he was furloughed to Westminster. He was not here, but his party vigorously, vehemently opposed the very idea of codes. Yet, today, that party tells us that codes are enough.

Are codes enough? What happened in RHI is the answer. Codes, patently, are not enough. What RHI showed was that the codes were systematically breached. I remind Members that the codes that existed during RHI required confidentiality from spads. Paragraph 24 of their terms and conditions was there, writ large, and it required integrity. Paragraph 5 of the code of conduct also underscored the need for confidentiality. It was all there in black and white:

confidentiality and integrity were required by the codes. Did it work? Anyone who recalls some of the evidence, such as the sharing of official information with family members, will readily reach the conclusion that codes, demonstrably, were not enough. As an adequate control mechanism, codes have demonstrably failed.

Then, of course, we are given the assurance that things will be different now. Will they? Without the certainty of legislation, I seriously doubt that. Why would anyone who is determined to do the right thing fear legislation? Maybe the answer lies in a quite amazing letter that the Finance Minister wrote to the Finance Committee during its scrutiny of this Bill. On 27 April, the Finance Minister wrote to Dr Aiken, the Chair, setting forth his views on the Bill. Let me read a sentence or two from that letter. This is what it says in support of codes:

"But it is also important that those rules are amenable to interpretation and the application of judgement, and that the rules can be developed and enhanced as circumstances require."

We have just passed through RHI, with all its ugly sides and all its plaintive rebuke of how things were being done, and the Finance Minister writes to the Committee and says, "Codes are enough. We do not want legislation, because we want something that is amenable to interpretation. We want something that allows the application of judgement. We want something that can be developed and enhanced as circumstances require." Why would you want a provision in legislation that says you shall not breach confidentiality and you shall behave with integrity — why would we want that to be amenable to interpretation? I say that the House should not want such to be amenable to interpretation.

Indeed, I was sitting in the House waiting for the debate to start, and Mr O'Dowd gave me an excellent line. When the Health Minister was talking about his inquiry into the urology services — and I say this in the context of the Finance Minister wanting to have the power to decide on interpretation — Mr O'Dowd said:

"When someone has too much power, that person is not held to account".

Exactly.

Mr O'Dowd: Will the Member give way?

Mr Allister: Certainly.

Mr O'Dowd: There are accountability mechanisms in place here. We are actually sitting in one at the minute: it is the Assembly. The Assembly holds Ministers and their Departments to account.

Mr Deputy Speaker (Mr Beggs): Can the Member make his comments through the Chair so that the microphone can pick them up?

Mr O'Dowd: Sorry.

We also have our Committees. Our Committees hold Ministers to account, their Departments to account and their officials to account. So there is not an absence of accountability. No one is arguing for an absence of accountability. However, we are arguing that the measures the Member is taking are unnecessary and unwieldy.

Mr Allister: I could understand the Member's contribution if we had not had RHI. RHI is the reason why it is demonstrably clear that codes are not enough. I really do think that there is an element of delusion if Members think that codes can do it.

Mr Frew: Will the Member give way?

Mr Allister: Sure.

Mr Frew: Will the Member agree with me that the Member who just made an intervention and who talked about democratic accountability was the very Member, at the Second Stage of this Bill, who did not want or see fit that private Members should bring legislation such as this?

Mr Allister: Yes. I should make the point that it is not an either/or choice. It is not that legislation takes everything that could be in a code and legislates for it. The legislation sets the basic parameters. It still —.

Mr McGuigan: Will the Member give way?

Mr Allister: In a moment.

It still admits a role for codes. Sections 7 and 8 of the 2013 Act are explicit. They lay down some minimum requirements in codes and leave the rest to the discretion of the Department. So it is not that you have to choose codes or legislation. The question is: are there some matters where codes have failed and you need to step it up a gear and put it into legislation? That is the contention behind this Bill.

I will give way.

Mr McGuigan: Will the Member accept that Justice Coghlin conducted a very fulsome inquiry into this issue that most people thought was conducted very thoroughly and came up with recommendations, none of which required legislation?

Mr Allister: I understand that, and I have read, obviously, the entirety of the RHI report. Lord Justice Coghlin is not the legislator. This Assembly is the legislator, and it is for this House to decide, with the useful guidance and assistance that came out of the RHI report, how it is going to handle that, and whether, in the circumstances where things have failed in the past, we now do need legislation.

Let me be clear. Legislation is binding, in circumstances in which codes are, in the Minister's words, "amenable to interpretation". I told the House at Second Stage about the declaration by Lord Bingham in a case involving a code of practice issued under the Mental Health Act in England. Lord Bingham summed it up very precisely. He said:

"It is in my view plain that the Code does not have the binding effect which a statutory provision or a statutory instrument would have."

There you have it. It is about whether MLAs want the changes arising from the RHI inquiry report to be binding or not. When MLAs vote later today, let this be the compelling thought, "As I express my vote, do I want the changes that need to be made to be binding or not?". That is the defining issue. It is about our durability and the seriousness of our intent on the issue, and it is also a confidence-building measure to the wider public. I do not need to tell anyone in the House that this place suffers from public perception issues. I put it as gently as I can.

The Stormont bubble is not the jury in this matter. It is the wider public who are the jury and who will judge today whether we took the steps that they would expect us to take or whether we bottled it in our cocoon by saying, "We can look after all of this by mere codes that are amenable to what suits our interpretation". That is the defining issue. I have already said that codes and legislation can, perfectly happily, coexist. That is the infrastructure that I am inviting the House today to embrace.

Mr Deputy Speaker, you will be pleased to hear that I am coming to each of the amendments in turn now, having made those preliminary remarks. Amendment No 1 is purely technical, and I hope that we can all have some agreement on that. It is about tidying up a typographical error in the Bill.

Amendment Nos 2 and 3 are about the discipline of spads. My starting point is this: special advisers, so long as they hold office, are civil servants. Temporary civil servants, yes, but civil servants. They are beneficiaries of all the benefits, pension and salary of being civil servants, but, unlike the civil servants with whom they work, they are not subject to the discipline of the Civil Service. That is what I want to correct, because we have had experience in this place of how the discipline of spads worked or did not work. We had an incident way back relating to Red Sky. We had a Mr Stephen Brimstone, a special adviser. He, because of his conduct, was recommended by the Finance Department for formal disciplinary investigation. The Department asked Finance to look at the situation. The Department of Finance and Personnel, as it then was, independently recommended that he should be subject to a formal disciplinary investigation.

11.45 am

Did it happen? No. Why did it not happen? His Minister overrode it. He said, "We will have none of that and no investigation".

The Social Development Committee of the time, of which our current Speaker was the Chair and I was a member, did a report. One of the recommendations of that report was a change to stop the Minister aborting a disciplinary investigation. That was a recommendation in the report brought to the House. Today, I am inviting the House to carry that through by subjecting a civil servant who is a special adviser to the same disciplinary procedures as the Civil Service of which he is a part.

We have to remember that the Minister of Finance's view, which was expressed to the Committee, was that the revised ministerial code makes a Minister responsible for, and accountable for, the behaviour of their special advisers. If a Minister does not take action in response to a breach of the special advisers' code, they can be reported and investigated for a breach of the ministerial code. I do not think that I do any injustice to what the Minister's contention to the Committee was.

The question is this: is that sufficient? I have to say to the House that neither presentationally nor practically does it resolve the problem, because the problem is this: the Minister hand-picks his spad, who acts as a civil servant but who is immune from Civil Service discipline and instead can be held to account by the one who chose him in the first place. One has to ask how many Ministers have

ever been held accountable for a breach of the ministerial code.

We are told that you take care of this by putting the Minister in charge and that if he does not act he breaches the ministerial code. That is the theory. The practical question that I have is this: how many Ministers have ever been held accountable for a breach of the ministerial code? In that system, of course, any punishment for the errant spad lies with the one who chose him. It is as farcical as it appears.

We come back to the fundamental point: if a spad has all the benefits of a civil servant, why should he not be held accountable to the Civil Service code of conduct and the Civil Service provisions in respect of discipline? The point is made to me that the present Civil Service codes do not lend themselves to that. With respect, that is not an answer. It is up to the head of the Civil Service to adjust the codes to deal with the spad situation. It is not for me and it is not for this Bill. If this principle is passed, it is for the Civil Service to accommodate it.

I have heard it said that, "Oh, but we are taking away the Minister's entire accountability in respect of his spad".

No, I am not, because clause 1(3) recommends that:

"A minister who appoints a special adviser is" —
remains —
"responsible for their management, conduct and adherence to the code of conduct."

All that I am taking away from him is the right to interfere in the disciplinary process. He can still be involved and make the reference, and it might still come back to him, but he cannot interfere. That is the principle that lies behind amendment Nos 2 and 3. It lies there because of the experience of such interference in the past.

Amendment Nos 2 and 3 are worthy of the support of the House because they fill a gaping gap. It is farcical that a hand-picked spad is only ever subject to the whim and discipline of the person who appointed him, even though, as a civil servant, he could drive a coach and horses through their code and only the Minister can do anything about it. That cannot be right. That is why I am saying that we should make them subject to the Civil Service code of conduct and the disciplinary process.

Amendment No 4 deals with the issue of how a spad is appointed. The Department effectively double-crossed Lord Justice Coghlin on that issue. In his report, Lord Justice Coghlin was aghast at the breaches of the then code on the appointment of spads. Let me remind the House what the old code said. It required a job description. There is no surprise there, because we are filling a publicly paid post, so, surely, there should be a job description. The old code also required criteria by which the selection would be made, a candidate profile and the Minister to document the process. You will recall what Lord Justice Coghlin had to say about how some of that matter was breached. I go to volume 3, page 166, of his report. His findings state that:

"It is clear from the evidence received by the Inquiry that both of the two main parties in the Executive, the DUP and Sinn Féin, breached the spirit and/or provisions of the 2013 Act passed by the Assembly and

the mandatory codes issued by DFP in accordance with sections 7 and 8 of that Act in one way or another.

At the time of Mr Cairns' appointment as SpAd to Minister Bell in DETI in 2015, some two years after the passage of the 2013 Act and the mandatory appointment code, the procedure was not, as required by the appointment code, by way of a competitive selection from a candidate pool set up after a trawl by Minister Bell, but was instead conducted by the DUP through its then leader, and the then First Minister, Mr Robinson.

Minister Bell accepted that the practice adopted in signing the letter of appointment effectively 'camouflaged' the complete failure to comply with the appointment code."

He goes on to say that:

"The Inquiry finds that the practices adopted by the DUP and Sinn Féin in centralising the appointment, control, and management of SpAds effectively frustrated that purpose of the democratically enacted legislation."

Further to that, he states that:

"The realpolitik observed by some Ministers in these circumstances appears to have produced a number of advisers with wide powers and influence who were appointed and operated in practice outside the code of conduct for Special Advisers.

Nevertheless, it is important to bear in mind that SpAds were civil servants, albeit of a special type, and, as such, there is a public interest in ensuring that the appointment process was operated, and was seen to operate, in accordance with the relevant codes."

What did Minister Murphy do with those findings? Minister Murphy brought a code that had been found to have been breached multiple times in all those aspects — about candidate pool, candidate profile, setting criteria, documenting the process — and rewrote the code of appointment to simply strip all that out. So, the answer to the criticism that the codes had not been followed was simply to take out of the codes that which had not been followed. How perverse is that? Recommendation 41 of Lord Justice Coghlin was:

"that there should be robust compliance".

Mr Murphy's response was, "Just strip it out". So, you deal with the behaviour that was excoriated simply by making that excoriated behaviour no longer a breach. That is not good government. That is what amendment No 4 is all about. Amendment No 4 is about putting it back in because the Department could not be trusted to just work it on codes. Sections 7 and 8 of the 2013 Act gave them wide discretion. The code that was produced back then required a candidate pool, selection process, keeping a note — all the things that are in amendment No 4. We then discovered that Executive parties could not be trusted to do that either in RHI, where they simply breached it, or post-RHI, when they stripped it out. The purpose of amendment No 4 is to put it back in but, this time, to put it in legislation.

Let me quote some of the things that Felicity Huston, the former Commissioner for Public Appointments, told the Committee. She gave of her time. She came and gave evidence, with her vast experience of the basic requirements in public appointments. She said of Mr Murphy's code:

"This Code - published to the surprise of many before Sir Patrick's report and recommendations - omits any process or procedure for the actual selection of Special advisors. It has dispensed with any pretence at selection as would be understood by those commonly applying for a job. No Minister needs to explain what skills, experience etc were either required for the post or how he or she established whether the selected SPAD had those skills".

This is not me speaking. This is a former Commissioner for Public Appointments who stated that:

"As the ... January 2020 Code stands there can be no cause for complaint or lack of compliance because there is no process about which to complain.

A Code for Appointment would normally set out a basic appointment process ... Criteria for selection ... opportunity ... to demonstrate how they fulfil the criteria ... Some form of objective ... process ... Records of the above".

Yet, I repeat this point: all of that, which was in the old code, was systematically and deliberately stripped out. That is what the House is being asked to endorse today. When it comes to amendment No 4, the House will decide whether it is at ease with the fact that what at least, on paper, used to exist, no longer exists. There is no process for a person who has been appointed to a highly paid public office, as a public servant, as part of the Civil Service and paid from public funds. I suggest that Members should ask themselves whether they are content that no process should attend to that or whether they think that there should be a basic process of knowing the job, the job description and the criteria that are required to be met and to keep records of why the decision was made. I suggest that those are so elemental and basic that, as Felicity Huston said, you cannot ignore them. You cannot write them out of existence, yet that is exactly what has been done.

12.00 noon

I have heard it said by some that, if we accept amendment No 4, require a job description, set out the requirements to be met by a successful applicant, achieve a candidate pool and require the Department to complete and retain documentation about the process, you would rob a Minister of his right to appoint somebody politically akin to his viewpoint. That is absolute nonsense. What is in amendment No 4 is not the entirety of the process. It details the basic fundamentals, and the Minister can build further elements around those. There is nothing in amendment No 4 that would prevent a Minister from appointing someone with political empathy to their standpoint.

I say that with the certainty of legislation. The Fair Employment and Treatment (Northern Ireland) Order 1998 is still the law and will be the law for any Minister making an appointment. It states:

"So far as they relate to discrimination on the ground of political opinion, Parts III and V"

— those are the Parts that prohibit it —

"do not apply to or in relation to an employment or occupation where the essential nature of the job requires it to be done by a person holding, or not holding, a particular political opinion."

Therefore, you can indicate, lawfully and legally, that any applicant needs to be someone who has political empathy with your standpoint as a Minister. There is nothing in law and nothing in amendment No 4 that would stop that. Therefore, it would be a straw man who would suggest that, if we put all that in, it would create a prohibition. Patently, it would not. Indeed, there has been some misinformation about that from the highest level. Minister Murphy wrote a four-page letter to his Executive colleagues on 17 November. In that letter, he stated:

"Where the law currently recognises the political nature of special adviser appointments and allows an exception for that on the merit principle" —.

I had better read the whole paragraph. He stated:

"Ministers will no longer be able to choose the person they want to have as special adviser" —.

Wrong. He continued:

"The code of appointments that we agreed earlier this year requires special adviser appointments to be delivered in line with employment law" —.

Yes, so does the Bill.

"This Bill will require every special adviser to be appointed following a competition".

Not exactly. It does not have to be a publicised public competition. It can be done by gathering a pool of candidates.

He says:

"This Bill will require every official adviser to be appointed following a competition drawing from a pool of candidates".

Yes.

"regardless of the needs for those appointments to be personal appointments".

No, they are personal appointments. The selection criteria can set that out. There is nothing in amendment No 4 that prevents that.

Then he says:

"and where the law currently recognises, the political nature of special appointments allows an exception for that in the merit principle."

You can still do that by saying, "So long as I comply with the 1998 Order, I can have someone of my political affinity". I am not trying to interfere with that. I recognise that spads have to be in tune with their Minister. I recognise that Ministers need spads that they can work with. I am not saying otherwise, but I am saying that, when we come to spend public money on an appointment such as this, with all the privileges that go with it, the public are

entitled to know that there was a candidate pool, criteria were set and a record was kept, rather than some huge sinecure being handed out to somebody unknown and secretly. That is what amendment No 4 is all about.

I respectfully suggest to the House that amendment No 4 is worthy of its support and goes some considerable way to restoring some probity to and public respect for the process of appointing spads.

I will move to amendment No 5. I should say before I do, that clause 1(5) — we will be voting on entire clauses — deals with setting salaries. Again, let me make it plain. I am not seeking to legislate that a certain amount should be the salary for a spad. All I am seeking to do is two things: tie the salary to the Civil Service, which is politically advantageous because it depoliticises it; and tie it to the higher level of grade 5. I want to tie it to the Civil Service and to set the upper ceiling. I am not saying within that upper ceiling what any spad should be paid. Any code can set as many bands as it likes, but the one thing that it cannot do is to breach the ceiling. The codes still set the bands. The Minister and the appointment process selects from within those bands who is paid what. All it does is say that you cannot be paid above grade 5 of the Civil Service, which, presently, is something in the order of £81,000 to £82,000 a year. On the current bands, there is no one, apparently, being paid more than that, so there is no prejudice to anyone.

Mr Wells: Will the Member give way?

Mr Allister: Yes, I will give way.

Mr Wells: Does the Member agree that the salary levels up until 2017 were almost obscene? The top spads were getting £91,809 each. You had the situation where a junior Minister on a ministerial salary of £6,500 a year was serviced by a spad on £72,120 a year. Is that not an ‘Alice in Wonderland’ situation?

Mr Allister: It certainly is. The Member reminds me of something. The setting of salaries was so arbitrary — Ministers could change them when they liked — that, in about 2014, the then First Minister and Finance Minister changed the salary upper level to, I think it was, about £70,000 to about £90,000 overnight. Clause 1(5) is necessary in order to set the upper ceiling so that the public know that their money is subject to the restraint of a ministerial whim not being able to change the bands to make the sky the limit because an upper limit is set in statute.

I have heard it asked, “Oh, but what if we need some supercharged individual as an adviser, and we need to pay him megabucks. Are we not allowed to do that?”. Appointing a spad is not the only way. This Government and many Governments depend highly on consultants and go out to a consultant on something. You also have the prerogative powers, and I will come to clause 3 in a minute. The prerogative power will still survive so that, if someone needs to make a case that they need a super-paid whomever at £150,000 a year, they can do it under the prerogative power of clause 3. The only change through clause 3 will be that you have to bring the matter to the House, but you can still do it, so it is not a prohibition on anything like that. However, it is a prohibition on paying your spad more than a senior civil servant at grade 5, and that, I think, is a sensible and necessary proposition.

Amendment No 5 deals with clause 1(6). I have to say to the House that this issue touches a raw nerve with many

people. The House will recall that the primary function of the 2013 special advisers Act was to remove from office those with serious criminal convictions following the public outrage at the appointment of Mary McArdle, a convicted murderer, as the special adviser to the then Communities Minister. That might not have been the title then, but it is now. That was the catalyst for my bringing the 2013 special advisers Bill, and that, by virtue of the votes in the House, set in place a statutory provision that such a person cannot hold the position of special adviser.

What did we discover in the RHI inquiry? We discovered that Sinn Féin consciously and deliberately circumvented that legislation by appointing someone referred to in shorthand as a “super-spada”. That person was no longer paid out of public funds but was put in a position to control the other spadas of Sinn Féin and was to be accountable directly to the deputy First Minister. That was a total breach of the spirit of the 2013 Act. Clause 1(6) and amendment No 5 are about blocking that loophole, because, in those situations, what prevailed was that the super-spada had the full run of Stormont Castle, an office in Stormont Castle, and the Civil Service acknowledged him and dealt with him as though he were a spad. That made a mockery of the democratic decision of the House. Therefore, with clause 1(5), I seek to ensure that we close that gap.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: I refer the Member to paragraph 54.34 of the RHI report, where Lord Justice Coghlin says:

“In effect, an individual who could not legally have been appointed as a SpAd and who was not subject to the mandatory code, or other relevant codes, managed and co-ordinated those who were employed and paid from public funds as temporary civil servants and who were subject to the relevant legal structure and codes.”

Can the Member reassure us that his amendment will stop that from happening in the future?

12.15 pm

Mr Allister: Absolutely; that is what it is all about. Clause 1(6) is all about that. The Member beat me to it, because I was going to that exact page in the RHI report. I am going to read a little more of it — this is page 158 of volume 3 — because, back at paragraph 54.32, it states:

“According to Mr Ó Muilleoir” —

he, of course, was then the Finance Minister —

“the 2013 Act, in prohibiting the appointment of Special Advisers with serious criminal convictions, was seen by Sinn Féin as:

‘...an attack on the peace process, as undermining the inclusion which is the foundation of the peace process, and it was not our intention to discriminate against former political prisoners who had helped build the peace.’

As a result, Sinn Féin set up a centralised system under which Aidan McAteer, who did have a proscribed conviction and who was now to be neither appointed nor paid as a civil servant, was engaged to ‘manage

and co-ordinate' on a day-to-day basis the work of all Sinn Féin Special Advisers.

It seems that all of the Sinn Féin SpAds were aware that Aidan McAteer was acting as the senior Sinn Féin adviser with the direct authority of the deputy First Minister, the late Martin McGuinness. In his evidence to the Inquiry Sir Malcom McKibbin accepted that when he was first introduced to Aidan McAteer, he was told by the then deputy First Minister that he would be working underneath his (Mr McGuinness's) direction and authority. As such, according to Mr Ó Muilleoir, he was seen as occupying an elevated position with more authority than any of the other SpAds."

And then the sentence that Mr Wells quoted:

"In effect, an individual who could not legally have been appointed as a SpAd and who was not subject to the mandatory code, or other relevant codes, managed and co-ordinated those who were employed and paid from public funds as temporary civil servants and who were subject to the relevant legal structure and codes."

Do I really need to say anything more on the necessity of clause 1(6) and the need to shut that loophole?

It also informs another matter, which is the trust that can be placed in the proper implementation of codes. If a senior party in the Government was prepared to so deliberately circumvent the law of the land, then what confidence can anyone have in mere codes that are then amenable to their interpretation? That is a sobering question for the House, and it is one that needs to be addressed.

Members will recall that the 2013 Act quite properly became known by shorthand as "Ann's law", because of the fantastic work that was done by Ann Travers, sister of the murdered Mary Travers. Members will be aware that just a couple of weeks ago Ann Travers, writing in a local newspaper, identified this clause as being critical for both her and innocent victims who felt trampled and betrayed by the fact that a law that they thought had been established was circumvented in the manner in which it was. This House has an opportunity today to right that wrong, and I urge it not to miss that opportunity.

Amendment No 5 simply adds a few words, which came from departmental — I think it was the Executive Office — recommendations, as it felt that the clause did not have the clarity required. It simply adds words to make it clear that the special adviser being talked about is one:

"by reason of the holding of that post".

That is the limitation that is to be put on such a person. Given that the Civil Service was complicit, in the sense that it accepted the role of a super-spAd in breach of the provisions of the 2013 Act, clause 1(6) puts this statutory duty on a permanent secretary:

"a permanent secretary must ensure that no person other than a duly appointed special adviser is afforded by the department the cooperation, recognition and facilitation due to a special adviser."

Amendment No 5 would then, after "special adviser", add the words:

"by reason of the holding of that post".

If you cannot trust the Minister, you put the duty on the permanent secretary. It therefore does two things. Clause 1(6) states that the Minister must ensure that the duly appointed special adviser, and only he, will exercise the functions of a spAd, but, as a fail-safe, the amendment would put a statutory obligation on the permanent secretary to give no facilitation or cooperation to anyone who is not a spAd in relation to the role of a spAd. That is how clause 1(6) and the amendment seek to shut down that abuse of the system.

Amendment No 6 is a mere drafting amendment. We then come to amendment No 7. It seeks to introduce a new clause. This brings us into the territory of how many spAds there should be in the Executive Office. The House knows from the initial drafting of my Bill that it was my strong contention, and it is still my personal belief, that an Executive Office with eight spAds is way above what is required, when you consider that, at a particular time, that is the same number as there was for the entirety of the Welsh Government. I wanted to reduce the number of spAds to four. Part of the function of a Committee Stage is to have discussions about a Bill, and I have to recognise that I am not going to achieve that. I am therefore now putting to the House an adjusted proposition.

Historically, the First Minister had three spAds and the deputy First Minister had three spAds. That was the position from 1998. That is how it was originally drafted: six spAds in all. That is how it continued until 2007. In 2007, along came a junior Minister, with the emphasis on the word "junior", whose ego required a special adviser, so the law was changed to introduce special advisers for junior Ministers. That was done under the Civil Service Commissioners (Amendment) Order in Council 2007.

What I am seeking to do by amendment No 7 is to introduce a clause to repeal the authorising provision, the 2007 order. In other words, I am seeking to remove the right of a junior Minister to have a special adviser. As Mr Muir put it to me rather neatly in conversation, I want to restore the factory settings to what they were in 1998. In other words, we go back to where we were, with three special advisers for the First Minister, three for the deputy First Minister and none for the junior Ministers. I believe that that is right and appropriate.

Up until a few weeks ago — whether it was by consent in the Executive or otherwise, I do not know — there were no junior Minister spAds. Then, suddenly, Sinn Féin maxed out its appointments and appointed a junior Minister spAd. The DUP has not. Indeed, interestingly, through most of this pandemic, the Executive Office has managed with five spAds: three Sinn Féin and two DUP. That has now been evened up, with the DUP having appointed a further one. There are now three each for the First Minister and the deputy First Minister, but Sinn Féin has additionally appointed a junior Minister spAd. I am trying to undo that. I am undoing it in the context that you cannot just remove someone from a job if they have compensation rights, so clause 4 and the appendix will take care of that. However, sustaining eight spAds is way beyond what is needed. By voting down amendment No 7, the message would be that we wanted to sustain the option to have eight spAds. By voting for amendment No 7, Members would indicate that they wanted to have a maximum of six. That, I think, is correct. If amendment No 7 stands, I will propose the removal of clause 2, which is the one that would bring

down the number of spads for the First Minister and the deputy First Minister, because I am reconciled to the fact that I will not do better than six, and I have to accept that. Therefore, if clause 7 is passed, I will oppose clause 2 standing part of the Bill. I hope that that is clear. The mission and ambition is to allow for six spads, and the mechanism is to reduce the opportunity for junior Ministers to appoint spads.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: First, as one who served here from 1998 to 2007, it is clear to me that junior Ministers could function perfectly adequately without having their own bespoke spads. I think that I had better name the individual who became a junior Minister in 2007: Ian Paisley Jnr. I do not think that everybody picked up the clue that he was giving us. When he took that post in 2007 and realised that other, senior, Ministers had a spad, he demanded one as well. That is the only reason for it. Of course, when Sinn Féin heard that Ian Paisley Jnr was getting a spad, it had to have one for its junior Minister.

It is interesting that the Independent Financial Review Panel carried out an independent assessment of the role of junior Ministers and decided that, such was their importance, their salary had to be reduced dramatically down to that of the Deputy Chairperson of a scrutiny Committee. That is an indication of the panel's assessment of the role of junior Ministers. Their role is more of a supportive one; they do not make policy, they do not have a vote at the Executive, and they cannot issue ministerial directions. Therefore, if someone is at the level of a Deputy Chairperson, and we would never dream of giving the Deputy Chairperson of a Committee their own personal spad, it is logical that there was never a need for them to have a spad in the first place and, with the demotion of the role of junior Minister, it is a complete anachronism to have them now.

Mr Allister: Yes. That was a comprehensive intervention that set the record straight on those matters. There it is. I hope that the House understands the how and why of what I am trying to do.

I will take the House to clause 3, which relates to the exercise of royal prerogative powers by the First Minister and the deputy First Minister. Royal prerogative powers, in the main, died out in the 17th century. However, they continue in some aspects. Amongst those upon whom they are bestowed is the Sinn Féin deputy First Minister when acting jointly with the First Minister to exercise a royal prerogative — a little irony on its own. The exercise of that power is unbridled. As the appointment, some years ago, of Mr David Gordon as Executive spokesman demonstrated, it is a power that can be exercised behind the backs of the Assembly. What happened with the appointment of Mr David Gordon was that the then First Minister and the then deputy First Minister, by decree, changed the law by royal prerogative. They brought in the provision enabling them to appoint David Gordon. The law that they made was called the Civil Service Commissioners (Amendment) Order (Northern Ireland) 2016. Here is the critical point: it was done behind the backs of the Assembly.

The Assembly is a legislative Assembly, but here was a law made not by the legislators. Here was a law made

by royal decree. On foot of that law being made, David Gordon was then appointed. The Assembly was never consulted. We were never asked to approve the law. It was just done. In my terms, it was done behind our backs.

12.30 pm

The purpose of clause 3 is to repeal the 2016 Order and then, very importantly, not to remove the royal prerogative power but to say that, if that power is ever exercised again, it must be approved by affirmative resolution of the House. In other words, if the law is to be changed by royal prerogative under the Civil Service Order, the House must be aware of that and, in fact, must approve it. It does not strip out the prerogative power, but it tempers it by making it subject to the approval of the House. In 2021, that is the least that we should expect.

That takes me back to the point about someone saying, "Oh, what if we need a super-paid spad because of his miraculous knowledge?". That is how you would appoint him. You would appoint him under the royal prerogative power, but that would be subject to the House giving that power. I would find it very surprising, even with the antipathy of some to the origin of the Bill, if anyone would really think it appropriate that we should maintain unfettered the royal prerogative power and not subject it to our say-so as a legislative Assembly. That is what amendment No 7 is about.

Of course, amendment No 8 then has to make adjustments to clause 4, because clause 4 was first drafted to keep the legislation in line with my initial proposal that special advisers in the Executive Office reduce from eight to four and that, therefore, all Executive spads would cease to hold office on 31 March next year, and any reappointed, up to the quota, would be reappointed at that stage. That would no longer be necessary because, if we are only removing the junior Minister's spad, it is only the junior Minister's spad who needs to be catered for in clause 4. Amendment No 8 has been proposed to make that abundantly clear and therefore to reduce the impact of that.

That also means, of course, that Minister Murphy's letter —.

Mr Frew: I thank the Member for giving way. I was going to raise this point in my contribution to the debate. Clause 4(1) states:

"Any special adviser in post in the Executive Office shall cease to hold office on 31 March 2021."

Can the Member clarify whether that is now required, given his amendments and the changes to the junior Minister's spad only? Is clause 4(1) required?

Mr Allister: Amendment No 8 will change it so that clause 4(1) reads:

"Any special adviser in post in the Executive Office under the provisions of the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007 shall cease to hold office".

In other words, it is only the junior Minister's spad. That is what amendment No 8 does. It reduces the need to replace or reappoint all the spads in the Executive Office, which would have been necessary had we been reducing the number from eight to four. We are reducing them in only the junior Minister's office, so only the junior Minister's

spad is now caught by clause 4(1). Therefore, the other three of the First Minister and the deputy First Minister carry on unaffected. That is how it is.

Amendment No 9 is simply to take out clause 4(3), because the advice, ultimately, was that it was superfluous and not necessary. The law would speak for itself. Any appointments after 31 March would, obviously, have to be in accordance with the new law. So, clause 4(3) is removed by amendment No 9.

That takes me through all the amendments. I am quite happy to leave it there for now.

Dr Aiken (The Chairperson of the Committee for Finance): The Committee for Finance considered written evidence from 22 organisations and individuals. The Committee received oral evidence from seven organisations and individuals, including the Bill sponsor, the Minister of Finance, the permanent secretary of the Department of Finance and the, now retired, head of the Northern Ireland Civil Service, whose post remains vacant. The Committee considered papers and presentations from the Assembly Research and Information Service (RalSe) to support it in its deliberations.

The Committee considered carefully the views of all who provided written and/or oral evidence, and, on behalf of the Committee, I thank all who took the time to provide detailed evidence to inform and support the Committee in its consideration of the Bill. On behalf of the Committee, I also offer my thanks to the Bill sponsor, Mr Jim Allister, for providing oral evidence and for his willingness to bring amendments to address a number of concerns raised by the Committee, witnesses and stakeholders. I am grateful to Mr Allister and all members of the Committee for their input and engagement during the Committee Stage. I formally put on record our thanks to Jim McManus, the Committee Clerk; the Finance Committee staff and RalSe; and the Bill office staff, who worked hard to ensure that we got to this stage. We thank them all for their sterling and conscientious efforts.

Throughout the Committee Stage, the Committee was mindful of the distinction between Mr Allister's role as Bill sponsor and his role as a member of the Committee for Finance. It did, however, prove helpful to have Mr Allister as a member of the Committee, where he could hear at first hand the concerns of other members and respond to those concerns. In some cases, that was to provide clarity on the provision in the Bill, and, in other instances, it was to accept members' genuine concerns and to bring forward amendments that are among those we are considering today.

Before dealing substantively with the proposed amendments to the Bill —

Mr Wells: Will the Member give way?

Dr Aiken: Certainly.

Mr Wells: The Member raised an important point, which was raised by the Member for Fermanagh and South Tyrone during the Committee's consideration, when she made the point that, perhaps, it could be seen as a slight conflict of interest in having the promoter of the Bill as a member of the Committee. In fact, I think that most members believed that that was extremely useful. It was fortuitous and coincidental but certainly made the Bill's passage through the Committee much simpler. What is his

reaction to the suggestion that was made that, for future private Member's Bills, the sponsor should be allowed to be an ex officio member of the relevant Committee, so that the other Committees would benefit from the opportunities that ours had during the past two months?

Dr Aiken: I thank the Member not just for his comments but for his work during the Bill's Committee Stage. As was expressed by the Member for Fermanagh and South Tyrone, having the Member there did indeed make it much easier. In future, we should look at allowing Members who are bringing a private Member's Bill to be an ex officio member of that Committee during that stage to enable the smoother passage of legislation.

As Chairman of the Committee for Finance, I will refer to some general issues that were considered by members during the Committee Stage. The Committee report outlines details of the considerable debate during Committee Stage in relation to the need for this legislation or whether codes and guidance were sufficient or, indeed, preferable.

This was an important consideration as it goes to the very heart of the purpose and intent of the Bill.

A former head of the Civil Service informed the Committee that he was expressing the Executive's view that codes and guidance were sufficient to address the issues that gave rise to the Bill. The Minister and the Department of Finance's permanent secretary echoed this view. However, a number of other stakeholders did not support the view that reliance on codes and guidance was appropriate, given the prevailing circumstances here.

The view of the Department of Finance was that many of the provisions that the Bill seeks to introduce are inherent in the codes and guidance that are already in place. The Minister and Department of Finance's officials referred to codes having been strengthened. A former head of the Civil Service informed the Committee that the strengthened codes and new guidance should be viewed as evidence of the commitment of the First Minister and deputy First Minister. Indeed, the New Decade, New Approach agreement contains a commitment that the Executive would produce strengthened codes "as a matter of urgency". Yet, as I will outline later, at least one of those codes was stripped of any provisions that would have provided an appropriate level of openness, transparency and accountability.

Members will be aware that the Committee divided on every clause. That was as a result of a fundamental disagreement within the Committee on whether codes or legislation were the most appropriate way forward. On balance, having considered the evidence and the unique circumstances in which we find ourselves in Northern Ireland, the Committee supported the legislative route as an appropriate means of providing the openness, transparency and accountability that the public demand.

The Committee also considered written and oral evidence on the independence of the Commissioner for Public Appointments, or the lack thereof. I am happy to provide more detail on that issue during the Final Stage debate. However, for now, I put on record that the Committee has made a recommendation in its report that the First Minister and deputy First Minister make legislative provision to bring the Office of the Commissioner for

Public Appointments for Northern Ireland to international standards.

I will move on to the amendments. I will speak as the Chair of the Committee for Finance and will confine my remarks to those amendments that were considered by the Committee.

The amendment to clause 1(2), which was brought by the Bill's sponsor, is technical in nature, and the Committee was content with that amendment.

The Committee noted that amendment Nos 2 and 3 to clause 1(3) have been tabled by the Bill's sponsor to address the need to retain and respect the principle that a Minister should be responsible for the conduct of their special adviser. The Committee was content, therefore, to support the amendment.

Clause 1(3) proposes to bring special advisers into the Northern Ireland Civil Service's disciplinary process. Those provisions were drafted under the previous code of appointment for special advisers. The Committee noted that, after the introduction of the Bill, the code of appointment was considerably revised. The revision removed many of the provisions that were in the previous code. The revised code, which is just over one page long, contains little information on any formal requirements. In the view of a former Commissioner for Public Appointments, that is contrary to the fundamental requirements for a code of appointment.

Amendment No 4 provides for the reinstatement of the provisions that were removed from the original code. In noting criticism from the chair of the renewable heat incentive inquiry that the previous code had been ignored, the Committee was of the view that it was not appropriate to remove those provisions. The Committee, therefore, agreed to the amendment. In supporting this amendment, the Committee also noted that the revised code of appointment means that there is now no process for the appointment of special advisers with which to comply. That, in turn, renders the provisions under clause 1(4) largely nugatory. Amendment No 4 would make it a statutory requirement to have a due process of selection for special advisers.

During the Committee's deliberations, it considered the need to keep a job description for a special adviser as broad as possible to assist in appointing the most appropriate candidate for the position. The Committee came to the view that the amendment to clause 1(3) does not prescribe what should be in the job description and was, therefore, content with the amendment.

12.45 pm

In consideration of amendment No 2, the Committee agreed with the Department's view that the term "ministerial involvement" in the Bill was not compatible with the position that a Minister is responsible for the conduct and discipline of their special adviser. The Committee was, therefore, content to support the amendment brought by the Bill sponsor on that principle.

During its deliberations, the Bill sponsor informed the Committee that amendment No 5 would be proposed in order to address a Department of Finance concern that there is a need to ensure that clause 1(6) relates solely to special advisers. The Committee was content, therefore, to

support amendment No 5. The Committee also supported amendment No 6, which is a technical amendment.

In its deliberations on clause 2, there was Committee consensus on the assessment that eight special advisers in the Executive Office is too many. There was no consensus, however, on what the appropriate number should be or whether there is a need to legislate in order to achieve the appropriate number. In consideration of the fact that the current complement of special advisers is provided for in legislation through the Civil Service Commissioners (Northern Ireland) Order 1999, the Committee's view was that amending that order, as provided for at clause 2, was the appropriate vehicle for achieving any reduction.

Although there are six special advisers in post in the Executive Office rather than the permitted maximum of eight, it is important to make the distinction between the number in post and the complement. The complement of special advisers in the Executive Office is eight. There is nothing to prevent the First Minister and deputy First Minister appointing up to eight special advisers at any time in the future. The intent of the legislation is, first, to reduce that complement, and, secondly, to establish an agreed smaller complement, whatever that number may be.

The Committee agreed an amendment to the original proposal, which was previously tabled by the Bill sponsor, to remove the provision for junior Ministers to have special advisers. That would reduce the complement of special advisers in the Executive Office from eight to six. The Committee also agreed to a previous amendment to provide for two special advisers each for the First Minister and deputy First Minister. Together, those amendments if passed would result in a complement of four special advisers in the Executive Office.

Although the Committee agreed to clause 2 subject to the previously tabled amendments, there was considerable debate about whether four special advisers in the Executive Office was the appropriate number. When asked for his views on the provision for eight special advisers in the Executive Office, the then Head of the Civil Service stated that the First Minister and deputy First Minister:

"have chosen not to exercise that right at the moment."

That goes back to my point that there is nothing to prevent them doing so in the future.

The Department of Finance's view was that reducing the number does not recognise the seniority or weight of the role. Similar views were expressed by the Executive Office. Neither the evidence from the Department of Finance nor the Executive Office was able to clarify how the seniority or weight of the role of a special adviser in the Executive Office differs significantly to that of a special adviser in any other Department, and neither did it explain how the seniority or weight of the role should be a factor in determining the complement. Surely, weight and seniority should be determined by job evaluation and grading, whilst complement should be determined by workload.

In written evidence, the Institute for Government expressed the view that:

"having a larger number of special advisers was not necessarily something that should be perceived negatively."

It took the view that:

“more advisers are helpful for a multi-party government as more communication between ministers and their teams is necessary.”

The Committee considered that and other evidence, and, having divided, agreed by a majority of one that the appropriate number of special advisers in the Executive Office should be four.

I note the Bill sponsor's proposals to repeal the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007 through amendment No 7, the introduction of a new clause A2 and his intention to oppose the Question that clause 2 stand part of the Bill. While recognising that that will have the effect of reducing the complement of special advisers in the Executive Office from eight to six, by removing the facility for junior Ministers to appoint special advisers, I am cognisant that those amendments were tabled after the Committee Stage. Therefore, I cannot comment further as Chairperson of the Committee, except to say that, if agreed, those amendments would have the overall effect of reducing the complement of special advisers in the Executive Office, which was one outcome on which the Committee achieved consensus.

In consideration of amendment No 8 to clause 4, the Committee accepted the Bill sponsor's explanation that his proposed amendment is, essentially, a technical amendment that relates to drafting issues.

I will now make some remarks about the Bill as leader of the Ulster Unionist Party. The Bill is — I choose my words carefully — a regrettable but necessary measure to restore a degree of confidence in the Northern Ireland Executive; confidence that, through a wide variety of issues, has, regrettably, been much diluted. Some of us hoped that, after a three-year hiatus of the Assembly that was caused by calamitous administration; very questionable, if not bordering on mendacious, practices; a dereliction of the normal processes of governance; and the failure to adhere to the custom and practice of government elsewhere in our nation, or even across the border, there would, at least, be a collective desire to reform from within. However, we have, I am afraid, all been let down.

When gathering evidence on the Bill, I was struck by how Sue Gray, the permanent secretary of the Department of Finance, commented that the court of public opinion would act as an incentive to good governance, as it would in Westminster, and by how other senior officials, including the now knighted Sir David Sterling, said that there was no need for a legislative approach because good behaviour and the commitment to New Decade, New Approach would encourage change. I wish that that were so.

However, the experience and evidence of the RHI inquiry showed that much needs to be reformed, and our lived experience since January of this year has shown us that the belief that change will be embraced by the Executive is, I am afraid, a forlorn hope. Indeed, the flow of information that comes from Departments, the obfuscation of Ministers about issues such as non-orders of PPE, and the paucity and accuracy of replies by some Ministers, such as the Economy Minister, on virtually every issue show that there has been no change in the culture of the Executive. After nearly 11 months, there has been every

opportunity to make change, but there has been no, or very little, attempt by the Executive to reform themselves.

The intent of New Decade, New Approach and the RHI inquiry has been not only thwarted but, in effect, buried by some of the political parties that should be embracing change the most. It is our party's firm belief that, without a legislative imperative, no change will occur. That should be a concern for all of us who believe in the devolution of power. It was the belief of our party and the people of Northern Ireland that the Belfast Agreement would ensure that normal checks, balances and controls —

Mr O'Dowd: On a point of order, Mr Deputy Speaker. Will the Member state which amendment he is speaking to?

Mr Deputy Speaker (Mr Beggs): I ask the Member to ensure that he is referring to the Bill.

Dr Aiken: As my remarks unfold, Mr Deputy Speaker, you will find that they refer to the amendments in this group. A significant degree of indulgence has been given on other topics, so I am sure that the Member will understand.

Mr O'Dowd: On a point of order, Mr Deputy Speaker. Will you rule on whether the Member is speaking to an amendment?

Mr Deputy Speaker (Mr Beggs): Mr O'Dowd, I, in my role as Deputy Speaker, endeavour to show a degree of latitude. I encourage Members to speak to the relevant amendments. When I think that a Member has exceeded that, I will intervene.

Dr Aiken: I will be speaking to —

Mr O'Dowd: On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker (Mr Beggs): Mr O'Dowd, I will take a further point of order, but I hope that you will not persist in this action.

Mr O'Dowd: Mr Deputy Speaker, I do not think that there is any need for that tone, with the greatest respect to you and your office. There is absolutely no need for that tone. Will you please refer me to where Standing Orders refer to latitude to allow Members to speak beyond amendments?

Mr Deputy Speaker (Mr Beggs): It is the role of the Deputy Speaker to conduct the debate. It is my custom and practice in exercising that role to give a little latitude to Members, but I endeavour to keep them to the subject of debate. The Member, and all other Members, realise that and have seen me, on regular occasions, draw Members back to the relevant piece of legislation. I ask Mr Aiken to continue.

Dr Aiken: Thank you. I will, of course, refer to issues to do with spads and governance as I continue to make my remarks.

It should be a matter for all of us who believe in the devolution of power, and it was the belief of those like our party and the people of Northern Ireland in the Belfast Agreement, who thought that normal checks, balances and controls, like those available across the rest of the United Kingdom, would ensure that good and uncorrupted governance would occur, but it has not. Indeed, when observers from outside Northern Ireland think that the court of public opinion, or just doing what is right, will suffice, that view is countered by actions like those of the deputy First Minister and other Ministers during Bobby

Storey's funeral, undermining the very health message that all of the Executive were pledged to support, or the First Minister, Economy Minister and Agriculture Minister utilising cross-community voting mechanisms to block a non-cross-community health proposal, only to, one —.

Mr Deputy Speaker (Mr Beggs): Order. I draw the Member back to amendment Nos 1 to 9.

Dr Aiken: Thank you. One week later, they agreed to tighter restrictions. I will get to this point, Mr Deputy Speaker. That shows how far from the norm, and how immature, the Northern Ireland political process is. It is too fragile to be left to best practice and behaviour when clearly, in Northern Ireland, it is anything but. The crux of the issues is whether there is a need for legislation or whether codes and guidance are sufficient, or indeed preferable. The then head of the Civil Service, David Sterling, expressed a view that codes and guidance were sufficient, although this was the same official who, during the RHI inquiry, expressed a view that — I paraphrase — keeping appropriate records of meetings would not be conducive to the wishes of the two largest political parties.

Perhaps Members — this talks directly to the amendments referring to spads — who have read with a sense of incredulity, or even, like me, anger, of the activity of our Ministers, spads and senior civil servants in Sam McBride's book 'Burned' will, outside the diktats of their central committees and councils, realise that, unlike other Administrations, we now have to have a legislative framework. In his book, Mr McBride states that:

"Therefore, some of the worst behaviour set out in this book — which will to many readers appear morally corrupt, even if it is not in breach of the law — is in my experience the exception, rather than the norm."

I wish and hope that that is so but, without a strong legislative framework, how can we avoid the temptation, or worse, of political corruption?

The legislation also deals with detailed concerns. A code for special advisers that is fit for purpose is vital. Curiously, indicating perhaps the sense of commitment from the Executive to reform themselves, one of their first actions was to remove existing safeguards. The words of a former Commissioner for Public Appointments suggested that action was contrary to fundamental requirements for a code of appointment.

Furthermore, having a process for employing a spad, bearing in mind that some parties wish for a salary cap for these individuals to be removed, with a current salary band equating them to that of a Minister, probably says more about the relative power that spads have. Even a cursory reading of the RHI evidence, where Ministers would be directed by spads who spoke with the authority of the party or from offices on the Falls Road, again shows that there is more than enough reason for legislation.

Mr McGuigan: Will the Member give way?

Dr Aiken: Yes.

Mr McGuigan: Does the Member agree with my party colleague who spoke earlier and talked about accountability mechanisms that recently, when he wrote a letter to Committees purporting to come from the Finance Committee, the Committee was able to hold him to account, and that, in fact, his letter was not on behalf of

the Finance Committee but on behalf of the Ulster Unionist Party?

Dr Aiken: I thank the Member for that. Indeed, in Committee, I apologised for it. While we are talking about that letter, to make sure that there was no break —.

Mr Deputy Speaker (Mr Beggs): Order. It was a very interesting letter, but can we return to the subject of the legislation in front of us? Mr Aiken, have you finished your contribution, or is there more to come?

Dr Aiken: I have more.

Mr Deputy Speaker (Mr Beggs): It is now 1.00 pm, and the Business Committee is due to meet. I therefore propose, by leave of the Assembly, to suspend the setting until 2.00 pm, after which the first item of business will be questions to the Minister of Education. After Question Time, Mr Aiken will have the opportunity to continue his speech.

The debate stood suspended.

The sitting was suspended at 1.00 pm.

2.00 pm

On resuming (Mr Principal Deputy Speaker [Mr Stalford] in the Chair) —

Oral Answers to Questions

Education

Bangor Central Integrated Primary School

1. **Mr Muir** asked the Minister of Education for an update on a new build for Bangor Central Integrated Primary School. (AQO 1171/17-22)

Mr Weir (The Minister of Education): I thank the Member for his question. Through Fresh Start funding, my Department is delivering a hugely significant capital investment of almost £10 million in Bangor Central Integrated Primary School. The business case was approved by the Department in July 2020 and identified the preferred option of a new-build school on a new site on the Balloo Road in Bangor. The project will provide a brand new single-storey school with modern facilities, fully compliant with my Department's school building handbook. The school will be built on a new site 1·7 miles from the existing school in an easily accessible part of the town, with sufficient room for future expansion. The construction work will be able to take place without causing any disruption to the ongoing operation of the school.

In July 2020, the Education Authority (EA) appointed an integrated consultant team to undertake the design, and that work is now in the early stages of the design process. When completed, the new facilities will enhance the provision of integrated education in the north Down area and support the future growth of the sector.

Mr Muir: I thank the Minister for his response. As he has outlined, this will be a new site on the Balloo Road. What assurances can the Minister give that the children and young people who live in Bangor town centre will be catered for as a result of the move to the new site?

Mr Weir: If the Member is talking about transport, there is an entitlement for free school transport to be provided if children live beyond a certain distance from their school. It should be said that, because Bangor Central Integrated Primary School is the one integrated primary school in Bangor, it does draw from a fairly wide catchment area.

As the Member will be aware from the response to the question for written answer that he submitted, the two main wards in the centre of Bangor represent about a third of the pupils who go to Bangor Central, with the other two thirds coming from outside that area. To some extent, the new build will shift, perhaps, the emphasis or the location, but, as happens on all occasions, any movement that children need to make will be catered for.

Miss Woods: The Minister will know that I have many questions on this, but, for now, can he outline what consultation was done with the school, the board of governors, and the parents about this move as well as with the wider community? Will he commit to meet me, a group of parents and interested parties regarding the proposed school move?

Mr Weir: I am always happy to meet the Member. I have met some interested parties on this. There was a project board for each of the Fresh Start projects, and that involved the school directly. Consultation and discussion took place. If the issue is about the location, we should remember that there are at least three separate issues on that. First, the statutory duty on the Department is to integrated education, not to a specific site or location. Therefore, when looking at this, it is about what is in the best interests of the sector as a whole.

Secondly, from the point of view of a business case and public costs, this has a considerable difference from simply building on site at the current location. The Member should also be aware that projects funded by Fresh Start capital require Treasury sign-off, so it is not simply a matter of what the Department feels and, indeed, is about providing a situation that gives best value for money.

Thirdly, looking at integrated education more broadly, there will be more room for the school at its new site. So if, for instance, an additional unit needed to be added to the school, there would be an opportunity for that to happen at a future point, whereas accommodation space at the Bangor Central site, which I am very familiar with, is much more limited. All those factors need to be considered. I am happy to meet the Member to discuss those, but she should be aware that the decision on location has been taken.

Mr Chambers: Minister, I certainly welcome the investment in my constituency. I understand that the board of governors and the staff of the school fully support the move, but there seems to be a body of resistance building against the move. Has your Department had any sense of that?

Mr Weir: It is natural that people see the history tied up with a particular site when a school is moving to a different location. As I indicated, if we were to provide a neighbourhood-specific site for every school that would not be an appropriate way of dealing with it. It is perfectly natural, and I suspect that most people, if they are linked with a particular school, will have a particular emphasis on its location. As the Member mentioned, the project board and the governors have accepted it. There is also, as I have indicated, a wider commitment in terms of a business case and what is provided to the Treasury in relation to it.

It is also the case that, because of the pressure on places in Bangor across the board, even at primary sector level, there is no question of displacement that will create problems, largely speaking, elsewhere, because there is really not much, if any, spare capacity in the system.

Mr Principal Deputy Speaker: Question No 2, in the name of Mr Andy Allen, has been withdrawn.

Integrated Schools: East Antrim

3. **Mr Dickson** asked the Minister of Education when decisions will be made on outstanding development proposals for schools in East Antrim moving to controlled integrated status. (AQO 1173/17-22)

Mr Weir: Development proposals (DPs) for transformation to controlled integrated status for two mid- and east Antrim schools were published on 26 March. They were DP 645 Carrickfergus Central Primary, where the proposal was to transform to controlled integrated status with effect from

1 September 2021 or as soon as possible thereafter, and DP 648, which is Seaview Primary School, to transform to controlled integrated status, again with effect from 1 September 2021 or soon after.

Area planning activity was paused, due to COVID, on 3 April 2020, with the exception of special education provision in mainstream and special school settings, so that all resources, including staff, could be redeployed in the Department's emergency response to the COVID-19 pandemic. As a consequence, the progression of DPs has been delayed. However, we are now in a position where this can restart, and an extraordinary meeting of the area planning steering group was held on 21 October and a decision taken formally to resume all area planning operations and structures from that date.

The Department has extended the statutory objection period — objection can be letters both of support and of opposition — for affected DPs to provide a full two-month consultation outside the suspension period. The revised closing dates for the transformation proposals was 9 November 2020. Work on the assessment of the proposals has recommenced, and decisions on the DPs will be made as soon as possible.

Mr Dickson: I thank the Minister for his answer. I very much appreciate the difficulties that his Department has had during that time, and I very much welcome that it is now back on track to make these decisions. I particularly welcome the one on Carrickfergus Central.

In respect of Seaview, you will appreciate that it is less than three miles away from an already successful integrated primary school that is celebrating 20 years this year. How does the Minister see the development plan proposal, bearing in mind that there are two villages less than three miles apart?

Mr Weir: The Member will forgive me, but I do not know how much he is aware, directly, of the process. Development proposals, while they will be initiated by different bodies and brought forward, ultimately will come down a legal decision that has to be made by the Department and, where there is a Minister, by the Minister directly. Therefore, I am duty-bound, ahead of any decision on a development proposal, to make no comment at all on the merits of that case, either for or against that proposal.

While all factors will be borne in mind with regard to the situation in Seaview and Carrick, I will have to judge all those factors when they come to me. I cannot comment on, for instance, the distance between existing schools at present. Obviously, all factors will be taken into account before there is a decision.

Mr Allister: Will the Minister advise the House, in making decisions about these matters, how far are the wider community ramifications considered? Let us take Seaview, for example. The impact on the like of Carnalbanagh Primary School, which the Minister kindly visited, could be serious, in that a school that is struggling to regenerate itself and to get back going could have the rug pulled from under it by the further advancement of an alternative offering nearby.

Mr Weir: We look at the impact on surrounding schools. It is not simply about the sustainability of the schools. The key focus is on the direct education of the young people. If a school was transforming, for example, or if there was

a merger or closure, it is about what the implications will be for the local children. Any school will look at the wider implications for nearby schools. As part of the process, a grid of nearby schools is highlighted. Within that is the distance from the school, and it is broken down by sector and the number of children there. All factors are taken into account, but the overriding considerations are the broader educational implications for those children and what is sustainable. It is rare that any development proposal will be entirely uncontroversial in its nature, apart from, perhaps, a minor indication regarding school numbers. Any decision on a school will have a ripple effect across the board.

Mr Principal Deputy Speaker: Question 4 in the name of Mr McGuigan, question 7 in the name of Mr Chambers and question 8 in the name of Mrs Cameron have been grouped.

Schools: 2021 GCSE and A-level Examinations

4. **Mr McGuigan** asked the Minister of Education when the Council for the Curriculum, Examinations and Assessment will be in a position to provide detailed contingency arrangements for public examinations in 2021. (AQO 1174/17-22)

7. **Mr Chambers** asked the Minister of Education for an update on his planning for public examinations in 2021. (AQO 1177/17-22)

8. **Mrs Cameron** asked the Minister of Education, in light of the recent decision by the Welsh Government, what additional steps are being taken to support local students undertaking GCSE and A-level assessments. (AQO 1178/17-22)

Mr Weir: I thank the Members for their questions. As the Principal Deputy Speaker said, I will answer all three together.

It is my priority that examinations to award Council for the Curriculum, Examinations and Assessment (CCEA) qualifications should go ahead as planned in 2021. I have already announced a number of adaptations to CCEA qualifications, including the omission of assessments for whole units for most GCSEs and health-related adaptations for AS and A levels. However, I have also said that I will keep the situation under review. My officials have been working with CCEA to develop a range of further mitigations and contingencies to respond to the fluid public health situation. That work is at an advanced stage, and I hope to provide more information very soon.

In these uncertain times, the familiarity with the exam system provides greater certainty as learners know what they are working towards and how it is awarded. Additionally, when looking at the wider implications of examinations, we have to be careful that our students in Northern Ireland are not disadvantaged between one another. It will not simply be a question of what is done in CCEA, because a number of students, particularly at A level, will carry out examinations from boards outside Northern Ireland. Their qualifications must be seen as robust, portable and comparable to those of their counterparts in neighbouring jurisdictions.

Mr McGuigan: In his response, the Minister talked about disadvantage. There is no doubt that the educational

experience during the pandemic has varied greatly to date and will continue to vary for as long as COVID is with us. There is no level playing field. My view is that the CCEA proposals do not go far enough. Given the level of disruption to classes, the level of COVID absences and the amount of lost learning time, will the Minister give further consideration to how the exam series in 2021 will be addressed?

Mr Weir: I have indicated that the exams will go ahead. It is important. There has been discussion — sometimes genuine; sometimes false — around when I will give certainty. The certainty is that the exams will take place. One of the by-products of all this is a genuine concern that has been raised that some schools that are concerned that exams will not take place are over-testing their pupils daily. That is negative. Schools should operate as normally as possible and should not place undue strain. One of the concerns with regard to the maintenance of exams is that we do not reach a situation where, if exams are abandoned, pupils are put under a seven-month microscope, effectively, where every assignment and action that they take is highly pressurised.

The Member is right. That is why we are looking at a range of adaptations. We have tasked CCEA with looking at optionality, which would give greater choice to students when they are taking it. It is also about what contingencies will be put in place.

While that may be a particular focus this year, it is not unique to this year. There will be a number of occasions in a normal year when pupils are not able to sit a particular paper — they are ill, perhaps, or disrupted in some shape or form. Those contingencies and what provision is put in place will need to be thought through. We will put in place a series of other adaptations. I hope to bring further clarity very shortly.

2.15 pm

Mr Chambers: Thank you, Minister, for your answer. You have sort of answered the question that I was going to ask. For the record, can the Minister commit to not changing his position so that students and parents at least have clarity about what they need to prepare for with regard to upcoming exams?

Mr Weir: It is entirely my position to ensure that exams take place. Nobody has a crystal ball and can say what position we will be in in a number of months. As even the Prime Minister indicated, there are still some difficult days ahead, albeit the overall position is improving. Exams represent the fairest route by which people can be judged entirely on their own merits. However, there have to be adaptations to this year's examinations because of the disruption that pupils have had and the fact that they have not necessarily been on a level playing field. The reality is that there is no perfect solution. It is noticeable that all jurisdictions are effectively doing exams by one means or another. Even if at least one of them is not saying that it is doing exams, it is doing exams by a different nomenclature.

Mrs Cameron: I thank the Minister for his answer. Will he outline what steps his Department is taking or could take to further alleviate pressure on pupils facing important assessments under these very challenging circumstances?

Mr Weir: The first thing is to try to give certainty to pupils. When we see the adaptations, we will want to send a clear message to schools. A number of people have raised concerns, less about examinations directly and more about the pressure that children are being put under on a daily basis. Some of that comes from schools. They are worried about parents suing them etc, so they have taken a view that they have to provide evidence of the assessment that they produce. That has led to undue pressure being placed on children.

There has been a range of mitigations; some are driven by health and some will reduce the level of assessment. On a number of occasions, we have enabled a unit to be removed, particularly from GCSEs. It can be that up to 40% of a GCSE is not assessed. Effectively, then, a pupil will be assessed on 60% rather than 100%, which eases the burden considerably. To be fair, while there has been disruption, schools are becoming more adept at remote learning. It is not the case that, if someone is off, no work is being produced, albeit face-to-face teaching is very much to the fore. However, further adaptations need to be looked at. Those will focus on A level and AS level. I look forward to holding that conversation very shortly with CCEA, which is drafting proposals.

Mr Lyttle: I am aware of one school in Northern Ireland that has pupils who are in their fourth period of self-isolation. That entire year group has missed four weeks of school-based learning this term. Of course, there are pupils who, due to COVID-related absence, are physically unable to sit the GCSEs that are taking place this week. Why are contingency plans not already in place to address anxiety caused by those absences and to ensure that all pupils receive fair grades?

Mr Weir: Certain contingencies have already been put in place. CCEA has made clear that, if there is a reason that someone cannot sit this week's examinations, there will be further opportunities in March or July. It is about trying to get things correct. I want to see two things happen. CCEA has to come forward with its draft proposals. We then need to produce a holistic picture. Deloitte had been tasked to look independently at what happened in 2020, and it is due to report fairly soon. It is important that all those lessons are put in place to ensure that we have something that is as fair as possible.

It is about trying to equalise as much as possible. There is no doubt that in the current circumstances there is no perfect solution and no entirely fair solution. However, trying to ensure that our pupils get something that is fair and equally portable, that we have something that links in with what is happening elsewhere and that exams with levels of mitigations, adaptations and contingencies, represent the fairest way forward, particularly as we look towards the robustness of our exams.

If, for instance, we were to abandon exams in 2021, there would also be the consequence that, when you get to 2022, A-level students, who are probably doing, ultimately, the most important exams of their life, would be in the situation of never having sat a public examination before doing those A levels. That would massively disadvantage them when it comes to, for instance, employment or university places.

Mr McCrossan: I thank the Minister for his answers so far. Minister, most students, teachers and parents are in

agreement that the fairest option facing you and our young people is to cancel GCSE examinations this year. In view of the importance, as you clearly stated, of the portability of qualifications and in light of Scotland and Wales unilaterally deciding to change their qualifications, is the Minister mindful not to recognise the Scottish and Welsh qualification in that regard?

Mr Weir: I entirely recognise what is happening in Scotland and Wales. Scotland's Highers, which are, effectively, used for entry into university, are keeping with examinations, as indeed is the layer below. Scotland has made an adjustment that affects about 10% of its pupils, but it has made sure that its pupils are not disadvantaged when it comes to employment and entry into university.

Wales has produced what I call the David Copperfield solution. It has presented a few mirrors and made it look like exams have disappeared. However, as part of its proposals, which have not been particularly well sketched out, it says that one of the key bits of their assessment will be external assessments that are "externally set and externally marked". Presumably, if an assessment is being done externally, there is only one of two ways to be fair: either you allow schools to do that completely willy-nilly, in which case you are not putting them on a level playing field; or effectively, those pupils do it in exam conditions.

Wales appears to suggest that it is not doing exams, but it is doing exams. That is not just my opinion. For example, the National Association of Head Teachers in Wales said that Wales is doing exams under a different title. That is exams under a different name. Let us get to the kernel of the truth: all jurisdictions, including Wales, Scotland, England and the Republic of Ireland, for their main set of students, are all doing examinations in 2021. Northern Ireland is a small jurisdiction. We cannot afford to simply go on a solo run, particularly given that close to 20% of our students at A level do English board examinations. We cannot have a situation where we create that differential between students in Northern Ireland. That would be simply folly.

Miss Woods: I thank the Minister for his answers so far. The Minister will be aware that one of the key issues arising as a result of COVID-19 in general is effective and meaningful communication to ensure that education can continue in the safest manner for our teachers and pupils. Will the Minister detail what formal consultation he has had with teachers and trade unions regarding exams and school reopening in general since schools reopened in September?

Mr Weir: We met with a range of stakeholder groups, and from that, there are discussions that will take place on a regular ongoing basis with the trade unions. We also have a stakeholder group of school principals, and engagement has taken place on a couple of occasions with our officials and those principals on examinations in particular.

When the issues have been discussed, particularly with school principals, they have agreed that the best way forward is examinations. There is not a level of demurring from that. It is very difficult, and there is no perfect way to moderate centre-assessed grades if we were to use them. It has to be that one pupil in one school is on a level playing field with others as much as possible, given the constraints. It is clear that examinations, however imperfect, represent the best opportunity of a level playing

field for students. They are competing not only to get their own grades but against others, particularly for university places and later for employment, and so that their grades can have a level of comparability. That is the case not just with their peers but when they are competing against others of different years, so there should be a level playing field in order that they can have a level of read-across within that.

Mr Principal Deputy Speaker: Given the issue, I thought that it was important that a single Member from each party got to ask a question to the Minister. I know that another Member wanted to ask a question, but I will make it up to you next time, Robbie.

COVID-19: Special Educational Needs Assessments

5. **Mr Frew** asked the Minister of Education, in the absence of face-to-face contact due to COVID-19 restrictions, to outline how educational psychologists provide assessments at all stages of the 'Code of Practice on the Identification and Assessment of Special Educational Needs'. (AQO 1175/17-22)

Mr Weir: I thank the Member for his question. During the period when face-to-face assessment was suspended, the Education Authority's educational psychology service continued to progress stage 3, 4 and 5 assessments, which had previously been consulted on and agreed with schools, and worked closely with EA colleagues in statutory operations to provide psychological advice when requested.

The service was able to gather information from questionnaires and other screening tools administered via telephone or video call; telephone consultations with school sources, such as the school's special educational needs coordinator; previous assessments; scores from standardised tests or other attainment information; and analysis of the child's developmental checklist, with a view that this information may be added to at a later stage, where necessary. In addition, the service provides advice and resources to staff, as well as training to support children and young people who are struggling at this time. The service continued to provide support during the period of school reopening, and face-to-face assessments resumed in September 2020.

Mr Frew: I thank the Minister for his answer. How will the Minister and the Department manage the backlog, which I am sure is mounting, and how will that be rectified before school placement time, given that some of these children may well have to attend special needs schools?

Mr Weir: The Member says that the backlog "is mounting"; saying that it "mounted" might be a more accurate tense to use. Yes, there is no doubt that some of the pressures from COVID meant that the extent of involvement changed. As I indicated, certain things could carry on, but the involvement was limited. Work continues on managing backlog cases, with the aim of reducing that number. The particular focus is on children who have been waiting longest, and that can include a range of actions to reconfigure processes and workflows across offices.

Reducing the backlog will be achieved through a combination of EA's continuing process improvement work and additional short-term staff resource. A capacity and

demand analysis is being finalised to define the short-term resource that will be required and where that short-term resource is indicated. For this year, a couple of days ago, additional money was granted through the monitoring round. There is short-term resource, but there is also a longer-term delivery model to try to ensure sustained performance within the 26-week period.

As indicated, delays have been too long, but we are starting to see an improvement. For example, a year ago today, 107 children were waiting a year and a half for the statementing process. By the end of September this year, no child was waiting a year and a half. Indeed, compared with the 158 children who, a year ago, were waiting a little over a year, that number, within a 16-week period, has come down to 10, and there is an 83% improvement in the number of children waiting over 40 weeks. Action has been taken. There is no doubt that COVID created problems, but there are new processes in place that will help to reduce that further.

Ms Rogan: Minister, has there been an assessment of the impact of reducing statutory obligations in respect of special educational needs to what are best described as best endeavours, and what effect has that had on the children?

Mr Weir: The indications are that what we tried to provide has led to an improving service. There was not really any alternative. What could be provided during COVID was not necessarily going to be absolutely the same as it was under normal circumstances. That is the case across a wide range of services. Our aim and focus is to try to make sure that the backlog is cleared and that we reduce waiting times. We have seen an improvement in waiting times through a short-term intervention, and a longer-term plan has also been put in place. There is no doubt that the longer any child has to wait, the fewer the services that can be provided for them and the more difficult it is for them. That is what we are trying to combat, but we have also got to work, particularly during that peak period of COVID, against practical realities.

2.30 pm

Mr Principal Deputy Speaker: That ends the period for listed questions. We now move on to 15 minutes of topical questions. Before I call Mr Allister, I announce to the House that question 10, standing in the name of Ms Paula Bradley, has been withdrawn.

Primary Schools: Early Closure

T1. **Mr Allister** asked the Minister of Education, who will be aware that the last week of the Christmas term in a primary school is a particularly exciting and significant week and whom he can imagine maybe excelling in the role of Wise Man, whether, given that, although that week will be different this year, schools will be preparing and children will be full of anticipation about in-bubble, in-class celebrations, he can assure the House that he will not countenance the closure of our primary schools a week early, as some have suggested, thereby bringing devastation to many kids looking forward to the festivities. (AQT 721/17-22)

Mr Weir: It was very nice of the Member, albeit he was probably being slightly tongue in cheek, to refer to me as a wise man. I am just glad that he did not refer to me as

Herod. With regard to primary schools and post-primary schools closing, I am aware that there have been rumours floating about at times — I suppose this is Northern Ireland — but there is no substance to them. Schools will continue with their normal Christmas period up until the week before Christmas on that basis. There are no plans to close early. None of that has come from myself, the Department of Education or the EA; it is a little bit of whispering around the place. It is important that schools remain open.

It was also the case that, when the restrictions were talked about by the Executive, it was unanimously agreed by all the parties that schools should remain open. That is important from an educational and a social point of view. The Member is right that, although there will be certain constrained situations this year, it is important that various events around the nativity and a situation that I am aware of where a number of schools have booked a video photographer and suchlike go ahead. A number of things were missed out by necessity towards the end of the last academic year — those school-leaver-type situations — and I am keen to not add to that.

Purely from a health point of view, injecting an extra week's holiday before Christmas and effectively saying, "Here's a large number of children" and expecting them to simply stay at home would not work, with the best will in the world. That would probably create levels of socialisation which would be detrimental from a health point of view, so I am totally opposed to that. There are no plans to close schools early.

Mr Allister: I am grateful for the clarification from the Minister. Can he bring the same certainty in respect of the holding of the transfer tests in January?

Mr Weir: Yes, as far as I can. As the Member is aware, the Association for Quality Education and the Post Primary Transfer Consortium, which hold the transfer tests, are independent organisations, so ultimately it lies within their hands and the hands of the schools that host the tests. Certainly, there have been levels of engagement so that, for example, all the health and safety measures will be put in place. They are perfectly prepared for the tests, so there is no intention for them to be cancelled. The Member makes a very valid point: the more certainty that we can give people, the better, even if sometimes the certainty that we give is not the exact certainty that some others would want in relation to some of those issues.

Mr Principal Deputy Speaker: Mrs Dolores Kelly is not in her place and Ms Cara Hunter is not in her place.

COVID-19: School Transport

T4. **Mr O'Dowd** asked the Minister of Education, who will be aware of recent stories of concerns about pupils who are bubbling in their classroom but then get on to buses containing pupils from many schools — an issue that he had raised earlier in the year — whether there had been a scoping exercise to see where that happens and what measures we can take to ensure that it does not. (AQT 724/17-22)

Mr Weir: As the Member will be aware, as part of that we have moved to a situation that will hopefully reduce levels of transmission. For post-primary children, there is a requirement to wear masks on public transport and school transport.

We are up against practical restrictions, as about 80,000 pupils use free transport each day. I have instructed officials to work with Translink, the EA and the Department for Infrastructure. Although some additional money has been able to be levered in for additional transport, there are restrictions, and we need to try to make sure that we use that transport as wisely as possible so that, if there are additional pressures on some routes, buses can be brought in. We would also be happy to embrace some rejigging.

The Member also raises an important point about the threat that is out there. A lot of good work has been done directly in schools, particularly with bubbles. Schools do not represent a particular risk to pupils. The danger comes from the virus being brought into schools as a result of wider community transmission. With anything that can be done around buses and messaging, although messaging lies outside my direct control when it comes to, for example, issues around drop-off and pick-up, there is a role for all of us to be socially responsible. There will, however, be ongoing discussions to see whether any other action, such as rejigging of buses, can be done to ease the situation.

Mr O'Dowd: I thank the Minister for his answer. The media have to be careful in how they report infection rates associated with schools. They report them as being "in schools", but it is more important that they report them as being "associated with schools".

Have there been any discussions with the Department for Infrastructure on the provision of buses, particularly from Translink? There are also many private coach companies out there that are crying out for work. Is the Minister aware of whether contact has been made with them?

Mr Weir: There has been some contact. As part of that, the Executive have provided a small amount of additional money for additional safety on buses and to ease transport levels. That money is not, by its nature, infinite, so it is about trying to use it as well as possible. I have had good conversations with the Infrastructure Minister, and there is a commitment at departmental and operational level to work together to see whether any additional elements can be put in place.

One of the other issues, as we respond to events, is that the pattern of drop-off for children has adjusted a little. Some parents will have taken a view that they feel most confident delivering their children to and from school themselves, where they would not have previously, so all those things have to be factored in.

On Friday, among a number of schools that I visited, I had the great pleasure of visiting Jones Memorial Primary School in Enniskillen, which won the Fermanagh Sustrans award for active travel. Active travel should be strongly encouraged. I appreciate that active travel is not applicable to everyone or, indeed, given the weather conditions sometimes in Northern Ireland, something that can be done all the time, but, from the point of view of preventing the spread of COVID and creating a healthy body and mind, the more we can do to encourage the embracing of active travel, where possible, the better.

Schools: Well-being Initiatives

T5. **Mr Gildernew** asked the Minister of Education, who recently announced £5 million for well-being initiatives in schools, when schools will be able to start spending the money on that important field of work. (AQT 725/17-22)

Mr Weir: To give a bit of a breakdown, the £5 million is effectively COVID recovery money. A total of £12 million was given for what I will call the broader academic side, most of which went into the Engage programme. About a quarter of a million pounds of that £5 million will go to youth services. A number of youth organisations have already been notified of an element of grant. The remaining £4.75 million will be divided among schools pro rata.

Given that the money will be spent on mental health and well-being, once individual schools have been notified of the money, which should happen very soon, there will be no barrier to them spending it. It is not an enormous sum for schools, but there will be complete flexibility in how they can spend that money, provided that it is used for mental health and well-being purposes. That might involve getting in some additional talks or counselling sessions. It could be to support the well-being of staff. While, naturally, we concentrate on the children, we need to ensure that staff well-being is also covered. It may be through additional extracurricular activities that they want to take place or even improving the school environment, perhaps, by buying equipment that would help. There is trust in schools to spend that money wisely and to determine, within their own budgets and situations, whether they might want to put additional money towards nurture, for example. They are the people on the ground. We give schools that same level of trust with the Engage programme.

Mr Gildernew: I thank the Minister for that answer. It is an opportune time to acknowledge the work that teachers do on the front line to protect the well-being of staff, the school community and children. How will the funding complement the work of the emotional health and well-being framework next year?

Mr Weir: The idea is that proposals will be brought to the Executive soon. We bid for an annual sum in the budget. To be fair, some money has also been provided by Health because of the linkages with that Department. The anticipation for emotional health and well-being is that £6.5 million will be mainstreamed into budgets that are provided mainly to schools. That will be for a series of projects. Some will be for work on the youth side and some for building resilience through the curriculum. Therefore, the £6.5 million will be for a range of projects, some of which will effectively be piloted because we want to see what works and what does not work. It will probably be more centrally driven, although schools will be able to take advantage of that. The £6.5 million will be mainstreamed in budgets, so what is there in 2020-21 will be there in 2021-22 and beyond. We may reach a situation where that amount of money expands. Nevertheless, it will be there.

The difference between the two is that the £5 million is from the COVID-19 funding. Therefore, it is effectively a one-off payment. To ensure that it is spent in year, schools will have flexibility and much wider discretion in spending that money than they will with regard to the £6.5 million, which will probably be directed into particular projects and processes.

Mr Principal Deputy Speaker: Mr Doug Beattie is not in his place.

Children and Young People's Strategy

T7. **Mr Buckley** asked the Minister of Education for an update on the children and young people's strategy and to say when it will be announced. (AQT 727/17-22)

Mr Weir: The children and young people's strategy has been created and is now being finalised. It has obviously been a long while coming, and some adjustments have been made down the years. It is now, I think, being circulated to Executive colleagues. To be fair, any comments that I have received from Executive colleagues have been, across the board, largely supportive. It should not be seen as in any way controversial, and therefore I hope that it can be signed off by the whole Executive before Christmas. It will produce a longer-term vision for children and young people.

Mr Buckley: I thank the Minister for his answer. Does he agree that, whilst COVID-19 demands a lot of prioritisation from the Minister's Executive colleagues and, indeed, the Department of Education, it is still important that Departments continue to bring forward important existing priorities?

Mr Weir: It is right. Executive colleagues and I have brought forward strategic plans for the longer term. That has been across the board. There is no doubt that COVID-19 has taken up what we might call a "broad bandwidth" in different Departments. At times, that has led to immediate concerns having to be covered. In particular, with regard to the attention that can be given at different levels, it has meant that officials who deal with area planning, for example, have had to be diverted to COVID-19-related activities temporarily.

For all of us, there are priorities that we need to ensure are maintained. They might have been slightly delayed because of COVID-19. However, collectively, in the Department of Education and beyond, there is a determination to work through, from a Programme for Government point of view, a range of those priorities, some of which have already started to be brought to fruition, not just by my Department but by others.

Mr Principal Deputy Speaker: We can have a single question from Ms Martina Anderson.

Schools: Transfer Tests

T8. **Ms Anderson** asked the Minister of Education, given that parents in Derry and across the North are concerned about putting their children through the transfer test because of COVID-19 and that any other cobbled-together test would be fraught with legal challenges, whether he agrees that we should just use applications. (AQT 728/17-22)

2.45 pm

Mr Weir: Apart from the fact that schools have a legal right to use academic selection, the tests are run separately. I understand that, given the current situation, everybody has concerns. A range of health and safety measures will be put in place. We are talking about gathering together about 10,000 young people across Northern Ireland, when, on a daily basis, around 300,000 go to school. It will not surprise the Member to know that I suspect that she and I have, shall we say, a divergent view on the issue of transfer. People can always make legal challenges on a

range of things. I remember one of my predecessors — I think that it was Caitríona Ruane — predicting that the tests, first made by the Association of Quality Education (AQE) and the Post Primary Transfer Consortium (PPTC) 12 or 13 years ago, would collapse under the weight of legal challenges. We are a number of years on, and the tests are still here.

Mr Principal Deputy Speaker: Order, Members. That concludes questions to the Minister of Education. I ask Members to take their ease for a few moments while others clear the Chamber. Do not forget to clean the spot where you were before you leave. Thank you.

Finance

New Decade, New Approach: Civil Service Reform

1. **Mr McGrath** asked the Minister of Finance what progress has been made on Civil Service reform, as set out in 'New Decade, New Approach'. (AQO 1186/17-22)

Mr Murphy (The Minister of Finance): Good progress has been made to deliver the New Decade, New Approach (NDNA) Civil Service reform commitments. The Executive formed a subcommittee on responding to the renewable heat incentive (RHI) inquiry and reform in March 2020. It met in late July and last week and is currently working to complete the Executive's response to the RHI inquiry.

A revised Civil Service code of ethics has been developed, including discussions with trade unions and Civil Service Commissioners. That will be finalised soon and become part of all Civil Service contracts of employment. It has significant changes on working for the Executive as a whole, on record-keeping and on raising and responding to concerns that are raised either internally or externally.

The review of arm's-length bodies is under way, with stage 1 complete. I am discussing with Executive colleagues the creation of a Civil Service reform team in DOF that will develop a wider reform plan. The Procurement Board will be reconstituted to include an expert advisory panel appointed from key sectors in the economy. I will consider last week's NIAO report on Civil Service capacity and capability and its potential for read-across to Civil Service reform.

Mr McGrath: I thank the Minister for his answer. The Northern Ireland Audit Office report on Civil Service capacity that you referred to highlighted major structural problems with the local Civil Service. How can we address those challenges without a head of the Civil Service? Can you tell us when that appointment will be made?

Mr Murphy: Quite a lot of the work that I have just outlined has been conducted without a head of the Civil Service, so the world does not come to an end without somebody being in post as the head of the Civil Service. A lot of work continues on through the Departments and through the Executive Office. Of course, I would like to see a head of the Civil Service being appointed soon. I know that the First Minister and deputy First Minister are looking at steps such as interim appointments. I think that they want to look at the role of the head of the Civil Service, and, obviously, it will be up to them to bring forward that process.

Mr McGuigan: Minister, will review of the recruitment process for senior civil servants be part of the reform process?

Mr Murphy: Yes. A range of issues are to be reviewed in terms of Civil Service reform. It is a significant piece of work, and that is why I am putting together a reform team. It can scope out the broad areas and consult other Departments, Ministers and others on the full scope of issues that we want to see in Civil Service reform. There was a clear commitment in NDNA to do the work. It falls largely to my Department, which has responsibility for the Civil Service, and we are happy for it to be as broad as is considered necessary.

Mr Humphrey: In relation to the Northern Ireland Audit Office's recent reports on capacity, capability and attendance in Civil Service employment, how does the Department plan to take forward the recommendations — is he going to take forward the recommendations — put forward by the Comptroller and Auditor General for Northern Ireland in those reports?

Mr Murphy: Clearly, we will look at them. We have initiated a process of Civil Service reform. We are putting together a group to take that forward, and the report fits into that discussion. Of course, there will be recommendations in that report that will require to be addressed as part of a response to your Committee and the Assembly as a whole, and I am sure that the Department will look at that. However, it will dovetail nicely with what we intended to do in terms of Civil Service reform, as we agreed under NDNA.

Business Support Schemes

2. **Mr Blair** asked the Minister of Finance what assessment his Department has made of the potential merits of compensating small businesses that have maintained the salaries of employees even though they were ineligible for support from the coronavirus job retention scheme. (AQO 1187/17-22)

Mr Murphy: I have been concerned that the Treasury's eligibility criteria for its schemes have excluded some businesses, and I have raised that directly and repeatedly with Ministers in London. In particular, given the local restrictions that the Executive put in place in October, I called on the Treasury to make furloughing available immediately for all businesses that needed it. I recognise, however, there was a gap for businesses not eligible before the 1 November extension of the scheme, but that sort of wage support can be put in place only by Treasury. First, the scale of the funding required is huge. Ulster University has estimated that the value of furlough claims in the North up to the end of July was £890 million. That is beyond the scope of our budget locally. Secondly, making those sorts of payments requires access to HMRC taxpayer data and systems that we do not have and nor could we get. That said, I will continue to use all the levers at my disposal to support businesses that are impacted, as I did most recently in putting in place the localised restrictions support scheme, paying double the amounts available under the London Government's scheme.

Mr Blair: I thank the Minister for that answer. Can the Minister provide an update on the number of applications to the localised restrictions support scheme and the number of payments in progress?

Mr Murphy: Yes. The number of applications is, I think, in the region of 12,000; the number of payments is over 5,000; and I think that in the region of over 2,000 have been rejected. More than half have been processed, and we are heading towards £20 million in payout on that scheme.

Mrs Barton: Minister, what was the outcome of the talks with Department for the Economy's officials over the weekend on the matter? Why has it taken nearly eight months to come up with the appropriate package?

Mr Murphy: The Member will know, because her colleague proposed the restrictions last Thursday, that we were not aware until Thursday that non-essential retail was part of the Department of Health's proposition for restrictions. In order to come up with a package to address those issues, you have to know where the businesses that need support are. Over the weekend, we had, in essence, to come up with a package, and that is what we did. Yesterday, I brought to the Assembly a substantial support package across a range of Departments, including the Department for the Economy, to provide that support.

The funding available to us has changed. The furlough scheme has changed at very short notice. We knew just over only two and a half weeks ago that we had an additional £400 million. The restrictions themselves have changed the businesses that are required to close. All that has happened with little notice. As for the notion that we had months to come up with the schemes, I wish that we had had. I wish that we had known what restrictions would be in place and what funding would be available to us. I wish that we had known that the Treasury was going to change its mind abruptly on furloughing with no notice. I look forward to finding out tomorrow what will be in our budgets for next year when the comprehensive spending review is finished. It has not been ideal for planning, but we put together schemes and processes as quickly as we could once we had all the relevant information.

Mr Catney: Thank you, Minister. I realise that we are working to get that money out to businesses. Is there a possibility that the support announced yesterday for company directors could be utilised by small businesses?

Mr Murphy: The Member will know that the scheme to which he refers is being taken forward by the Department for the Economy. The scheme tries to address a section of our business community that has not received any support so far. I have made this point many times: as we are now, perhaps, getting on to the third level of support for some businesses, it is particularly acute for those who have not received any support to date. The Department for the Economy will roll out the scheme. I look forward to seeing the details, and I am sure that, if it can assist some of the businesses to which he refers, it will be of benefit to them.

Procurement: Security of Supply

3. **Mr O'Dowd** asked the Minister of Finance how procurement policy will reflect the importance of security of supply, given the learning from the COVID-19 pandemic. (AQO 1188/17-22)

Mr Murphy: Security of supply is a fundamental in all public-sector contracts. It is essential that commissioners continually monitor and assess the resilience of supply chains as COVID-19 continues to impact on demand and

production in the manufacturing sector. Security of supply will also be impacted by EU exit if the British Government fail to secure a trade deal with the EU. I plan to appoint an expert advisory panel from industry to bring fresh thinking on procurement matters and to advise the Procurement Board of lessons learned during the pandemic to help to build the resilience of government supply chains.

Mr O'Dowd: I thank the Minister for his answer. He will be aware of many small and medium-sized enterprises that were capable of responding to the shortages of PPE and other equipment in the health sector but were not able to do so because they were disadvantaged by the scale of the contracts. Will the new Procurement Board ensure that there is not only value for money but a mandatory provision for social value?

Mr Murphy: From my perspective, the Procurement Board and the general procurement of contracts has to follow a set of criteria. However, the experience of the pandemic is such that security of supply has to be key whereas, previously, price was king with regard to procurement. The evidence during the pandemic was that there is sufficient capacity, skill and ingenuity in local manufacturing to meet some of the critical supply that is necessary for us on the island. Certainly, with regard to food, pharma and manufacturing, that critical supply exists here. One of the lessons that we have to learn across the island and between these islands is, as a consequence of this, that cheaper prices and goods on the other side of the world may be fine for saving some money, but they do not bring security of supply or assist local economic growth in the way that procurement should be tailored to do. There are a lot of lessons to be learned, and I look forward to the newly constituted Procurement Board getting stuck into the issue fairly quickly.

Mr Allister: The Minister will be aware of the recently exposed scandal of the obscene amounts of money paid to middlemen in obtaining PPE. Will he assure the House that the PPE that was acquired for and within Northern Ireland was free from any of those payments of obscene amounts of money?

Mr Murphy: Yes. Officials dealt with the contracts in China. I spoke to one of them, and he was amused at the amount of money that someone had received when the official was doing it as part of his public service to us. He did a remarkable job. The focus on the first attempt to obtain PPE here pales into insignificance compared with the obscene amounts of money that the British Government were prepared to pay to middlemen to achieve this. I would not say that it was panic, but there was certainly great urgency in securing PPE, and we were not alone in trying to source material in the Far East. That undoubtedly added to costs, but it also added to the complications in accessing those goods. It goes back to the original question from my colleague Mr O'Dowd about security of supply, knowing your suppliers and easy access to them being as important as cheaper prices in the Far East.

Mr Nesbitt: Does the Minister agree with the interpretation of the House of Lords that the protocol suggests that, when it comes to security of supply for those who supply key sectors such as health, we will be subject to EU regulations rather than the will of the Executive?

Mr Murphy: That remains to be seen. There is much uncertainty on the Brexit issue. Legislation is going through the Houses of Parliament. The Lords has taken a particular view, and, from reading commentary, I know that the Commons intends to take a different view when the Bill comes back for further processing through the legislative framework.

3.00 pm

All of it is unsatisfactory as far as we are concerned and, I am sure, as far as the Member is concerned. We should not be in this position a couple of weeks away from the exit date. The mess is not of our creating. It is certainly not the creation of the democratic wishes of the people in this part of the world. It is not of our creation in terms of the negotiations and the processes developed between the British Government and the EU. The sooner it is resolved with a greater degree of clarity, the better for all of us.

Miss Woods: I thank the Minister for his answers so far. Security of supply will also be impacted by climate breakdown. Minister, will environmental and climate impact be reflected in procurement processes and policies going forward to ensure that the policy is sustainable? For example, will a sustainability clause or criteria be considered for security of supply?

Mr Murphy: Clearly, one of the first issues is that, if you are not transporting goods from the far side of the world, there is certainly an environmental benefit. Having goods produced on this island in these islands certainly cuts down on transportation costs. I am happy to look at all the issues that the Member has raised and ensure that the Procurement Board, when examining these issues, considers all those matters going forward.

Mr O'Toole: Will the Minister be more specific about issues on security of supply caused by Brexit? Have any orders been taken forward to forestall the uncertainty around 31 December? Will the Minister also briefly give an update on whether he has made any specific allocations or has been asked to make any for the procurement of the vaccine that, we all hope, is closer than we once feared?

Mr Murphy: With regard to the first question, there is huge uncertainty about what our future trading relations will be like. That could challenge significantly the security of supply. We need to bottom out all those issues. As yet, the Executive are still fairly in the dark about how this will eventually fall down. The British Government have not been keen to share information with anybody outside their own narrow confines.

I am advised by the Minister of Health that the vaccine will be procured centrally in the British government system and supplied to us. The logistics of rolling out a vaccination programme will be a matter that the Executive will meet the cost for.

Renewable Heat Incentive: Disciplinary Proceedings

4. **Dr Aiken** asked the Minister of Finance, in light of renewable heat incentive (RHI) disciplinary proceedings, whether any processes have been put in place to prevent those disciplined from being given official or semi-official roles during retirement. (AQO 1189/17-22)

Mr Murphy: The RHI disciplinary proceedings are ongoing, and I await their determinations.

Dr Aiken: I thank the Minister for that rather short reply. Will the Minister consider introducing legislative changes to ensure that civil servants or those employed by public bodies who have been subject to a disciplinary process but have, subsequently, retired and are, therefore, under the current legislation, exempt from sanction can be prevented from being re-employed as consultants on boards or in any other official capacity?

Mr Murphy: The Member knows that the RHI process is ongoing and affects a certain number of individuals. We do not wish to speculate about what they may do now or in the future until that process has run its course. In general terms, he made a point that is worth looking at: the functions that someone who is subject to a disciplinary process can or cannot avail themselves of, as the case may be, beyond their term in public service, depending on the outcome of any such investigation. That is something that, as part of the review and reform of the Civil Service, we will want to address.

Mr McAleer: Minister, when will the Executive subcommittee on the RHI recommendations conclude its work?

Mr Murphy: The RHI subcommittee met last week and processed further some of the issues that we have been dealing with in the ongoing work on codes. It is our intention to bring that to the Executive in December for approval and clearance before Christmas recess.

Mr Principal Deputy Speaker: Question 5, which stands in my name, has been withdrawn — Mr Blair, were you rising in your place about question 4?

Mr Blair: Thank you very much indeed, Mr Principal Deputy Speaker. Will the Minister provide an update on the panel that was due to be set up following RHI to investigate ministerial conduct?

Mr Murphy: The formation of that panel is the responsibility of the Executive Office. I hope that that is taken forward as a matter of urgency. It is an incomplete part of the process that we have been dealing with in the Department of Finance and the RHI Executive subcommittee. I will bring that to the attention of the Executive because, clearly, if we are bringing that proposition to the Executive for completion in December, we want to see that panel in place as well.

Mr Lunn: I go back to the question of discipline. The last case that I can remember of a civil servant being disciplined was quite a serious one, and the punishment was a letter being placed in his file for 18 months. He was not hanged. Does the question of official or semi-official appointments after retirement not depend, to some extent, on the severity of the offence and the punishment?

Mr Murphy: Yes. Clearly, if there were a misdemeanour of some sort, it would depend on the level of judgement attached to that. The question that Dr Aiken posed outlined that that should be looked at. I am not sure that there is clear policy on that or an analysis of what level of misdemeanour would merit disbarment from particular future appointments or roles in public life. It pertains in other jurisdictions in these islands, so we should certainly look at it. Setting aside the RHI experience, I think that

there should, in general terms, be a policy for the Civil Service and ongoing public appointments.

Mr Principal Deputy Speaker: Question 5, which stands in my name, has been withdrawn.

Finance: Centrally Held Funding and Barnett Consequentials

6. **Mr Dickson** asked the Minister of Finance what actions he is taking to ensure that £500 million of centrally held funding and any further Barnett consequentials are spent effectively in this financial year. (AQO 1191/17-22)

Mr Murphy: Yesterday, 23 November, the Executive agreed allocations of £338.1 million of the £500 million that was held centrally. There is also £150 million that has been set aside for the consideration of longer-term rates support. A further £26.6 million is being held in reserve in case there are further requirements later in the financial year.

Mr Dickson: Thank you, Minister, for your answer. You are responsible for assessing bids from other Departments and then issuing that funding. It is therefore incumbent on you to ensure that that money is spent, spent well and spent before the end of the financial year. In light of the lateness and lack of ambition of other Ministers, what action is your Department taking to ensure that money that is bid for from you and approved by you is spent appropriately?

Mr Murphy: There is and has been a clear understanding among Ministers and Departments that, when they are asked to submit bids — that is how the process works — this is COVID-related money, so it is to be spent in this financial year and directed towards the three broad pillars of the Executive response to COVID: supporting vulnerable people, supporting the health service and supporting business. Bids must meet one of those criteria. We require Departments to demonstrate the area in which they want to spend the money and that they fully understand the requirement to have it spent out by the end of the financial year. We will continue to monitor that. Of course, the Member will know that the January monitoring of the general departmental spend will be coming through as well, and we may well receive further Barnett consequentials early in the new year. It has been a challenge to manage all of that additional money and deal with the stripped-down resource available to the Civil Service because of the pandemic. Nonetheless, it is incumbent on us to make sure that it is spent wisely in the right areas and spent out before the end of the financial year.

Ms Dolan: Minister, have the British Government responded to your request and the request of the Scottish and Welsh Finance Ministers for greater flexibility to ensure that the funding is spent fully and effectively this financial year?

Mr Murphy: There have been discussions with Treasury right up to recent days, and I intend to speak to the Chief Secretary to the Treasury tomorrow. As the Member may know, we expect an announcement on the comprehensive spending review tomorrow that might give an indication of the finances that will be available for next year's Budget. We have pressed consistently for flexibility. In particular, if we are to receive further Barnett consequentials early

in the new year, that will add to our case that this kind of drip feed of money, with no long-term planning attached to it, is difficult for any devolved Administration to manage. It reinforces the general point that we have been making about the need for flexibility in the management of public finances.

Mr O'Toole: I will be brief. Following the results of the spending review, which we expect tomorrow, will the Minister give the Assembly an update on exactly where we are with unallocated new Barnett consequentials, so that we are better able to scrutinise where the finances are at this critical time?

Mr Murphy: We hope to receive that tomorrow. That is the date that we have been given, and I have a call scheduled with the Chief Secretary to the Treasury tomorrow. I anticipate knowing that, and I am happy to come back to the House when we get a handle on it. There have been a series of Budget discussions with other Ministers. A couple are still outstanding because other business has overtaken them, and we need to have those discussions and understand what the budgetary requirements of the Departments are for next year. However, it will depend on the amount available to us. I am happy to update the Assembly and the Member's Committee when we get some answers on all that.

Procurement Policy

7. Mr Chambers asked the Minister of Finance whether he will consider the reform of public procurement policy to allow local and individual public-sector teams to choose the best options for them when it comes to cost-effectiveness and suitability. (AQO 1192/17-22)

Mr Murphy: The Executive's public procurement policy requires public bodies to process procurements under a service-level agreement with Central Procurement Directorate (CPD) or a relevant centre of procurement expertise (COPE) to provide a coordinated and strategic approach to securing best value for money. Recognising that it can be more cost-effective for public bodies to carry out their own procurement of low-value goods and services, the service-level agreement allows for public bodies to do this, if they use established procedures that maintain accountability and transparency in expenditure decisions.

Mr Chambers: I thank the Minister for his answer. A school in my constituency had to pay hundreds of pounds and wait weeks for a simple window repair to be carried out because it had to go through the central provider for all schools in Northern Ireland. The principal could have hired a local independent contractor to do it 75% cheaper and had it repaired the next day. This seems to be a problem for many public-sector organisations, not just schools. Will the Minister consider changes for small-scale expenditure in such areas?

Mr Murphy: As I said in my answer, there is a level at which there can be a degree of discretion. Of course, there has to be accountability for all these arrangements. We need to make sure that work provided by contractors is up to the standard required for a school or any other public building, because it has to serve that building for some time. Of course, standards have to be applied and there must be a level of accountability and transparency in how the money is spent so that it is not going to some favoured

contractor or supplier. I am not making any reference to the school that you mentioned, but, in general terms, that should not happen. There has to be a balance in making sure that this is good value for money, that it can be got locally if it is below a certain level and that the person or company that supplies it adheres to a certain standard that is recognised by the procurement people.

Mr Humphrey: I agree with the Member for North Down. As a school governor, I have had to face similar situations.

In the light of the protections that the Minister talked about in value for money for the Northern Ireland taxpayer, does he believe that the Central Procurement Directorate provides value for money for Northern Ireland plc?

Mr Murphy: When we were discussing the question, as an elected representative, I anticipated where the question was coming from. The people in procurement, perhaps, were anticipating wider issues. I am sure that all of you are frequently told, "This could have been got much cheaper, if only you had gone to a local supplier". I get all those arguments as a locally elected representative, and I want to ensure that government spend assists local economic growth. Of course procurement, like all other agencies, has to present value for money. We have initiated a series of changes to the Procurement Board. We are bringing in more expertise from outside agencies. The procurement policies that are followed are, obviously, agreed by the Executive, so there is Executive-wide ownership of them. The responsibility of that board will be to bring policies to the Executive for approval. That is where a lot of these issues can be interrogated, but, of course, as with everything in public expenditure, we want to ensure that it represents value for money.

Mr Dickson: The Minister will appreciate that some of the very best local procurement is done through social enterprises. What action is your Department taking? You have already promised some social value legislation for Northern Ireland. How quickly can we see that on the statute book, and will it happen within the life of this Assembly?

Mr Murphy: In the next meeting that I have with the newly constituted Procurement Board, social value will be one of the main items on the agenda. Like you, I am very much of the view that social enterprises and projects not only provide excellent value for money but have the added value in what they do for people in the community who might otherwise not be employed. They make an added contribution to society, as well as the economy.

I am a keen advocate of social value. It has to measure up to being value for money, but, in my experience, and, I am sure, yours, social value can do that in many ways. We want to see social value be very much part of the procurement make-up, and we have been actively looking at the idea of having legislation. There is a limited time left in the mandate for initiating legislation and taking it through all its legislative stages, but, if there is time, I am willing to look at that.

3.15 pm

Mr Principal Deputy Speaker: We have time for a question from Mr George Robinson and an answer from the Minister, but there is no time for other Members to ask a supplementary question.

COVID-19: Furloughed Workers

Mr Robinson: Can the Minister give assurances that reducing the number of furloughed workers as soon as possible will give an economic boost to the Northern Ireland economy? (AQT 730/17-22)

Mr Murphy: The question goes back to the discussion about how we spend our money. I am firmly of the view that we should spend our money as locally as we can in order to support local businesses, workers and the economy. That is why, when I spoke publicly yesterday about the high street voucher scheme that the Member's colleague is proposing, I encouraged families, as we all should, to spend that voucher in local businesses to support our local economy. Anything that we can do on public procurement or that Departments can do with their annual £3 billion of spend has the potential to make a real impact on the local economy and should be used in that way.

Mr Principal Deputy Speaker: Thank you. That ends the period for listed questions. We move on to 15 minutes of topical questions.

Localised Restrictions Support Scheme

T1. **Mr Robinson** asked the Minister of Finance how many allocations have been made under the localised restrictions support scheme and how much money has been paid out. (AQT 731/17-22)

Mr Murphy: The Department for the Economy will have to answer about its own scheme. The Department of Finance scheme is administered through Land and Property Services (LPS) and deals with businesses that have premises closed down owing to the restrictions. There have been 12,000 applications, and almost £20 million has been paid out to over 5,000 businesses. About 2,500 applications have been rejected. Some of the applicants applied to the wrong scheme. Business owners will have heard that money is available for a certain business sector and have thought that is where they go, but they do not have business premises and so need to apply to the Department for the Economy scheme. There is quite a lot of crossover with the schemes, with some businesses applying to the wrong scheme or perhaps to both to make sure that they get on to one of them. That is how the scheme has been rolled out. The Department wants to see the scheme gather pace as quickly as possible. As I say, however, upwards of £20 million has been paid out to date.

Mr Robinson: Minister, what proportion is still to be allocated?

Mr Murphy: There have been 12,000 applications, and, judging by the figures, more than half of applicants have either been paid or been rejected. The figures are increasing daily, as some of the data issues that affected the scheme early on have been ironed out. Bear in mind that, from the end of this week, a new element is being introduced to the scheme, and that is the non-essential retail scheme. That will put additional pressure on LPS, and I want to see as much paid out as possible before that additional element of the scheme comes in next week.

Civil Partnerships

T2. **Ms Sheerin** asked the Minister of Finance whether he can confirm when people who currently have a civil partnership will be able to convert it to a marriage. (AQT 732/17-22)

Mr Murphy: The Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, which introduce the ability to convert same-sex civil partnerships into marriages and opposite-sex marriages into civil partnerships, come into operation on 7 December 2020. There will be no fee for signing the conversion declaration in the first year.

Ms Sheerin: Thank you, Minister, for confirming that the fee will be waived for the first year. Given that many people who have a civil partnership would have preferred a marriage if the choice had been available at the time, can the waiver be extended?

Mr Murphy: It will apply for the first year anyway. This has been a key issue for people who have not been able to have their partnership legally recognised, and it is a great advance that it is now the case that they can. As I say, there is no fee for signing the conversion declaration in the first year.

Councils may apply additional fees for the attendance of a registrar at an approved venue, and the General Register Office will bring forward legislation to set the fee for years 2 and 3. We will be able to look at that at the time and see what the take-up is like. If the payment of the fee becomes a barrier, I will make an assessment then as that comes forward.

High Street Voucher Scheme

T3. **Ms S Bradley** asked the Minister of Finance, who yesterday advised the House of the £95 million high street voucher scheme, what checks he made ahead of the announcement to make sure that the money reaches the high street and is not swallowed up by national or multinational organisations that helped people through the pandemic but have also fared well in the pandemic. (AQT 733/17-22)

Mr Murphy: The checks and balances that are done on any scheme as it is brought forward are done by officials in the Department. The question that you pose is whether the Department for the Economy can ensure that that money is spent in certain business premises and not in others. Obviously, that is a question for the Department for the Economy. I am not certain that that can be done with such a scheme, and that is why yesterday I encouraged people to shop locally, not just for this scheme but over the whole Christmas period and into the future because it is our local economy that needs support. I encourage and expect all Ministers to do likewise. The question of how the scheme would differentiate in that way is not to do with due diligence; it is a policy matter. Deciding that the scheme will pay into certain businesses but will be barred from paying into certain other businesses would be a matter of policy for the Department for the Economy, not a matter of due diligence.

Ms S Bradley: I am sure that the Minister will understand that many local small businesses, for instance in towns such as Kilkeel, Warrenpoint and Rathfriland in my constituency, that have been described as non-essential are vital to our economy. They will not be heartened to find that no due diligence has happened ahead of that announcement. I urge the Minister to put in place strategies that will reach those vital businesses to keep their doors open going into 2021.

Mr Murphy: It is incorrect, given that I have answered the question by saying that it is not a matter of due diligence but a matter of policy for the Department for the Economy on how to target that, for you to respond by saying that no due diligence has been done. Due diligence has been done on the scheme, as I have said. However, it is a matter of policy if the Department for the Economy wants to use that scheme to direct it away from what you describe as multinational businesses and into the local economy. Of course we want to support the local economy. That is why the schemes that will be brought forward are to support local businesses, and it is why the Executive are encouraging people to shop locally and to support local businesses. It is why the schemes that we talked about earlier as being rolled out have been directed at small- and medium-sized enterprises to try to give them that level of support. That has been consistent right through the pandemic.

Mr Principal Deputy Speaker: Ms Joanne Bunting is not in her place.

Business Support: Derry City and Strabane

T5. **Ms Mullan** asked the Minister of Finance how many businesses in Derry applied for the business support grant specific to the Derry City and Strabane District Council area. (AQT 735/17-22)

Mr Murphy: The Member will know that businesses in Derry have been closed down for much longer than anywhere else and, obviously, have suffered accordingly. The latest figures that I got yesterday showed that over 70% of businesses had received the support that they had applied for. Of course, that scheme will be rolled on now. It was changed midstream to add additional businesses to hospitality, and it has now been rolled on for further weeks. I want to see that money being paid out as quickly as possible to get it to the people who need it in Derry and Strabane over the coming weeks.

Ms Mullan: Minister, thank you for your response and for the support that you have given to local businesses in my area. How many have received the initial payment and subsequent payments as the weeks have rolled on?

Mr Murphy: As I said, the initial payment was for a smaller number of businesses, and we increased the payment level. Of course, the payment level to businesses in Derry had to be upped as well because, if you remember, the original lockdown restriction phase of this was for the Derry City and Strabane District Council area only and the level of payment was increased. Of course, there had to be retrospective payment to some of those who had already received it at the lower level. So, it has been quite complex and complicated, but, of course, the objective has been to get that payment up to the right level and out as quickly as we can, recognising that we now have another couple of weeks to go with that. Bear in mind that all these things have changed, midstream, the programme that we designed. Other decisions came forward that altered it in terms of the amount of money available to us and the additional restrictions and, now, the additional period of restrictions. Those all came in subsequently. It is a matter of trying to catch up with the decisions taken by other Executive Departments.

Business Support

T6. **Mr Givan** asked the Minister of Finance whether it is not an indictment of his Department that around half of eligible applicants are still waiting to get a payment from Land and Property Services (LPS), for which the Minister is responsible, weeks after the scheme was announced in a fanfare, which will come as a shock to the public, and that, on a crude assessment, approximately at least £20 million is sitting in his coffers still to be paid out and the businesses that need that support still have not got it. (AQT 736/17-22)

Mr Murphy: First, as I have said, the schemes have changed, not only in their scope but in their level of payment, and we have been catching up. I want to see them done quicker. I want to see the rest of those schemes paid out tomorrow, if possible, or certainly in the next number of days, so that all of that money is out where it needs to be. I have to say that if you compare Finance with other Departments and put up a chart, you will find that this scheme has paid out much more quickly and much more favourably than schemes from any of the other Departments.

Mr Givan: Minister, that is exactly the point. You and your colleagues have been incredibly quick to point the finger at other Departments, and yet the Department that you preside over has been failing to get this scheme to pay out. The public want to see the money paid out, and those businesses need it.

In terms of how the rates base is going to be calculated going forward, we have increased vacancies on our high street and pressures on our public finances. Is a review taking place of how there will be a fair share of the burden on the public purse, spread across everyone in society, for the next financial year?

Mr Murphy: Well, first I have not been pointing the finger at anyone. I have been encouraging people to do schemes as quickly as they can, and encouraging my Department to do likewise. I am not interested in the point-scoring that the Member refers to. To be quite honest, I am interested in getting support out onto the ground as quickly as we can.

The Member will have noticed the announcement yesterday that the Executive agreed to set aside £150 million for further rates interventions in the first half of the next financial year. We have been consistently hearing from business that those are vital. If we can get that scheme done and the rates intervention scheme done, it will be of great assistance. Of course it has to be done with fairness, absolutely, and I am delighted that one of the side effects of this pandemic has been the DUP discovering socialism and fairness for all people.

Civil Service: Recruitment

T7. **Ms Dillon** asked the Minister of Finance how many vacancies in the Civil Service have been filled by the most recent recruitment drive. (AQT 737/17-22)

Mr Murphy: I do have not the figures for the recruitment drive that has been ongoing at all levels in the Civil Service. Clearly there is a significant number of vacancies at the lower levels, and that is why we have been encouraging people who are currently employed by agencies to apply for those. We have improved the terms and conditions of agency workers who have been working

for quite some time, particularly in Departments such as Communities. There is an ongoing drive on that.

One of the areas that our review and reform of the Civil Service will look at is the age profile. It is quite clear that we need a much younger cohort coming into the Civil Service and an influx of new ideas and talent, but that has to be achieved in a managed way, and that will be done through recruitment during the time ahead.

Ms Dillon: Speaking as somebody who once worked in the lower levels of the Civil Service and who knows what the pay was like at that level, I commend many of our civil servants who are working at that level, trying to deliver all the schemes that Members have been talking about in the Chamber today. It is not an easy job to do.

Will the Minister outline, given the recent Audit Office report on the capacity and capability of the Civil Service, whether he agrees that we now have an urgent need for a review? He outlined that we need to look at the age profile, but we also need to look at what we are asking of some of our civil servants for the pay that they get.

Mr Murphy: There is a range of matters in that. One is the age profile and the ability to recruit a younger cohort. There are also questions about the level at which people come into the Civil Service and the skills and experiences that they bring. There are questions about the ability to recruit people from other jurisdictions into the Civil Service and the experiences that they can bring from working in other jurisdictions as well. Those are key questions, which, I think, have not been addressed in previous reviews of the Civil Service and its practices. RHI highlighted a number of those, but it is not because of just that. There was an impetus, as there should be, which led to an agreement among all Executive parties on a need for a fundamental review of the Civil Service, and that is what we intend to do.

3.30 pm

Mr Principal Deputy Speaker: We have time for one question from Mr McCrossan and one answer from the Minister.

Rates: Reval2020

T8. **Mr McCrossan** asked the Minister of Finance, given the pressures that businesses face, whether it is his expectation that Reval2020 will go on. (AQT 738/17-22)

Mr Murphy: Yes, there are a number of exercises to do with rates. One that we wanted to try to address very quickly was the ability to continue with rates relief — a rates holiday — for some businesses going into the new financial year. We have the Reval and rates exercises, and we are responding to the pandemic in the middle of all that. A lot of people will not have recognised that, in last year's Budget, we introduced a very effective reduction in commercial rates. They went down by almost 18%, which is something that businesses had been asking for. We will continue to do that work, but we are also trying to respond to the pandemic. That is why the focus has been on trying to secure additional money to take a further rates intervention in the early part of the next financial year.

Mr Principal Deputy Speaker: Thank you, Members. That concludes questions to —.

Mr Wells: On a point of order, Mr Principal Deputy Speaker. Either the Minister of Finance has the gift of prophecy and a crystal ball or there is collusion going on, because, during the questions on marriage and payments in Londonderry, I noticed that he had turned to the answer before the questioner had finished the question, and he had turned to the answer for the supplementary questions before they had been asked. I understand that topical questions are supposed to test the Minister's mettle and to find out whether he is on top of his brief. Could it be that Members from his party have been giving him the text of the questions in advance of their being asked? Is that in order for topical questions?

Mr Principal Deputy Speaker: The Member has been here since 1998 — a lot longer than I have been here. I am sure that the Member will accept that such behind-the-scenes chicanery would never occur in an institution such as this.

Mr Murphy: Further to that point of order, Mr Principal Deputy Speaker. I did, in fact, turn to see if I could find the figures for Derry, but I did not have them in my folder. That disproves entirely the Member's point that the question was set up. I had not got the figures.

Mr Principal Deputy Speaker: If Members take their ease for a moment, we will return to the Consideration Stage of the Functioning of Government (Miscellaneous Provisions) Bill. Before you leave the Chamber, please wipe down the surface that you were at. Thank you.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

Mrs D Kelly: On a point of order, Mr Deputy Speaker. I apologise to you and Mr Principal Deputy Speaker for not being in my place during topical questions.

Mr Deputy Speaker (Mr McGlone): Thank you for that. It is duly noted.

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Consideration Stage

Clause 1 (Amendment of the Civil Service (Special Advisers) Act (Northern Ireland) 2013)

Debate resumed on amendment No 1, which amendment was: In page 1, line 7, after "(2)" insert "(b)".— [Mr Allister.]

The following amendments stood on the Marshalled List:

No 2: In page 1, line 12, leave out "involvement or".— [Mr Allister.]

No 3: In page 1, line 13, before "A minister" insert "Subject to section 3A".— [Mr Allister.]

No 4: In page 1, line 14, at end insert

"(3A) In section 8 (Code for appointments), after subsection (1) insert the words:

'(2) Without prejudice to the generality of subsection (1), the code must provide that the appointing minister must -

(a) create a job description and person specification for the post,

(b) set out the requirements to be met by a successful applicant,

(c) achieve a candidate pool from which the minister shall select on sustainable and lawful grounds, and

(d) complete and the department retain documentation associated with the above processes, including recording the minister's reasons for the selection made."— [Mr Allister.]

No 5: In page 2, line 9, after "adviser" insert "by reason of the holding of that post".— [Mr Allister.]

No 6: In page 2, line 12, leave out "him" and insert "the special adviser".— [Mr Allister.]

No 7: New Clause

Before clause 2 insert

"Repeal of the Civil Service Commissioners (Amendment) Order in Council 2007"

A2.The Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007 is repealed."— [Mr Allister.]

No 8: In clause 4, page 2, line 28, after "Office" insert "under the provisions of the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007".— [Mr Allister.]

No 9: In clause 4, page 2, line 33, leave out subsection (3).— [Mr Allister.]

Mr Deputy Speaker (Mr McGlone): The group 1 amendments deal with the appointment, conduct and management of special advisers. Members should direct their comments to these specific amendments. Mr Aiken was speaking before the debate was interrupted for the lunchtime suspension. Therefore, I ask Mr Aiken to resume his speech.

Dr Aiken: I will conclude my remarks on the group 1 amendments. The Ulster Unionist Party will support the

amendments tabled by Mr Allister. I strongly encourage all Members to join us in trying to help to restore trust in our institutions. It is regrettable that the Executive or, indeed, elements of the Executive who should be using their best endeavours to restore that trust are thwarting the efforts at reform. As that is the case, we, as legislators, must do what is right and make the necessary legislative changes that can help to restore that trust.

Mr Frew: This is the second week in a row when I am going to be —

A Member: Brief. [Laughter.]

Mr Frew: No, there is absolutely no chance of that, but that was a great intervention. Thank you.

I will add to the comments from Mr Jim Wells, who, in an intervention on the Chair of the Committee, spoke about the fact that Jim Allister sits on the Finance Committee. While that was by accident, it was very useful. The Member was able to contribute in real time, hear the evidence in real time and engage not only with the witnesses but with the Committee in real time. That was advantageous not only to the sponsor of the Bill but to the Committee as a whole. I tabled an amendment that did not get past the Speaker's Table, which I accept 100%; of course I do. However, Standing Orders should be looked at because there is merit in an ex-officio member being on a Committee during Committee Stage of any private Member's Bill in order to afford the Committee that insight and link to the Bill sponsor. That will provide good government and good legislation, which is what we all want.

I sat through Committee Stage of the Functioning of Government (Miscellaneous Provisions) Bill and have read it through in great detail. There is no doubt that every party and every Department in this place has a responsibility to pursue reforms that rebuild public confidence in the governance of Northern Ireland: the Executive and their decisions; the policies that they wish to adopt; the behaviour of Ministers; the behaviour of spads; the roles that spads play and the parameters within which they operate; the interactions between Departments, Ministers and spads; the interactions between Departments and Statutory Committees; the transparency of Departments; the information that is offered to Committees; respect for MLAs as individuals, when we ask questions of Departments; and respect for MLAs as they perform their important role on the Statutory Committees and even in the Chamber. We all need to ensure that we are treated with respect and that democracy is as transparent as it possibly can be.

Is it transparent at the minute? It is as transparent as a brick, so we need to do something to reform it. If we have to do it step by step, small as those steps may be, we should all put our shoulders to the wheel to achieve that. I see the Bill as a small step in the right direction. It has increased its footage by the fact that it has gone through a Committee Stage and has been forged in fire, if you like. I commend most of the parties for doing the heavy lifting in that regard because it was very useful. As the Bill's sponsor has admitted, the amendments to the Bill, which, hopefully, will be passed, will make it a better Bill.

I have enjoyed my time on the Committee for Finance looking at the Bill and getting into the nitty-gritty of it. I heard in the media and in commentary by some journalists

that, because I sit on the Committee for Finance on my own with regard to the party Whip, I am not involved in some sort of reform agenda or mission: my party is up for reform. My party wants to see reform. My party acknowledges that mistakes have been made in the past, and it is up for dialogue and a conversation on reform to ensure that this place gets better and that we add and inject confidence into the system. In our party manifestos, going back a number of years, we have asked for the development of a Northern Ireland reform plan. The party and I recognise that this private Members' Bill may touch on some aspects of reform, but it will not be able to cover it all, even though, with the best intentions, the Bill's sponsor has added "Miscellaneous Provisions" to its title, which was very useful. Sooner or later, Ministers will have to work on reform, and we would like to see that reform piece.

At Second Stage, I think, Mr O'Dowd commented that a private Members' Bill should not tackle the issue, but I say this: why not? Why should every Member in this place not put their hands to the wheel to make this place better? They are entitled to do that. They are Members of the Assembly and have a seat like everybody else, so why not? Why should it be left to the Executive or to Ministers in the Executive? We are all Assemblymen and Assemblywomen and are all entitled to table legislation.

We have also asked for fundamental reform of the Northern Ireland Civil Service. We have even asked for a review of the number of special advisers and how they are appointed and regulated. We have asked for greater transparency and improved record-keeping. We also acknowledge that the Committees play an incredible role in the work of the Assembly, and that role should be enhanced. Those are all objectives that my party has pushed for over many years, and they are the objectives that are in the Bill. Of course we were going to support the Bill at Second Stage when other Executive parties abstained, and of course we were going to give the Bill a fair wind in a Committee process that would bring it out the other side, forged in fire, in a much better place and in much better shape. We have done that.

If every party in this place is not here for reform, what are they here for? If they are not here to make a positive change to the population, make people's life better and reform the country into something greater, what are they here for? The Bill is just one vehicle through which we can do that. It is just one small step. It is not even a big step — I am sure that the Bill's sponsor would agree with that — but it is a step in the right direction.

I enjoy Committee work. It is probably my favourite bit, and I like the scrutiny most, when I interrogate facts and figures. It is quite enjoyable and good when the departmental officials come to see us, and that is all part of the functioning of government that must be healthy and must exist. However, I am living through two Committees at present: the Justice Committee and the Finance Committee.

It is no reflection on the Chairperson of the Finance Committee, who has done a sterling job — I will thank him now in case I forget to do so later — that there is a marked difference between the two. Do not get me wrong: when it came to the principles of the domestic violence Bill, which we debated last week, most of the parties definitely wanted legislation to be passed; however, with the functioning of Government Bill, that was not the case.

3.45 pm

Mr Deputy Speaker (Mr McGlone): On that point, may I draw the Member back to discussing the amendments, please?

Mr Frew: Yes, I will, Mr Deputy Speaker.

On that Bill, even with the amendments, there was hardly any dialogue. On amendment Nos 1, 2, 3, 4 and 5, there was hardly any real dialogue or input from the Members opposite. I ask this simple question: why? If you do not like the spirit of the Bill, why did you abstain at Second Stage? If you do not like the spirit of the Bill, why did you not seek to amend it? Why did you not interact with the Committee and effect change at that stage, given that, today, we will vote on every single amendment and clause? Why did you keep shtum? One Committee member did not keep shtum, and I will get to that later.

Amendment Nos 1 and 2 affect clause 1. Again, the sponsor of the Bill has gone through this very adequately and helped my understanding, so I will not have to delve too much into that. The first six amendments are to clause 1. Why are clause 1 and those amendments so important? There is no reason why, if you have a spad — a special adviser — in one Department, and his experience and expertise are in that particular Department, a spad in another Department should have any say or control over them. That spad should be the responsibility of his or her Minister. That is one of the aspects of clause 1. You can understand why that would be the case when teamwork is involved: when you are in the Executive Office, and there are multiple spads. It is just good common sense to have some sort of direction and, maybe, even some sort of hierarchy. However, it may well be that, even within that Department, spads will have different expertise, and they will go off in different directions and do different things. That is not an issue.

It is right and proper that, with any job, there will be a disciplinary code. There will be a set of standards. Of course, clause 1 does just that. It states:

"special advisers are subject to the processes and procedures of the disciplinary code operative in the Northern Ireland Civil Service".

Special advisers do not only interact with their Minister, their political party and members of other political parties; they interact daily with the Civil Service. Why would it not be the case that you have some sort of standards and disciplinary code? I have no problems with that at all; in fact, I think that it is good.

Then, of course, we have the ministerial part of this. There is absolutely no reason why Ministers of the Assembly, who are in an Executive, should not be subject to standards. It is perverse to investigate a Member attending a fake graveside oration when standing beside that Member is a Minister who is not subject to a standards investigation. It is just bizarre. Ministers should be subject to the same disciplinary matters as a Member. Why should I fall under more serious rigour than a Minister of this country, no less? Why should the standards be different? Why should the investigatory procedure be different? Of course, we also very much support that.

Then we get to the issue around clause 1(6). I will speak to that. It says:

“A minister must ensure that only the duly appointed special adviser in the department will exercise the functions, enjoy the access and receive the privileges of the post; and a permanent secretary must ensure that no person other than a duly appointed special adviser is afforded by the department the cooperation, recognition and facilitation due to a special adviser.”

It is no way to go — no way to go — to have a figure, shadowy or otherwise, being able to conduct themselves in a sphere where there are serious decisions being taken on behalf of the people of Northern Ireland and not being accountable to democracy or accountable to a Minister but accountable to a higher place, even a secret place or a sinister place. No way should we in this House support anything that even smells like that.

What have we lived through? What have we learned over the last number of years? Well, it has been quite insightful. We heard about our Civil Service — in fact, the head of the Civil Service, no less — sending emails to other permanent secretaries saying that they think their Minister is not in a position to make decisions and that they have to go and speak and dialogue with others who are not democratically accountable, others who are not elected, others who have not been appointed and others who have no disciplinary code or standard to follow.

That is what the Civil Service has informed us of, and that is simply not good enough. It is simply not to be in this place of democracy. We should be a place of transparency. We should be a place of accountability. We should strip away anything that queries or questions that or that puts suspicions or doubts in the minds of our people. We should be completely transparent and completely accountable. Here is the sinister thing about it. The Bill's sponsor has already mentioned his previous Bill. When the Bill sponsor brought a previous Bill that changed the functions of government and how it works and operates, we then had a party that actively went about trying to get by that law, trying to subvert the will of this House and trying to ignore —

Mr McGuigan: I thank the Member for giving way. I have been listening very carefully to his style, content and tone in the debate, and I was drawn to this quote from a famous man that, hopefully, he will enjoy:

“Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.”

I find the comments of the Member from North Antrim bizarre given, first of all, the behaviour of the MP from his party in that constituency in relation to transparency and accountability, and also given the fact that the RHI inquiry has come about because of the misdemeanours, behaviour and wrongdoing of DUP Ministers and spads.

Mr Frew: Even if I achieve nothing else today in the House, I have been able to get my colleague from North Antrim to quote scripture. Amen. *[Laughter.]* Is that not great? Amen. Hallelujah. *[Interruption.]* Do you know something? Yes, we should all look at our own houses. Do you know something else? We have done so. We come to this Bill in the spirit of change and in the spirit of wanting reform. Do you know why? It is the right thing to do. I wish that the party opposite would take even a small bit of that reform seed. Would it not be great and mighty for the people of

Northern Ireland to see that and not have one party hold this place back?

Here we have a Minister — a Finance Minister, no less — who had to seek approval from senior republican figures ahead of making key decisions. By the way, one of those key decisions was to bring a Budget to this very House. That did not happen, and it left Northern Ireland and the public in dire straits. What good is a Finance Minister if he cannot produce and bring a Budget to this House? It is probably the only duty that a Finance Minister has, but he cannot even do that.

It is not a good place to be in to have secret spads, super-spads, unaccountable spads, and people who are not even called spads running spads. That is no place to be in. Moreover, they were liaising with our senior civil servants, including our permanent secretaries. Here we have a situation in which a permanent secretary ignores or goes over the head of the appointed spad to talk to a super-spada, a secret spad, a do-not-call-me-a spad, and that is the way in which that party has been running government here. That is the way in which civil servants have been conducting themselves. This clause does away with that, and is it not good to see it on this blue page? Is it not good that we will hopefully secure this clause in legislation?

No more Connolly House interference. No more. We are the democratically accountable place in this country, not the army council, not Connolly House and not secretive and sinister figures in the republican movement. No more. This is the reform that we want to see. It is what the people deserve, because they want to see accountable and transparent Ministers being accountable and responsible for transparent and accountable spads, who then will liaise with senior civil servants, including grade 5s, permanent secretaries and everything else that goes with it. That then sprinkles down into a far better and bigger system, a brighter system, a better and more transparent place and something that we can all become proud of. That is what we want to see in Northern Ireland, and that is what this clause — clause 1(6) — does. It helps remove the barrier to that. Let us hope that, when the Bill is passed, if it is passed, all Executive parties adhere to it and adopt it in the spirit in which it is being passed.

Although we will not be opposing clause 1, I still have an issue with putting a cap on the pay structure. That is not because I disagree with capping the figure but because of the inflexibility that may arise from the figure being in statute. It is not to do with the figures, because what the Bill's sponsor is proposing is not far off the pay structure that we have at present. There is only £4,000 of a difference in the highest band ceiling from what the Bill's sponsor is proposing.

We need more dialogue on that, and we need to do a bit more work on that at Further Consideration Stage.

4.00 pm

Mr Wells: Will the Member give way?

Mr Frew: Yes, I will give way.

Mr Wells: I have no doubt that the honourable Member for North Antrim has been lobbied heavily by spads on this issue. I can think of 91,402 good reasons why spads do not want the present situation to change, but, given the track record of spads in this Building over the past five or

six years, how can he justify any system that allows people who are not out of their thirties, who have never secured a single vote in an election in their lifetime, some of whom have minimal experience of the systems of government, earning £91,000 a year? Surely there has to be some limit on that.

I remember being ruthlessly whipped as an obscure Back-Bencher, which, of course, I have remained, and being told that the only way to incentivise spads was to increase their pay from £77,000 to £91,200. I would feel quite incentivised by £77,000, but the spads were putting pressure on their Ministers to increase it to £91,000. Surely, if the Member does not back Mr Allister's proposals today, we will get back to the situation where spads are earning obscene salaries — much higher than the Ministers whom they serve, and we could once again have a situation where a junior Minister on £6,500 a year being looked after by a spad on £85,000 a year. Can he not see the total obscenity of that situation?

Mr Frew: I thank the Member for his intervention. We have to remember that when he talks about the accountability of Ministers, spads are not in that place; spads are a public, political appointment. They are also attached to the outside world. They are not attached, or they should not be attached, to the political bubble. Sometimes, it is hard for Ministers, with the busy hours and everything that they do, not to become attached and encapsulated in that bubble, and that is where you need a spad in the real world. In the real world, you are competing with the private sector. It is about the flexibility to attract the right person. We are not talking about the £90,000 that the Member quoted. With Mr Allister's clause, there is a ceiling of £80,847, but, at the minute, the top band is £70,000 to £85,000, so you are talking about just over £4,000. So, whilst I take the Member's point, it is splitting hairs.

He raised a valid point about the codes, saying that they could change more easily than statute. I agree; they could. There is a risk in that, but, moving forward with reform, as an MLA, I would not support that increase. That would be a political decision, but it is the inflexibility that statute brings with it —.

Mr Wells: Will the Member give way?

Mr Frew: I will in a minute — that could lessen the attraction for someone who works in a specialist field and would be quite useful to have in a political party and in a political context.

Mr Wells: Take it from me, as someone who was around here probably before the Member was born, the reality is that what we have in this Building is a single transferable spad. We had absolutely no trouble in attracting people to show an interest in becoming special advisers. Indeed, as far as I can recall, only one special adviser has ever left, and he left to become a High Court judge, and a very good adviser he was too. Clearly, he left to take on a very attractive salary, but all the rest stayed. There have been special advisers around this Building for 16 and 17 years.

At Westminster, when a Minister falls, his spad goes with him. Therefore, it is a very volatile and temporary position. Here, you can be a spad for three or four Assembly terms. If your Minister leaves, you take over whoever the new incoming Minister is from your party or you move to another Department. The Member knows the names that I will be quoting later. Mr Johnston, Mr Crawford, etc,

went on for years and years. If they were unhappy on their measly £77,000 a year, would you not expect some fallout? Would you not expect them to be headhunted for posts with even better salaries?

Is it not ridiculous that there are spads who are paid more than a Minister? Surely, one has to accept Mr Allister's point of view, which is that there needs to be a ceiling. As Mr Allister eloquently stated, there may be a time when we need some high-flying person to come in, perhaps from industry, but there is provision for that. They do not have to become a special adviser; they can become a consultant to the Department. Therefore, Ministers do not have to break their pay code in order to achieve the expertise that they require. I suspect that even the person who is on £80,000 per year might be motivated. The ordinary man in the street would regard that as an absolute cricket score. What we have been paying spads is just horrendous. A ceiling must be agreed. Mr Allister's proposal is the best way forward in the interim.

Mr Frew: I thank the Member for his intervention. I do not disagree that a ceiling is needed; it is a case of what that ceiling should be and where it should be placed. It might well be the case that something needs to be put down in statute. What I am saying is that that still needs to be teased out at Further Consideration Stage. I am still open to debate on the Member's proposal. We will see how that works out. I want to ensure that the Member is aware that I do not oppose clause 1 as it stands at present. I am talking about my party's concern with that subsection of clause 1. We might want to do something at Further Consideration Stage. I am simply putting Members and the Bill's sponsor on notice, if you like, in that regard.

Whilst the Bill works on the function and operation of a spad, and also on the conduct of a spad and Minister, amendment No 4 deals with the appointment of a spad. I have concern about amendment No 4 for that reason. I take Mr Allister's argument on the issue. However, other parties and Members also had difficulty with it and, probably, still do. They will speak to that in their own words. They are quite capable of doing that themselves. If it is a purely political appointment, the chances are that, if you were a Minister, you would know who you wanted to appoint. You would try to headhunt people, to use a term from the private sector, whom you thought could help you to stay in the real world as best they could. If a pool were created of three, five, seven or 10 people, and you could appoint only one person, I doubt whether the other people who did not get the job would be of your political persuasion any more. Therefore, there are issues around the appointment process. The last thing that I want is for us to put something in legislation that any party could circumvent, put up a sham and run a process but come to the same conclusion and outcome.

Ms Ennis: On a point of order, Mr Deputy Speaker. Is it not a rule of the House that Mr Frew must address his remarks through you rather than to another Member, in this case, Mr Wells?

Mr Deputy Speaker (Mr McGlone): That is true. I am sure that the Member who is speaking will engage with that. However, I realise that he has also been engaging with other Members in the Chamber. I am sure that he will adhere to proper protocol.

Mr Frew: I am sorry. It is just my style. I cannot help it. I am not good at this. Thank you very much for your correction.

Mr Catney: Freestyle.

Mr Frew: Freestyle is correct. You can say that again, Pat.

There you have it. Again, let me be brutally honest with the Bill's sponsor and the House: there will be things that my party wants and things that it does not want. We are prepared to engage, work alongside others, compromise and reform. That is the democratic process.

Mr O'Toole: I thank the Member for giving way. I will come to this issue in my remarks in a moment or two. Specifically on clause 1, is his concern that amendment No 4 curtails the ability of Ministers to make political appointments? He was not entirely clear about that. Under the amendment, which provides for new paragraph 3A, the Minister must create an appointment process, but it is not entirely clear that they can do so on a political basis. I know that the Bill sponsor talked about that in some detail in his opening remarks, but it would be helpful if the Member could clarify his view.

Mr Frew: As I was about to go on to say, I just do not want it to become a sham, shadow process whereby there is an outcome already realised. If you have to go through a process to get to that point, it becomes a sham, and it weakens the Bill.

We are also concerned about subsection 2(d). Again, if that amendment is passed by the House, there is absolutely no bother with trying to work through it with the Bill sponsor. Subsection 2(d) states:

"complete and the department retain documentation associated with the above processes, including recording the minister's reasons for the selection made."

Again, when the appointment of a spad by a party is purely political, that is an interaction with a political party and the Department. Again, whilst the spad will be accountable to the Minister, the standards, the codes, the disciplinary codes and everything else that goes with it, that is a further tier and connection to the Department. I am not sure that that is necessary, and I am not sure that some parties would not try to circumvent that process to advance a desired outcome.

I will move on to the numbers game. This was always going to come down to a numbers game. On that, I thank the Bill sponsor, because he was very gracious in considering amendments that came forward, and that is to be commended. Most of the parties recognise that eight spads in the Executive Office is too many. When we looked at it, it was clear that having three each would be suitable. I know that the Bill sponsor wanted to run with two each — four in total — thereby halving the current allowance. I genuinely think that that is just too tight. It is too tight for the parties that populate the Executive Office. I must commend the Bill sponsor for his adaption of the clauses. I agree with what he has done in removing the junior Minister's spad and allowing the three positions at Executive level to sit as they are. Most of the parties are, I think, content with that.

There was a remarkable intervention at Committee Stage. All through the Committee Stage, members of the party

opposite hardly spoke at all. They opposed everything, including the Bill's long title. However, they did make this interjection, or I should say that Mr Lynch, when the Chairperson asked him what he thought of that aspect, made this interjection:

"We believe that six in TEO is the appropriate number."

Why is that so remarkable? It is so remarkable because that was the only time that members of that party gave any commentary on the Bill. They were opposed to everything. I remember it clearly, because I thought, "Oh, here we go. We are getting a wee bit of engagement here", but that was it. Mr Lynch is no longer on the Committee. He was replaced by my colleague from North Antrim. It is good that we have that colleague from North Antrim on the Committee and in the Chamber today. Mervyn was here earlier. He has gone now, but I wish he were here, because then we would have the good team of North Antrim pushing through reform, quoting scripture and everything. It is a great day. I ask the Member opposite, who made an intervention earlier, whether he supports his colleague Mr Lynch, whom he replaced on the Committee, when he said that six in TEO is the appropriate number. If that is the party position, that is fine. That was the only party position that the party opposite ever gave on the Bill. That is why it is so remarkable and why it has been logged in my memory ever since.

4.15 pm

We support the aspect of the Bill that reduces the number of spads and removes the junior Minister's spad. We do not believe that they are required. We believe that three spads each are sufficient for both parties. That does not mean that you have to fill those posts, by the way. You do not have to populate three posts; you can have two spads if they have sufficient expertise. You can have one, two or three spads, but three is the balance. Three spads would assist the Executive Office to perform the functions that it is required to perform on behalf of the people of Northern Ireland.

I support all the amendments in group 1, except for amendment No 4.

Mr Wells: Will the Member give way?

Mr Frew: Yes.

Mr Wells: The honourable Member said that he fought a lonely battle. Does he accept that, as an erstwhile colleague, I gave him my undoubted support throughout Committee Stage? On the Committee, his reaction to the Bill was positive, and he supported the Committee's report: he has now raised issues that he is concerned about. Why did he not raise those concerns in Committee? That would have been the obvious vehicle to deal with them. Was he, perhaps, taken into a darkened room by a spad and re-educated on those issues, as I was many times?

A Member: Unsuccessfully.

Mr Wells: Unsuccessfully, indeed, but I still have the stripes on my back to prove that that happened. Was he, perhaps, re-educated by senior spads and told that, particularly on the issue of their pay, he had gone too far and followed his genuine intellect rather than party instructions? Why has there been this hint of an about-

turn, and who gave him the friendly word in the ear to change his mind, as I experienced on many occasions?

Mr Frew: The Member knows me well, and I know the Member well, and he knows that we as a party decide these things together. I consulted as many elected Members as I could, along with everyone else in the party.

I will correct the Member in this regard: I have been consistent. In Committee, I raised issues about the flexibility of the pay cap and the appointment procedures for spads, because they are political appointments. The Member is wrong in that regard, and he will have to go through all those Committee meetings to pick out the moments when I raised those concerns. Members will be aware of that because they had the same concerns.

I do not know what sort of relationship the Member had with some of the elected Members and non-elected members in my party, but I can certainly tell him that I have never experienced the horror show that he depicted. I have never experienced a horror show like that, and I suspect that I never will.

Does the Member want another intervention?

Mr Wells: Yes.

Mr Deputy Speaker (Mr McGlone): Before the intervention, can we stick to discussing the amendments and not the machinations or otherwise in the darkened rooms of the DUP?

Mr Wells: Honourable Members are keen to know what goes on behind the scenes in the DUP. Certainly, when I speak, they will hear an awful lot about that *[Laughter.]* I have an excellent relationship with the vast majority of ordinary members of the DUP, and I had a relationship with the spads that I will reveal later.

The point is that the Member did not, in my opinion, raise concerns in Committee on the appointment of spads, and he did not express concern about Mr Allister's capping of their salaries. I still believe that, while he does not have the scars to show it, a friendly word has been had with him that certain spads will not accept Mr Allister's cap on their salary. Has the Member had that discussion, and has he changed his tune because of that?

Mr Deputy Speaker (Mr McGlone): Sorry, can we bring this back, please, to discussion of the amendments rather than, "He said, he said, I think he said" or "I think he did otherwise"?

Mr Frew: Yes, Mr Deputy Speaker. I know that the Member misses the party life, and I would love to see him fully back in the party some day. We all look forward to that. I think that I speak for the Members here and for those who are not present that we would like to see him back, and, hopefully, he will not experience anything similar to what he spoke about today. Yes, Mr Deputy Speaker, we will get back to the Bill.

I have summed up as much as I can on clause 1. We will support clause 1 and all the amendments that have been proposed to it, apart from amendment No 4. I put the Bill sponsor on notice about the pay structure and pay cap to see whether any flexibility can be added to the statute book at any given stage in the process going on to this. I support the Bill, as I said, and I wish the Bill sponsor and the Bill well. I wait to hear other Members speak to the

clauses and amendments so that we can get the fullest picture that we can on this.

Mr McHugh: At the outset of the debate, I listened to the proposer, and he was patronising or congratulating all the other members of the Finance Committee who, he feels, are there supporting him. He created the impression that we, as Sinn Féin members on that Committee, were silent or were doing absolutely nothing, but the truth is to the contrary. We participated fully in that Committee in every respect, not just when his Bill was going through but when listening to the people who came to the Committee to give evidence. Quite a number of people were there giving evidence, and we, as I said, participated fully in every respect.

Fundamentally, we disagree with the premise of the Bill. However, in every other respect, we were there as active participants. In fact, we were so active that I can clearly remember the representatives from the Human Rights Commission saying that the objectives on spads as a result of the RHI inquiry could be met in every respect through a code of conduct every bit as easily as they could through legislation. They were the very people who stated that at the time, and they were concerned about legislation and the way that it could end up criminalising and putting spads and parties in a straitjacket. That has to be noted at the outset.

I was listening to the previous speaker, and I note his emphasis on respect. As a member of the Committee that dealt with many of the issues in the Bill, he should listen to his statement and act in accordance with what he says. I have not always experienced respect in that Committee, even to the extent that I had to address it to the Chair of the Committee. That was not only about me as a participant on the Committee but about other people who came to give evidence. That is because, very often, they can be shown total and absolute disrespect.

This section of the Bill that we are here to address at this point —

Mr Frew: Will the Member give way?

Mr McHugh: I will not give way, because, if I do, I could be here until tomorrow, and I do not have that kind of time.

Mr Frew: On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker (Mr McGlone): Will the Member resume his seat?

Mr Frew: Can the Member prove at any time that I was disrespectful to anyone at the Committee? If I was, I would have apologised there and then. Can the Member give the House any sort of evidence or proof that that was the case?

Mr Deputy Speaker (Mr McGlone): Before the Member rises, I do not want us to have a round of ping-pong around the Chamber over respect. If we could move on with the amendments and focus on those, please.

Mr McHugh: In fact, I intend to move on, because, very often, when the disrespect was shown to me, it was behind my back. At times, I could hear it like a bull roaring for its turnips. Every time you opened your mouth you could hear some of them coming at you.

This section of the Bill is less about reform and more about fundamentally undermining the role of the Ministers'

special advisers. However, we should not be surprised by that, given that the author of the Bill and most of the tabled amendments has consistently set himself against the peace process, the Good Friday Agreement and its institutions. That the code of conduct for special advisers was revised and published in January and the ministerial code of conduct was revised in March means little to Mr Allister. That is despite the fact that those codes were strengthened after much consideration during the negotiations that preceded the New Decade, New Approach deal, which addressed the relationships between Ministers and their spads. Instead, Mr Allister has sought to further his anti-power-sharing agenda by tabling inappropriate legislation that, rather than building on the findings of the RHI inquiry, would undermine them. Remember: the RHI inquiry did not recommend legislation.

Listening to some Members today, you would think that, with regard to the RHI inquiry, the people who were at fault were members of my party; in fact, central to all of that was a culture within the party on the opposite side of the House, a culture that allowed spads to operate in the fashion that they did. Unless that culture changes, a code of conduct or legislation will not impact one way or the other. Legislation in itself or even a code of conduct, if it came to that, would be a bit like putting a block in the way of a river going to the sea: the river will go over it, under it or around it, but it will get to the sea. Unless, in the first instance, that culture changes, it is a complete and absolute waste of time. We can approach this through a code of conduct rather than through the proposed legislation. Taking a legislative route, as proposed, is completely disproportionate. Mr Allister is well aware of that because many who gave evidence to the Committee were at pains to point out the same fact.

Special advisers are political appointments and justifiably so. It stands to reason that elected political representatives have political advisers, as all five parties in the Executive have. We all understand that well. These changes are about fundamentally changing the role of spads and picking apart the institutions. Applying the normal Civil Service process to spads ignores the reality of the role. Again, that brings into play the whole idea of legislation and the fact that people could be subject to criminal charges and the like. We have seen from the RHI scandal and in the case of DUP Ministers and spads what happens when the relationship breaks down between spads and their Ministers. It is important that Ministers and spads can, if necessary, go their separate ways. It is even more important that a Minister can appoint a new spad to take over, within a short space of time, the considerable workload left behind by a previous adviser. If that is not apparent, some people, it seems, have not learned from the RHI inquiry. Given that the Bill is about undermining the functioning of government, Sinn Féin will oppose all clauses of this cynical and counterproductive Bill.

Mr O'Toole: In speaking at Consideration Stage of the Functioning of Government (Miscellaneous Provisions) Bill, I am conscious of two things — not just two things but two things in particular. The first is the need to rebuild public trust and confidence in these institutions, which were eroded so painfully by the renewable heat incentive scandal and have not yet been adequately addressed by the Executive; indeed, in some ways, faith in the institutions has eroded further in recent weeks and months, albeit not for the reasons revealed by the

RHI scandal. Secondly, it is vital that, in scrutinising proposed laws to improve the transparency and probity of our governance, we use legislation in the right way. That means that the law should be aimed at addressing the serious issues that persist in our politics while avoiding or at least minimising unintended harms to other areas of our governance.

At that point, I will address some of what has just been said by the Member for West Tyrone about legislation. He used what was, in many ways, a very persuasive metaphor, as he often does. He uses language very well and in interesting ways. He talked about a wave choosing to crash around laws. There is some truth to that. It is, of course, even more true of codes and guidance.

In approaching the Bill, we have not sought to be slavish to the idea that legislation is always the answer, but nor do we think that the proposed use of legislation is somehow inherently wrong. I will talk about that in a little more detail.

4.30 pm

The approach of the SDLP in the Finance Committee has been broadly to support many of the intentions of the Bill and the majority of its clauses but not all of them. We retain specific and real issues around some of the clauses and amendments that I will go on to discuss. I will just touch, in parentheses, on the point that Mr McHugh made about the Bill sponsor's intentions. The Bill's sponsor touched on it at the beginning of his remarks. It is almost redundant to say this, but it is worth saying it anyway: although I work with the Bill's sponsor, often productively, on the Finance Committee, there are many things that he and I do not agree on. I am happy to state that I am fairly confident that we will not agree on most things going forward, whether that is about Brexit or any number of other things. Nor am I or my party under any illusions about the Bill sponsor's warm, fuzzy feelings about the Good Friday Agreement, which we helped to deliver and care so profoundly about. If we thought that specific measures in the Bill were about undermining that settlement, you can be sure that we would be very judicious about supporting them. As I have said, we welcome a good deal of the legislation, but we have real reservations about some of the measures. I will talk about both the areas of our support and our areas of concern as we come on to specific clauses and amendments in the groupings that we are discussing in this phase of the debate.

First, if you will permit me, Mr Deputy Speaker, I will talk in slightly wider terms about the Bill, the broader context around transparency and governance in this place and the principles that our party has brought and will bring to bear as we make specific judgements on clauses and, indeed, the final legislation when it comes before us. As I said, the RHI scandal and the subsequent public inquiry and Coghlin report revealed systemic failings across our political institutions and the Northern Ireland Civil Service. Of course, RHI was not an isolated incident. It was distinctive because of the scale of the financial overcommitment and because it demonstrated a remarkable collision of poor political leadership and poor performance at multiple levels of the Civil Service. There are, however, a litany of examples of grubby clientelism and even corruption, that continue to stain this institution, including Red Sky, the National Asset Management Agency and the social investment fund.

I go back to the theme of biblical quotations, which we touched on earlier. I listened to Paul Frew, my Committee colleague. Mr Frew and I have engaged and sparred on many occasions in the Finance Committee. I too am not a religious person, but, having listened to Mr Frew's peroration, a lot of which I agreed with, I am tempted to say, given the context of his party — the DUP — and some of its record over the past decade, that there is more joy in heaven over one sinner who repenteth than there is over 99 righteous persons. We will see how the rest of the debate goes. One may debate whether there are 99 righteous persons in the DUP or the Northern Ireland Assembly.

When the institutions were resuscitated at the beginning of this year, the 'New Decade, New Approach' document acknowledged that strengthening transparency and accountability were "a matter of urgency". The broad response from the Executive and specifically from the Department of Finance has been to say that legislation is not required to achieve the improvements in governance and in public confidence in governance that, virtually all of us recognise, are required. Indeed, it was pointed out again by the Member for West Tyrone, Mr McHugh, as if it were a trump card, that Sir Patrick Coghlin's report did not specifically call for a legislative response. That is true, but nor did Coghlin say that the Assembly should not legislate to improve the standards of governance here. Indeed, his report is clear:

"The recommendations ... may ... not even be sufficient to address the range of shortcomings revealed by the Inquiry."

There is nothing in the RHI report or in NDNA that specifically precludes or advises against legislating to improve transparency and governance here.

The question that we should ask ourselves — we have been asking it as Committee members, and our party has been asking it — is whether the Bill before us, its specific clauses and the amendments offer the best means of addressing the challenges that, we know, exist. Our view is that legislation can do only so much to create a culture of transparency and good government. As I said, I agree with some of what Maoliosa McHugh said about the limits of legislation, but it is also true that, in Northern Ireland, we have seen codes and guidance repeatedly fail to deliver high standards of governance. Without wishing to be too partisan about it, I think that any external viewers watching or listening to Sinn Féin and DUP Members rowing over their relative levels of transparency might conclude that it is a little bit like watching two bald men arguing over a comb.

The past decade has led to a serious crisis in public confidence. Any means of improving standards and recovering that confidence has at least to be considered. To the argument of the Minister and the Department that we should not consider legislation at all, I gently point out that the Minister's party colleague in Dáil Éireann Mairéad Farrell TD has introduced her own private Member's Bill, which seeks to tighten rules on lobbying and the enforcement of public standards; in fact, I believe that that legislation is being moved in the Dáil tonight. The two pieces of legislation are not exactly overlapping, but there are similarities. They are both about lobbying and transparency. If the Minister's issue is with the principle

of legislation, it would be helpful to understand why this part of Ireland does not need any legislation to deal with those issues but the other part does. I will not use the word "partitionist", but others might. John O'Dowd said earlier that we had enough transparency here. If we have enough transparency here, why the different treatment? What is different here? I say that not as a facetious party political point, although it might sound like one, but because there is a real question here: why the inconsistency? If, in the view of the Department, some legislation may have merit but this Bill does not achieve what is needed — let me be clear: we have significant reservations about the Bill, and I will go through those reservations in this debate and in the debates on the other groupings — if the position is that this specific legislation does not address in the right way the challenges that we face, it would be helpful to understand why the Department has not sought to amend the Bill or, indeed, give more detail on how we address in ways other than legislation the real issues arising from RHI and other scandals.

I finally come to the clauses and amendments in the group. As we have discussed, clause 1 is largely about the rules, regulations and guidance around special advisers — not "guidance", sorry, but legislation, of course. Before I get on to the meat of the individual amendments and clauses, I want to bring a little of my personal experience to the debate. I was a civil servant in Whitehall. A large part of my job was working with special advisers. I worked with special advisers from all three main British political parties in various Whitehall Departments, so I bring a particular perspective. I want to be absolutely clear about this, because it is really important: special advisers perform an absolutely essential role in all politics, particularly in parliamentary forms of government. I do not agree with everything that Mr Wells said. He may have experience of particular spads in darkened rooms — I am sure that we will hear all of that later on, hopefully after the watershed — but, in principle, there is nothing unseemly about the presence of special advisers in government; indeed, there are strong arguments that special advisers are critical to the effective functioning of government in systems with large, permanent and impartial civil services. That is a critical part of how we have looked at the provisions on special advisers.

One thing that it is critical to understand about the work of special advisers — whether SDLP, Sinn Féin, DUP, Fianna Fáil, Labour or possibly even, one day, Traditional Unionist Voice special advisers, who knows — is that their job is in part to protect the permanent apolitical Civil Service. That is why special advisers exist. If they were not there, private secretaries, press officers and policy advisers would be dragged into giving advice to Ministers that would necessarily shade into party-political territory. It is important that, as we debate this — as I say, the SDLP supports many of the provisions — we are clear about the role and importance of special advisers and uphold their role.

In the 21st century, the pace and demands of modern politics mean that special advisers have an enormously important role to play. As I said, they act as a bridge between Ministers, their parties and the permanent Civil Service. At a basic level and nothing to do with the specifics of our unique institutions, we operate a 24-hour Government. To be fair to the Minister, who is here today and who will be doing a long stint in the Chamber, he will

have been working over the weekend. A large part of his having a special adviser will be about having support in what is a relentless job. We should not underestimate or demean the importance of that role. The way we scrutinise the Bill is about protecting and enhancing that role and ensuring that some of the bad practice that existed during the RHI scandal can be repaired. In seeking to improve the way that special advisers function, we should not fall into the trap of implying that special advisers are by nature a bad thing: they are not. Special advisers can be a very good thing. Nonetheless, we know that there are real issues with how they functioned in this place during the RHI period.

What does the clause do? Clause 1 restricts the ability to create a hierarchy of special advisers except in the Executive Office. We support that measure — it is fine, as far as it goes — along with the technical amendment that the Bill sponsor proposes. It will not transform how we do government here, but it is putting in law something that is common sense. Although it removes the ability to form formal hierarchies across spad networks, let us face it: informal seniority will probably still exist between spads of the same party, particularly because some will have more experience and will have served longer in jobs and parties. Hopefully, however, it will clarify that Ministers outside the Executive Office are officially responsible for their spads rather than some other senior spad.

Clause 1(3) amends the Civil Service (Special Advisers) Act (Northern Ireland) 2013 to provide:

“special advisers are subject to the processes and procedures of the disciplinary code operative in the Northern Ireland Civil Service”.

In Committee, we saw merit in that measure and still do. However, there is the outstanding question of whether the measure clouds the capacity of Ministers to be clearly responsible for the conduct of their special advisers, which was, of course, one of Sir Patrick Coghlin's recommendations. The Bill sponsor talked a bit about that in his opening speech. In the Committee deliberations, he said that the fact that special advisers were civil servants but were not subject to Civil Service disciplinary procedures was an anomaly. That is true in one sense — they are temporary civil servants — but they do not enjoy quite the full benefits of Civil Service employment rights as they can lose their job when their Minister does. Special advisers also lose their jobs when an election is called. It would be helpful if the Bill's sponsor could say a little more on that in his winding-up speech. Although we are broadly supportive of most of clause 1, his thoughts on that tension —

Mr Wells: Will the Member give way?

Mr O'Toole: Yes.

Mr Wells: I sat through every minute of the deliberations of the Committee. As with Mr Frew, members had adequate opportunity to raise any concerns that they had, and I thought that the Committee worked well in dealing with scrutiny of the Bill. The Member is now raising issues that he wants to be teased out with the honourable Member for North Antrim: would it not have been better to have resolved those in Committee rather than bringing them at this stage to the Assembly?

4.45 pm

Mr O'Toole: This is the Consideration Stage of amendments, I say with respect. I did raise many of these issues at Committee Stage. The purpose of Bill scrutiny, with respect to Mr Wells, is that we continue to tease out detail. There is nothing illegitimate about asking further questions and asking for clarity. With respect, he seems to be implying that certain DUP spads acted as thought police. He is not thought police for individual members of the Finance Committee, who are entitled to have their own views and their own perspectives on how they debate this Bill. I am happy to give way to him on substantive points, but, if at every point where he is going to ask me to give way he is going to claim that I did not make that precise point verbatim three or four months ago, I will not give way, to be perfectly blunt about it.

Clause 1(3) amends that Act. We are, broadly speaking, sympathetic to that, but, as I said, it would be helpful to hear from the Bill's sponsor on what I have just raised, given that, as I said, there is a danger that we imply that spads are exactly like civil servants. Clearly, they are not. They are political appointees, and there is clear merit in having clarity around the disciplinary procedure, but there is also a risk that we go too far down the road of defining special advisers as exactly like other civil servants, when the fact that we are debating this Bill in this way makes clear that they are not ordinary civil servants.

Amendment No 4 is, in a sense, the first very substantive amendment. It provides for a recruitment process that was previously provided for in the code, but, as the Bill's sponsor said, it was — if I remember the adage correctly — a custom honoured more in the breach than in the observance. In making a judgement on this amendment, we would like more clarity on whether the Bill's sponsor foresees any issues with using party political sympathy as a legitimate recruitment rationale. Put directly, it is not unreasonable for any party in this Chamber to appoint a spad at least partly on the basis of party alignment.

I have spoken to the Bill's sponsor, and he has been helpful on that point. In his opening speech, he mentioned the Fair Employment Order. To get our support for that amendment, we would need to be fairly clear that there would be an amendment at Further Consideration Stage to make the Bill absolutely clear that, in effect, an appointment could be made based on party political alignment. It is really important that we are clear about that. It is one thing to create a process, as the previous code did, and ensure that it is in law that a process happens, but it is another thing to question the ability, frankly, of clear party political allegiance to be the driving factor, or at least one of the driving factors, in those appointments. So, it would be helpful if the Bill's sponsor could make clear that he is willing to amend the Bill at Further Consideration Stage. As I said, if the clause remains as drafted, we will find it difficult, at a later stage, to support it. It would be helpful to get clarity before today's vote, if possible.

Clause 1(5) has been talked about at some length. We view it as sensible tidying up, and we support it. The remaining provisions in clause 1 are fairly sensible, and we do not have issues with the sponsor's remaining technical amendments.

The Bill's sponsor has given notice of his intention to oppose his original clause 2 and replace it with an amendment that would have the effect of providing a limit of six, rather than four, special advisers in the Executive Office. We think that this is sensible. It is, as I think others have said, something of a reversion to what the situation was in 1998.

Clause 3 amends the Civil Service Commissioners (Amendment) Order (NI) 2016 and removes the negative resolution procedure. Again, this provision causes us relatively little problem, although I think that it is worth putting on the record that, obviously, this procedure was used famously — notoriously — once, a few years ago. Though I can understand and we support the tidying up of it in legislation, it is also worth putting on the record that there will be legitimate circumstances in which the First Minister and deputy First Minister will want to make exceptional appointments. Those exceptional appointments are provided for via the means of consultancy and the special adviser route, albeit I acknowledge some of the points made around pay limits, but we are supporting that.

Clause 4 relates to the provision of compensation for special advisers who lose their job as a result of new clause 2. That makes sense, in that, if the previous clause passes, it would be very basic good government and decency to ensure that there are proper compensation procedures. It also sets the date at which these Executive Office spads cease to hold office as 31 March 2021. In Committee deliberation, the Bill sponsor talked about whether he is willing to push that date back to the end of March 2022. It would be helpful if he was able to give a bit more clarity on that, given that, even if the Bill passes quickly, it will struggle to receive Royal Assent before Christmas and not long before, if the Bill remained as it was, March 2021. You would effectively be telling these people that they would be losing their jobs in the space of a few months on the basis of legislation in the Assembly.

That in itself rather makes the point that I was making earlier in relation to clause 1, which is that spads are not quite the same as other civil servants. We would simply not be debating the ending of any old civil servant's employment in this way on the Floor, so it would be helpful if the Bill sponsor would indicate that, at Further Consideration Stage, he would be minded to move to March 2022, as a means of, frankly, being fair to people who are in employment at the minute, whatever the fate of the final Bill.

In concluding on this grouping, let me reiterate that there is not only significant merit in some of these measures; there is benefit in demonstrating to the public that we are addressing many of the significant concerns that arose from RHI. Nevertheless, we would like clarity from the Bill sponsor specifically around amendment No 4 and about further amending amendment No 4 to be absolutely clear about the political nature of spad appointments.

At that, I will wrap up my remarks for now, but I suspect that I will have much more time on my feet this evening.

Mr Muir: I speak, on behalf of the Alliance Party, on the amendments and clauses included in group 1: the appointment, conduct and management of special advisers. I say at the outset that this is the second piece of substantive legislation that I have considered as an MLA

in my short time in the House. The first was the Executive Committee (Functions) Bill. Dealing with this legislation has been an experience.

Before I address the specific clauses and amendments, I feel that it is important to address the context of the Bill and the Alliance Party's stance concerning the general issues under consideration. I will come to the specific amendments, but I feel that is important to set out the context.

Published on Friday 13 March, just one day after the Republic of Ireland was placed into lockdown as a result of COVID-19, the RHI inquiry report presented clear findings on what happened and recommendations for change, with the Northern Ireland Audit Office (NIAO) charged with monitoring and pursuing implementation of the recommendations. A number of Audit Office reports have already been published in pursuit of that duty and will be considered in due course by the Public Accounts Committee (PAC), where I also serve.

The findings of the RHI inquiry should, however, be recognised in the round when considering this Bill. I acknowledge the aims and objectives of the Bill sponsor and what he seeks to achieve, but, as we will debate today and this evening and possibly into the morning, the Alliance Party has to differ on a number of aspects in terms of whether the methods proposed achieve the outcomes desired and are appropriate and balanced.

Today's debate is not about whether RHI conduct was acceptable or not, because, of course, it was not. It is about whether the proposed Functioning of Government Bill will help government to function better. Our view is that, in some aspects, it will not, and, in fact, it will be the opposite.

I do not come in opposition to the principles held, nor as an opponent of openness, transparency and good governance generally. Nothing could be further from the truth. Throughout the years, the Alliance Party has been consistent and robust in its support for openness, transparency and good governance at all levels of government, despite the opposition of some. We are, however, firmly wedded to our adherence to evidence-based decision-making. Populist politics should not be allowed to run roughshod over the need for good policy and correct legislation.

Passing legislation is a serious matter that must be carefully considered before it is voted on and, eventually, becomes the law of the land. That is precisely why we have the relatively long procedures, including Committee Stage, in this place to debate and ponder legislative proposals. I have tried to follow deliberations undertaken in the Finance Committee, but the formal inhibitions in this place concerning access to papers and documents tabled and considered at Committees for those parties not able to secure a place on the Committee remains a matter of concern. I do not have a place on the Finance Committee. I have raised the issue in writing with various people in the Assembly. The issue must be addressed to enable full and active briefing and participation of all MLAs on all Assembly business. I have watched some of the Committee proceedings. I am not attracted to serve on it, but I would like to be able to get access to the papers. I also note that, as a result of the proposed amendments,

large elements of the Bill are very different from those that were consulted on originally.

I turn now to the matters under direct consideration in group 1, which is what I intend to focus on. The Alliance Party will support clauses 2 to 4 relating to the reduction of special advisers in the Executive Office. We agree with many aspects of clause 1, but we will struggle to support the clause as a whole, because we believe that it could inhibit the achievement of the overall objectives that the Bill's sponsor seeks to achieve: the better management of special advisers and ensuring that, with regard to accountability, the buck stops with the Minister.

I will begin with the amendments and clauses that we will support. We do not object to the removal of spads for junior Ministers, nor do we oppose the repeal of the Civil Service Commissioners (Amendment) Order (Northern Ireland) 2016 or clause 4, as amended. We do not see the need for more than six spads in the Executive Office, and we support the changes proposed to reflect that: taking it back to the factory setting, as Mr Allister said. Furthermore, there are elements of clause 1 that we agree with in principle. We support the capping of spad pay at the rate of senior civil servants. Spads should be paid less than Ministers, who are accountable for taking Executive decisions. We ask the Minister of Finance to confirm whether he agrees with that position.

We do not accept the argument that additional flexibility is needed on spad pay in order to attract particular skill sets. Spads are inherently political appointments, and anyone who is appointed purely for their technical knowledge could surely apply for a position as a senior civil servant through the regular appointments process. However, there are elements of clause 1 relating to the appointment and dismissal of special advisers more generally that we cannot support.

Amendment No 4 proposes additional requirements regarding the appointment of a special adviser. Ministers must be open with the public that the special adviser role is not a normal role. It is already recognised in legislation, so the appointment process is inherently different. That is recognised in other parts of the United Kingdom and Ireland.

There is another essential part of a functioning relationship between a Minister and a special adviser as well as political alignment. Ministers must be able to have full trust in their special adviser. Their relationship is inherently personal in nature, and Ministers will often know the person in a personal capacity in advance of the appointment. To pretend otherwise, as if it is a regular recruitment process, when the nature of the role means that it cannot be, would create a completely false sense of process. One of the major problems identified by the RHI inquiry was what occurred when the relationship between a Minister and a spad broke down — when a spad was appointed by and answerable to not their Minister but another spad and the party hierarchy. The principle should be maintained, as set out in the revised ministerial code, that Ministers are fully responsible for the appointment of their own spad. Another problem and issue that the RHI inquiry raised was that Ministers are responsible and accountable for the actions, conduct and behaviour of their spad.

That should always have been the case. It is right that the relevant codes have been updated, as recommended in the Coghlin report.

Clause 1(3) forbids “ministerial ... interference” in the:

“processes and procedures of the disciplinary code”

of the spad. We believe that, when a special adviser breaches the disciplinary code, rather than the spad simply facing a penalty from the Civil Service, the Minister should be fully responsible for the spad's actions and their response to it.

5.00 pm

Mr Wells: Will the Member give way?

Mr Muir: Yes.

Mr Wells: That issue was teased out in Committee. We dealt with the case of the Department for Social Development, as it was at the time, where a spad clearly acted well beyond the rules and caused a great deal of concern amongst Members. The issue led to disciplinary action. The problem was that the Minister intervened and said that the matter should be taken no further. How can the Member rely on the Minister to take disciplinary action against somebody whom they appointed?

Mr Muir: I thank the Member for his intervention. I will cover that in my next remarks.

If we are in agreement in the Assembly that the conduct of the spad is the responsibility of the Minister, it should be the Minister who disciplines the spad when they are in breach of their code. They should be held to account if they fail to do so, and that is the important issue. I welcome Mr Frew's conversion to change and reform; it is very revealing. The use of the petition of concern to block sanctions against and censure of the Minister is something that we will come to later in the Bill; that is a change that we need. Bringing in permanent secretaries not only to determine spad misbehaviour but to enact disciplinary action for what are ultimately political appointments can also place civil servants in difficult and invidious positions.

While there are amendments in the group that we can support, on the appointment and conduct of spads, we believe that the amendments, while well-meaning, are inconsistent with the fundamental link between the Minister and their spad and the nature of that relationship. Two of the fundamental issues that arose during the RHI inquiry were that spads were not accountable to their Ministers and that Ministers did not take responsibility for their spads' actions. We do not for one second question the seriousness of the behaviour that occurred during RHI. We absolutely believe that spads should be subject to a robust code of conduct and held accountable for their actions, along with the Ministers who appointed them. However, we believe that that is best achieved through the recommendations in the RHI inquiry report and not through some of the amendments and clauses in the group.

Mr Storey: Listening to the debate in the House and then upstairs in my office, I was really taken aback by the number of biblical quotations I heard. The Member has just mentioned conversion, so I was reasonably comfortable coming to the House, given that today is the 448th anniversary of the death of that well-known Scottish reformer, John Knox, who famously said:

"When I think of those who have influenced my life the most, I think not of the great but of the good."

We should all take that to heart for this reason: we are dealing with flawed humanity. I will continue the biblical quotations. The apostle Paul said in Romans 7:

"For I know that in me (that is, in my flesh,) dwelleth no good thing: for to will is present with me; but how to perform that which is good I find not."

That brings us to consider the need for any legislation. Why do we need laws? Why do we not just live by our own opinions, ideas and views? Why is there a need for legislation in a modern society? It is because there is a fallen humanity. We are not perfect. We are human. We make mistakes. We err. It is good for politicians to recognise that.

I have been in the House since 2003, and the one thing that I have always struggled with is that it is almost impossible to find a Member on any Bench who will stand up and say, "Do you know what? We got it wrong". It seems as though, every time that there is a debate, we are always right, we always have the answer, and we never have the sense of being able to admit that there is error on our part. The legislation and the clauses —.

Mr Deputy Speaker (Mr McGlone): May I interrupt on a technical point? The microphone is not picking you up, Mr Storey.

Mr Storey: That would be an awful thing [*Laughter.*] I am sure that the country will be all the worse for that.

The fact that the Bill was necessary is an indication that we have not got it right. I commend the Bill's sponsor. Just today, I was thinking that it is almost 40 years since I first met him. I was a very young schoolboy, I have to say, and I was going to a meeting of what was then the North Antrim association. As the secretary of that association, I was in absolute fear of the legal mind of a man who would quiz every detail of the minutes of the meetings that I had taken. I commend him, because the Bill recognises that many of us are, like him, totally opposed to the architecture of this place, with the structures that we have to work under and the mandatory nature of our coalition. This is not a normal democracy. This is not the same as any other jurisdiction in the United Kingdom, where the Government are appointed on the basis of who wins the election. Here, everybody is in the Government, when it suits them. Of course, we know that there are times when every party takes the view that some decisions are not collective, and they go their own way.

The Bill is a recognition that there is a need for change. The Member referred to Mr Muir's point that it was about going back to factory settings. I would say that it is about more than that, in that, as originally constructed, the factory had fundamental flaws. Who in their right mind would create a Government with five parties? Really? It is no wonder that we have chaos. It is no wonder that we have all the difficulties and challenges that we do. It is not easy. In the Bill, there is recognition also —

Mr Catney: Will the Member give way?

Mr Storey: Yes, I will give way.

Mr Catney: The Member has been here since 2003, so I am sure that he will know better than I do that the reason

why we have five parties in the Executive is that we had one-party domination here. We all saw the abysmal rule, the misrule and the gerrymandering that came from that. Having five parties in the Executive was a political solution.

Mr Storey: I thank the Member, although I do not agree. Let us remember that, when we had our own Government, we had an education system that was fit for purpose and we made decisions that were for the benefit of all in the community. What happened and what I readily admit to was that there was discrimination against working-class communities, unionist and nationalist. My grandfather had no vote. Why? He had no land. When we come to the context of the reasons why we have —.

Mr Deputy Speaker (Mr McGlone): May I bring the Member back to the present day and the amendments?

Mr Storey: Yes. I noticed your impatience, Mr Deputy Speaker. As we head into next year, with the centenary of Northern Ireland, we will be able to have that discussion and set right some of the misconceptions that there have been. I heard some on the opposite Benches talking about a failed state.

What are we trying to do with the Bill? We are trying to do what my party has set out previously. I pay tribute to my North Antrim colleague: on this occasion, I refer to Mr Frew. I have other North Antrim colleagues who have worked on it: the sponsor of the Bill and Mr McGuigan, who was eloquently quoting scripture earlier. We are having an influence on him, I trust, for good.

The late John Ramsay, chairman of the North Antrim Unionist Association, a colleague in the Ulster Unionist Party, served with me on the old council in Ballymoney. He said that a political manifesto was only good for the day of the election and that, after that, the world moved on. Sometimes, some have to stick to what they say in their manifesto. I will quote from one. I was going to give my colleague Paul Frew credit for what he has done in bringing many of the issues of the Bill to the Floor today, but let me quote:

"Review of the number of special advisers, and how they are appointed and regulated.

Greater transparency and improved record keeping...

Develop a Northern Ireland Reform Plan to be agreed by Executive parties across all aspects of Government".

Let me pause there, because what the Bill does is to prove the merit of private Members' Bills. It is difficult to get agreement to get anything through the Executive. Collectively, we should take this to heart. Private Member's Bills have a place and a purpose, if they are accepted and found to pass the tests that are set for the acceptance of a Bill. Some of us are working on private Members' Bills on other issues, and we see where the challenges and difficulties arise. When it goes into a Committee of the House, the Bill becomes owned by that Committee and not so much by the sponsor of the Bill. There is merit, and it is good, even for this flawed democracy, that we use the processes that we have.

I thank the Chair of the Finance Committee, and it is probably from a personal perspective rather than anything else. I welcome the fact that he took on the responsibility

— very willingly, I have to say. At a Chairpersons' liaison meeting, he put his hand up and said, "We would be happy to take the Bill and take responsibility for its scrutiny". I place on record my appreciation for his being willing, because it is a huge task that the Committee has undertaken.

The Bill is rooted in a desire for change, and change is coming. The party opposite has lectured us for a long time about openness and transparency. What openness and transparency has there been by the party opposite in regard to even something as sacred as a funeral? Really, I think that that raises —.

Mr Deputy Speaker (Mr McGlone): Can I draw the Member back to the amendments, please?

Mr Storey: Yes, thank you.

Transparency and openness, whether it is in the appointment of spads, the keeping of minutes or what certain people are paid — all of that — should not be anything that any Member of the House should run away from. We should not have to conceal anyone's payments. The clauses that we are discussing give the House an opportunity to make change and not change for the sake of trying to placate some political wish list.

Let us remember why we are here. Are we really here to serve ourselves? That is not what we tell the electorate when we go to the door. We are here to serve the community of Northern Ireland. Addressing the issues through the Bill will help us to give more confidence to people, despite all the scepticism and all the concern in our communities about the very existence of this place. If we make progress on the Bill, it will be to the betterment of the governance of the House and ensure that decisions are made in a way that is open.

5.15 pm

I will conclude, because I can see my colleague Jim down in the corner. I give an assurance to Members that I have not been in a darkened room; I have not been accosted; I have not spoken to one spad; I have not had any arm-twisting; and I have not had anybody from the party come to me saying, "This is what you will say, Storey, and if you do not say that, you will be up in front of the hierarchy in the morning". I am glad to support the comments that outline my party's position on the Bill.

Mr Wells: At the outset, I pay tribute to the Chair of the Finance Committee. When I was appointed to the Finance Committee in April 2015, it was seen as a punishment. Normally, when one errs and strays like a lost sheep — to add to the scripture — in a party, one's punishment, if one has been a really bad boy, is to be appointed to the Finance Committee. If one has been horrendously badly behaved, one is appointed to the erstwhile Committee of the Centre, now the Committee for the Executive Office. I have had that experience, and one of the happiest times of my political career was when my Chief Whip said to me, "I am taking you off the Committee of the Centre".

I have to say, however, that the Finance Committee has been one of the most interesting and rewarding that I have sat on in my 26 years in the Assembly. Every week, we notice that there is a full turnout, which is interesting. Nine out of nine members are always present, albeit perhaps one or two of them remotely, and something

very interesting always comes along, so the time flies. If somebody had asked me two years ago whether that could happen on the Finance Committee, I would have thought that it was impossible, but all the Committee members who speak to me find it an extremely enjoyable, interesting and fulfilling body, and that is no doubt down to the expert chairmanship of Mr Aiken.

He and the members have taken the Bill through its Committee Stage, and I think that the Bill has come out much better as a result of that scrutiny. We spent many hours taking evidence from expert witnesses. We teased out the nuances of the various aspects of the Bill. I notice that several members, having gone through that, have suddenly had a Damascus-road experience and have received additional information about where they are going with the Bill. Without wanting to be controversial, that would have been better done in Committee. Although I accept from the honourable Members that they were not spoken to by the spads, perhaps the Chief Whip or the party leader had a little word in their ear and said that they were too constructive and helpful to Mr Allister's Bill in Committee and that it is now time that they had the ultimate Damascus-road experience. That having been said, I think that the Committee worked well together. We were a good mix of youth, good looks and experience, and, as a result, we were able to tease out issues. I am not saying who had which attribute. Mr Allister and Mr Wells certainly did not have the good looks, but we had the experience. The Bill benefited enormously as a result of the scrutiny, however.

People are very critical of the Assembly, and I accept that they have every right to be, but I think that, in two aspects, we do serve the public well. The first is through the role of the Committees, which is often very positive, and the second is our scrutiny of Ministers through questions for written and oral answer. On those aspects, we can stand with all the other legislatures in the United Kingdom and say that we are doing a relatively good job. Other aspects, of course, leave a lot to be desired.

My Deputy Speaker, you will remember that, on 27 April 2015, I resigned as Minister of Health. I did so holding a commitment from my party that, after the dust had settled on the totally untrue allegations that were made against me, which led to one individual getting a three-month prison sentence, I would return as a Minister. That never happened, but little did I know that, when I made that decision to stand down, I would create a situation that would bring about the downfall of the Assembly and lead to the RHI crisis. You may ask, "How is that possible?". By stepping down as a Minister, I enabled one Jonathan Bell to be appointed to the Executive. Had Mr Bell not been appointed, the RHI crisis would never have occurred. It was only Mr Bell's explosive interview that created the crisis in the Assembly, where we moved from a position of wanting a short, sharp, private inquiry to a position of there being demands for the full RHI inquiry under Lord Justice Coghlin, who, in my opinion, did an excellent job. Clearly, had I not stepped down, Jonathan Bell would not have been appointed because there would have been no slot for him and there would have been no RHI crisis. Little did I know what chaos I had created.

That has given me the freedom this afternoon to speak openly and honestly about my experience of special advisers, state my understanding of what I believe has

been going on, and say why I am such an enthusiastic supporter of Mr Allister's Bill. I pay tribute to him. He has been tenacious throughout in his work on the Bill and he has listened. We have heard the words "reasonable" and "Jim Allister" in the same sentence. How often do you have that? He has been flexible; he has altered the main tenets of his Bill to meet the concerns of the Committee, which is to be applauded. The Bill is much better as a result of his activities.

If you were to ask me the names of the top five political influencers who have had the most control over the legislators in their countries over the past five years, I would give you this rundown: number five, Vladimir Putin; number four, the chairman of the Central Committee of the Chinese Communist Party; number three, Kim Jong-un, the supreme leader of North Korea; number two, Dominic Cummings; and number one, Timothy Johnston, the senior spad in the Executive Office. *[Laughter.]* There is not a blade of grass on the DUP lawn that has not been sown, nurtured and harvested by Timothy Johnston. He was senior spad, senior chief executive and Chief Whip rolled into one. Why do I make that comment? To show how we have a system in this country that has led to one individual having such supreme power that there is a need for Mr Allister's Bill. We have only to look at the RHI inquiry report. I note that the Sinn Féin representatives, who have remained remarkably quiet today, have not quoted from the damning remarks by Lord Justice Coghlin throughout his time as chair of the inquiry.

Look at the Aidan McAteer situation. Jim Allister, with the support of the Assembly, in 2013 got legislation passed that would prevent someone who had a criminal terrorist conviction from being appointed to the position of special adviser. As we know, that followed the disgraceful decision to appoint Mary McArdle as special adviser in the Department of Culture, Arts and Leisure, which then became the Department for Communities. We know the whole situation behind Mary McArdle's appointment. Sinn Féin was so embarrassed by the appointment and concerned about the uproar that, eventually, she was quietly removed from the position and sent to Connolly House.

We saw a genuine attempt by Mr Allister to stop those evil people, who had committed horrendous terrorist crimes, enjoying salaries of £50,000, £60,000, £70,000 and £80,000 a year as special advisers. How did Sinn Féin deal with that? They came up with a cunning plan. They are very good at cunning plans, just as they were very cunning about Research Services Ireland Limited, which managed to siphon £700,000 from this Assembly into a non-existent research company.

Their cunning plan was to make Mr Aidan McAteer the super-spada. Again, if we had not had the RHI inquiry, we would have no understanding of Mr McAteer's role. I am waiting to hear the Members opposite try to justify the existence of Mr McAteer and his role. As the RHI inquiry confirmed, every decision taken by a Sinn Féin spada or a Sinn Féin Minister was referred to Mr McAteer. Mr Aidan McAteer had a controlling role. The reason why, of course, they could not appoint Mr McAteer as a spada in his own right was that he had a criminal terrorist conviction, as mentioned in the RHI report. In the report, you see many examples of frustrated permanent secretaries and senior civil servants saying, "We cannot get a decision from a

Sinn Féin Minister because it is lying on Mr McAteer's desk in Connolly House". That was a clever way of circumventing the provisions of Mr Allister's Act. Mr McAteer, unfortunately, was not quite as influential as Mr Timothy Johnston — that would be impossible — but he was an extremely influential character. The result was that the Bill was circumvented, and Mr McAteer ruled the roost.

Then, we had Máirtín Ó Muilleoir. What ever happened to Máirtín Ó Muilleoir? Once the rising star of the Sinn Féin Front Benches, he is now gone. He is like Basil McCrea. Nobody hears anything about him; he has just disappeared. We had this ridiculous situation of Mr Ó Muilleoir — I did not agree with much of what he said, but he was sharp enough — having to wait for the decision of Mr McAteer, who, apparently, did not seem to have any qualifications whatsoever to occupy such a senior position. I inadvertently created the RHI report, and it did, indeed, reveal that.

It also revealed the power of Mr Johnston. It was very telling that, when Mr Bell had a disagreement with Mr Cairns, his special adviser, that led to a slight difference of emphasis in London, Mr Bell, who was the Minister for Enterprise, Trade and Investment, made it very clear that he wanted to dispense with the services of Mr Cairns. Mr Johnston made it absolutely clear that he had no right to do so, and that it was he, Mr Johnston, who would make the decision as to whether the special adviser was removed or otherwise. Therefore, Mr Johnston had much greater power than the actual Minister. Time and again, that was my experience with the DUP.

Mr Johnston exercises a role way above his status or position, and that has always been the case. Mr Johnston is still very much a strong individual in the party. He is very intelligent and very hard-working, but he is extraordinarily powerful, with a power that I do not believe should be vested in any one individual.

Then, we had perhaps the most disgraceful incident, which has not been alluded to so far, that was revealed not only by the RHI report but by some very interesting Christmas reading that we had last year — 'Burned' by Mr Sam McBride — and I must pay tribute to Mr McBride for revealing so much of what happened. We had the situation where Mr John Robinson, who, at that stage, was the senior spada in DETI, having taken over from Mr Cairns, decided that, in order to take the heat off his Minister, the First Minister and the DUP in general, he would leak material to Sam McBride implicating two senior civil servants in briefings on the RHI. The clever ploy there was that, by doing so, the attention would be diverted from the senior Ministers.

Even though he was on a salary, at that time, of about £75,000 a year, he did not seem to have enough money for the stamps, so he sent the material with the wrong postage on it, and it did not get to the 'News Letter' until 19 January 2017, when Mr McBride, being his usual shy, retiring self, seized on those emails and published them on the front page of the 'News Letter' on 20 January 2017.

What was unusual about that was that, in that report, Mr McBride did not publish the name of the two civil servants. Andrew McCormick — a gentleman that I know very well because he was heavily involved in Health, and I have the highest regard for him — rang Mr McBride and pleaded with him not to name the two civil servants. Indeed, he

was about to meet Mr McCormick when his Minister, Mr Hamilton, intervened and told him not to do so. We now know that Mr Robinson colluded with Mr Hamilton to release that information.

We had the bizarre situation where Mr McCormick came into the office where John Robinson and Simon Hamilton were sitting and said, "This is terrible. Somebody has leaked this information to the press, to Sam McBride. What are we going to do about it?". Little did he know that the Minister and the spad had done that, and he was never told.

I served briefly as a Minister, for nine months, and if I had ever discovered that my spad had behaved in that way — and he would not have — he would have been out the door as quickly as possible. It is absolutely disgraceful behaviour to undermine your permanent secretary in that way and, basically, keep things hidden from him.

That is the sort of thing that was going on, and the problem was that the tail was wagging the dog throughout.

I do not blame any Minister, frankly, for the RHI situation. I believe that our Ministers took their eye off the ball and it was the spads, the special advisers, who created the chaos that brought down this institution for three years. Therefore, there needs to be very strong controls on their activities. In the two major parties, they have behaved appallingly.

5.30 pm

What interests me is that Sinn Féin members are sitting there like little mice in the corner. They are not answering any of these points because they know that they do not have a leg to stand on. They put up Mr McHugh as the big hitter to speak on their behalf. Where are the stars of Sinn Féin? Where are Mr O'Dowd and Mr Murphy? Why are they not speaking out to defend the activities of their spads? The reason is that they know that they are indefensible.

Mr Deputy Speaker (Mr McGlone): Will the Member start to address the amendments, please?

Mr Wells: Yes. I will address the amendments. With regard to one of the amendments that Mr Allister has, quite correctly, put forward, he said that there must be a limit on special advisers' pay. I agree with him totally. Let us put on record what special advisers in the Assembly were being paid out of taxpayers' money at the time of the RHI crisis. Mr Richard Bullick was paid £91,809 per annum; Mr Timothy Johnston, £91,809; Dr Dara O'Hagan, £89,480; Mark Mullan, who I never had the benefit of meeting, £75,000; Andrew Crawford, who, unfortunately, I met on many occasions, £68,747; and John Robinson, £84,000 a year. Those are staggering salaries, and they are way out of line with what is paid to spads at Westminster and in other devolved Assemblies in the rest of the United Kingdom.

As I said earlier — I will say it again — I remember a time when we paid senior spads only £82,000 a year, and they were having trouble getting by. Life was tough. Those people were in their thirties and forties and, as I said earlier, had never fought an election in their life and had no political experience but happened to be friends with the Minister. They were having trouble getting by on £82,000. I remember sitting in room 315, as a member of

the DUP, and being told by the then party leader that we had to support an increase in the salary of senior spads to £92,000 a year. I remember thinking, "This is not right". Then, I thought, "You could pay the price for opposing it". We meekly traipsed through the Lobbies to vote for a £92,000 a year salary for senior spads.

When the Assembly fell in January 2017, each of those spads received a pay-off that was equal to half their salary. Therefore, Mr Bullick got £45,904; Timothy Johnston, £45,904; Dara O'Hagan, £44,700; Mark Mullan, £37,500; and Andrew Crawford, £34,373. The first £30,000 of that was tax-free. Am I wrong? Have I not seen Dr O'Hagan walking around the corridors of this particular institution as a spad? In other words, even though they lost their jobs, they were quickly resurrected.

The point that I made to Mr Frew is that the reason why spads in London, Leinster House, Cardiff and Edinburgh are so highly paid is that, inevitably, with the volatility of politics, Ministers will fall all the time and, therefore, the spad falls. They may be a spad for only two or three years, or they may have transgressed like Dominic Cummings and be a spad for all of eight months before being ordered out the door. That is what can happen in London. However, in Northern Ireland, of course, that does not happen. Spads continue on regardless of their Minister. I have nothing against Dr O'Hagan personally, but she certainly seems to have been around this Building for a very long time. Similarly, Mr Johnston seems to have been around this Building for an eternity. I certainly remember Mr Crawford moving quite happily from one Minister to another. Therefore, the fact is that the pay reflects a volatility that does not exist in this Building.

The only spad who I can remember who moved on because of pay — in fact, he was actually quite a nice individual, which is unusual for a spad — was a gentleman who was here between 2000 and 2002 and moved on to become a High Court judge. He has done very well. We have managed to retain all the rest of them. Therefore, on the point that there needs to be a stupendous salary to motivate and attract spads, it seems that that is not necessary.

Mr Storey: I thank the Member for giving way. I concur with a lot of what he said. However, there is a fallacy that somehow we have more spads, and there have been all sorts of quotations about that. There are 24 spads in the Prime Minister's office. You can look this up, as I just did there now. Dominic Cummings is on almost £100,000. There are four pay bands for special advisers.

Mr Deputy Speaker (Mr McGlone): Sorry, but can the Member speak towards the mic, please?

Mr Storey: Apologies, Mr Deputy Speaker.

There are four pay bands for spads. Band 1 is from £40,000 to £60,000; band 2 is from £57,000 to £78,000; band 3 is from £73,000 to £102,000; and band 4 is from £96,000 to £145,000. Sometimes, the generalities expressed about what individuals are paid and how many there are are not always rooted in fact.

Mr Wells: Well, Mr Storey, there is a world of difference between serving a population the size of Leicestershire and serving the Prime Minister of the United Kingdom, which has a population of 60 million or 70 million.

Mr Storey: Will the Member give way?

Mr Wells: I certainly will.

Mr Storey: That is not how it is portrayed. We have always been told that there are more spads in the Executive Office than there are in Westminster, but that is not the case.

Mr Wells: Again, dealing with somewhere the size of the United Kingdom, along with the number of MPs and Ministers at Westminster, is rather different from dealing with what would constitute the size of a county council in most parts of England.

The point is that Mr Cummings has gone. Mr Cummings was earning less than our senior spads were getting in 2017. Mr Cummings, given the power that he exercised — he was the second-most influential spad in the United Kingdom — yet he was earning less than £92,000 a year. The fact that he has now gone tells you how volatile a position it is. Our spads do not have that problem. Our spads are around for a very, very long time. Therefore, the salary has to be capped.

(Mr Speaker in the Chair)

I was worried by what Mr Frew said, because what he wants is flexibility. We cannot have anything too rigid, because Ministers must have the discretion to ensure that, if they get a star performer — their best mate — he or she is endowed with a fabulous pay rise. We have to bring that under control. Mr Allister's view that we peg it to a specific level in the Civil Service is a good one. That takes the decision as to what special advisers are paid out of ministerial control. Special advisers will therefore come in knowing exactly what they will get, and they will stay on that level throughout their career. Do remember that, when they do go, they get a very substantial redundancy payment. Indeed, we had a situation where a spad was made redundant because that person had become an MP, and walked out with fabulous severance pay. It cannot be right that someone can do that, but the system here allows that to happen. We simply cannot allow those sorts of pay grades to continue. Therefore, I will support Mr Allister's proposal in its entirety.

To be honest, I think that the Member has been too generous. He must have got up one morning in a very good frame of mind when he decided to set that pay scale. Frankly, given the behaviour of spads in the past, I would like to see 10 years of very good behaviour before I would award them those sorts of pay grades. I accept that, in the interests of getting unanimity, we should, indeed, go along with what he is suggesting. I hope and pray that we can get the Bill through unscathed.

Someone said earlier today that there is a lack of public confidence in this institution. You can say that again. We only have to turn on a radio show from 9.00 am to 10.30 am — I will not name the individual concerned — to hear what the public are saying about us. We are held in the same high esteem as drug dealers and armed gangsters, and that is probably impugning the integrity of other decent armed gangsters in Northern Ireland. The reality is that people have an incredibly low view of us. When they see that we cannot keep our special advisers under control and that we are paying them a salary that none of the ordinary men on the street could ever attain, they think, "What on earth are they playing at?". Therefore, it cannot be in a code. It has to be in legislation, and the numbers have to

be restricted. I would prefer four, but I understand why Mr Allister, having taken soundings, has gone for six.

To take up Mr O'Toole's issue, I do not think that there is going to be much of a problem with severance payments, whether they happen at the end of March 2021 or 2022. As far as I know, there are only six spads in position at the moment. If we remove the right to have a junior Minister spad, I presume that the parties will simply move the person affected to become a permanent deputy First Minister or First Minister spad, so I do not see there being any real effect on public expenditure. I think that four is enough, but I can live with six.

Mr Speaker, I reserve the right to come back at the next two stages. I think that we are in for a very long night on the Bill. I congratulate the honourable Member for North Antrim for his tenacity and hard work. I congratulate the Chair of the Committee and the Committee staff, in particular Jim McManus for all his efforts, and other members of the Committee — some of them, anyhow.

There were three members of the Committee who were, obviously, given scripts in Connolly House and told to oppose everything. I have been in this Building for 26 years, and I have never come across members opposing the short and long title of a Bill. You just do not do that. That is like saying that you oppose the fact that this is Tuesday. It just never happened.

I see that Mr McHugh is saying that they are going to vote against every clause and every amendment from Mr Allister. Dear help the Members who miss tonight's sitting, because their voting records are going to be absolutely destroyed if they do not go through the Lobbies. I am going to stick it out, and I will be here to vote for Mr Allister on every aspect of his Bill.

Mr Catney: You will be pleased to know that I have a shortened script and a longer script [*Laughter*] so I have decided that I am going to go for the shortened script, definitely. I am going to try to keep it as quick as I can.

Mr Speaker: Try the shorter one first of all, Pat.

Mr Catney: Thank you, Mr Speaker. I am supportive of the intent of the Bill, which is to provide clarity on and scrutiny of the appointment of special advisers, how information is recorded and handled and the accountability of Departments and Ministers to the Assembly.

I thank the Bill's sponsor for his work in bringing it forward, and, despite my reservations with parts of the Bill, for his willingness to work with the Committee in order to find consensus and a way forward to the vital reform that it could provide for all. There are clauses that I am happy with, and some, I feel, need some work.

I could go back to the bad government, I could go back to what the people out there want and I could go back to my election in Lagan Valley in order to come up here to try to make changes. It is cumbersome and slow moving up here, but we want change, and I also like to go with small steps.

I know that Matthew, who spoke on criminal sanctions, will rise again to speak on that. Unlike the apparent position of some parties, however, I do not think it is sensible, or, indeed, correct, to oppose every single clause. It is a tough choice, but I think that I could bring myself to vote for clause 15, which is the short title of the Bill. [*Laughter.*] I thank the Bill's sponsor for his proposed amendment

to clause 1, which, for the most part, brings more clarity. I still have concern about amendment No 4 on whether the political nature of the appointment of special advisers needs to be included explicitly. I appreciate the argument that Jim put forward, which was that nothing in the clause prevents including political affinity in the job description, but something needs to be put back in there in black and white in order to secure the principle in the future operation of the Bill.

I welcome amendment No 7 and new clause A2. I know that there was some back and forth at the Committee about the number of special advisers that are required in the Executive Office. Jim has done well to find the suitable number of six. Similarly, I had concern about how the clause operated to reduce the number of special advisers. I support the clarity given in amendment Nos 8 and 9 that not all special advisers in the Executive Office will need to be reappointed by the action of clause 4.

I have set out some points of clarity that will be required going forward. I still hope that those can be provided at Further Consideration Stage and that there is a way forward for the Bill. I think that we can all agree that RHI was only the latest and most publicised issue with the function of the Executive and that change must be achieved.

I thank the Bill's sponsor and everyone who has contributed to it: the Committee, the Chair of the Committee and Jim McManus.

5.45 pm

Miss Woods: I, too, thank the Member for bringing forward this vital legislation. I am glad to speak to its Consideration Stage today.

At Second Stage, we supported the principles of the Bill. Gladly, we also support the amendments in group 1. I note, disappointing as it is, that some in the Chamber will not support the Bill and would rather leave this to simple codes

It was said earlier that it is not the place of a Back-Bench MLA to table legislation such as this and that this is not how anyone should judge legislation and its effects on the running of the House. In response to that, I ask this: why not? When the Executive were restored in January of this year, we all hoped that lessons had been learned and that we would not see a return to the type of governance that brought us RHI, Red Sky, the National Asset Management Agency (NAMA) and a host of other shenanigans that we are yet to know about. We hoped that the lofty words and the wish list in 'New Decade, New Approach' meant just that. Unfortunately, I remain unconvinced, and, crucially, the public remain unconvinced. We need confidence in the institutions, we need accountability, and we must have transparency. I have absolutely no confidence that we would ever see legislation such as this come from the Executive. Who brings forward this legislation is not relevant. What is relevant is what it seeks to do, as many Members have suggested.

I, like Mr Wells, have read the RHI inquiry report. It was light Christmas reading. I note that it concluded:

"The sad reality is that, in addition to a significant number of individual shortcomings, the very governance, management and communication systems, which in these circumstances should have

provided early warning of impending problems and fail-safes against such problems, proved inadequate."

It has been made very clear that what happened with RHI was not a one-off mistake; it was merely indicative of a system and culture that failed to put accountability, transparency and effective governance at its root. For these institutions to put this front and centre, there is much more to be done. Transformation must happen.

I welcome the words of the head of the so-called reformist wing of the DUP, Mr Frew, as he makes the case for change, but we must go further. The earlier discussion between Mr Wells and Mr Frew on the internal workings of the DUP was fascinating. However, the RHI report cannot be left to gather dust with all the other reports and strategies that came before it. There is an onus on every one of us to recognise the need for action and to promote transparency and accountability in every action that we take as elected representatives —.

Mr Storey: I thank the Member for giving way. Does she accept that the RHI inquiry also highlighted serious misgivings about and failings in the Civil Service? Will she, when we are on the issue of openness of transparency, agree that, if you wanted to read the most ambiguous and limited set of minutes, you should go on to the Executive's website and read the most recent iteration of the weekly meeting held by the head of the Civil Service? You will see a large need for openness and transparency.

Miss Woods: I thank the Member for his intervention. Yes, of course, there is such a need. As I said, we need to go further than this legislation. Every action that we take must recognise the need for openness and transparency.

There is an onus on every one of us. The job of governing is not an easy one, and I do not underestimate the role of our Ministers and the work that they must undertake, particularly in dealing with the unprecedented situation that we are in with the pandemic and all that it entails, Brexit on the horizon and climate breakdown looming. However, if we are to tackle the challenges of our time, we need proper oversight processes in place so that our politics are not beset by controversy and crisis.

On the specifics of today, the Green Party will — it will be no surprise — support all the amendments in group 1. The role and dominance of spads in our Executive has been, rightly, viewed with suspicion. Special advisers are a feature of most Governments, and few could argue that the provision of specialist advice to Ministers is not beneficial to good government, but we need to have good government. It is right that checks and balances are in place to ensure that their role and remit is as it should be. Spads are temporary appointments, so it is only right that they are treated like civil servants, both in pay and in their abidance to the code of conduct. As Mr Allister stated, it does not mean that they do not become political appointments. I do not understand how an upper scale of over 80 grand would not be an attractive salary for anyone with experience. We need to have a ceiling somewhere, as an interim, as outlined in the group 1 amendments. It is also right that there is greater transparency around their recruitment and any interests that they might have, given how close they are to the decision-making process. As Mr Allister has outlined, we have codes already. We had codes before, but codes are ignored. It is also right that, perhaps, we know who the spads are.

While I support amendment No 7, repealing the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007, I also would have supported clause 2 as it stood. I stated earlier that I do not underestimate the role of Ministers, and I stand by that. It is complex — the role of the Executive Office may, indeed, be even more so — but I see no legitimate or convincing arguments for having eight spads in that Department. I would have supported a reduction to four as a reasonable and practical level of support for the work of the office, but I appreciate the reason for Mr Allister not moving that today. We fully support the removal of the junior Minister spad allocation. Here is hoping that three is, indeed, the magic number.

I will be short. We will support group 1, and we wish Mr Allister all the best with his Bill.

Ms Sugden: I generally support the group 1 amendments. I bring a level of experience to the debate, having appointed a special adviser. I want to put it on record that not all spads are bad, not all spads are party political: some are there to do the job as interpreted by the Minister who appointed them. My interpretation of the role of a spad was to assist in the delivery of government programmes, to oversee the work of a public-sector Department through strategic external experience, to build relationships with internal and external stakeholders, to be a sounding board to echo back to me the bad as well as the good, and to be someone that I could trust to have my back. Who could I, at 29 years old, know with those abilities and the necessary experience and whom I could trust? Fortunately, I did. I received many CVs from people reaching out to offer their skills, and fair play to them for doing that and putting themselves out there. I considered them, if only to assure myself that the person that I was appointing was the right person for the job.

Mr Wells: Will the Member give way?

Ms Sugden: Yes.

Mr Wells: Does the Member accept that, with the salary ranging from £65,000 to £92,000, she did not have any problems attracting suitably qualified candidates?

Ms Sugden: That is an interesting point. My special adviser took a pay cut to take on the role of special adviser and lost out financially. That is how skilled and perfectly capable she was. I was going to come to that point, but I appreciate the Member making the point for me. She will not mind me saying that she took a pay cut. She worked for an international company with the vice president and had worked in New York, London, Belfast and Paris. She was an incredible and unassuming individual, and we really had the opportunity to do wonderful things. Undoubtedly, she was the best person for the job. Interestingly, I have no doubt that, had Mr Allister's Bill and arrangements been in place, she would have been the person who would have got the job on merit. I did not want my special adviser to be political, albeit she was politically astute and had been politically active; I wanted her to help me deliver. I was very clear about that, as was she.

I can only speak from my experience, and I know that that is not how spads are typically appointed. I am in a unique position: as an independent MLA, I am not constrained by political party lines or political party history. For me, the job was always about getting the job done. That is what every

Minister's intent should be. That is what they agree to when they accept the responsibilities of being a Minister.

During the sideshows of the RHI mess, I often heard, "Poor Minister Me. The big bad spad made me do it". The spad did not. You made a choice to accept the terms of the relationship when you agreed to be Minister. When I appointed my spad, it was really obvious to me that there was an unwritten rule that the special adviser was my responsibility; that she answered to me; that she was held to account by me; and that she could be removed by me. It was not an equal relationship, and my special adviser was certainly not superior to me. She understood that and had no difficulty with it. If any Ministers, on taking the role, agree to lesser terms than that, that is entirely on them. That is what I, as Minister, understood the role to be. I would not have accepted it had it been any other way. I would not have taken it up, because I would not have accepted the responsibility. Again, I appreciate that my experience as an independent Member will be different from that of anyone who is in a political party, but this is about delivery, government and getting things done. Any Ministers who accept the role and are prepared to relinquish their power lack integrity. If they do that, it is clear to me that they took the job for the title and the salary, and nothing else. It is important that we move the focus away from bad spads. It is bad Ministers who have allowed this to happen.

During my time as an MLA, I have learnt not to pay too much attention to Mr Allister's theatrical performances. The media do a wonderful job of that *[Laughter.]*

Mr Storey: You are going downhill now.

Ms Sugden: Please bear with me *[Laughter.]* I suspect that that is why he does it. I do, however, pay attention to his consideration of law, policy, process and detail and to his incredible ability to make sense of those things. I do not share Mr Allister's opinion of these institutions. I recognise the value of the devolved institutions, despite their dysfunctionality. I agree, however, with what Mr Allister said in his opening comments: the Bill is not politically written. It may have had a political intent, but Mr Allister is well aware, as we all are, that the golden rule of politics is that it is the art of the possible. Had the Bill been politically written rather than politically driven, it would not have been possible. The fact that it has been able to get to Consideration Stage shows that it is as much about process and governance as it is about any sort of political intent. Politicians come and go, but these institutions will remain. Why? There is no better alternative. Ironically, the Bill gives me hope. I believe that Mr Allister is seeking to improve these institutions, which leads me to believe that, one day, he might buy into them *[Laughter.]* I want to speak to only the amendments that give rise to issues for me. That does not mean that I will necessarily stand in their way, but I would appreciate it if Mr Allister would give me some clarity around them. Amendment Nos 2 and 3 would ensure that special advisers will be subject to the same disciplinary process as civil servants. Who would conduct that process? Would it be the Civil Service? Is that appropriate, given that the Minister, not the Civil Service, appointed the person? I would have difficulty if the Northern Ireland Assembly Commission, for example, were to discipline my staff as the employer, albeit it pays the wages and sets the terms. Perhaps there is some way of tidying that up so that the reporting structure that is

required in any employment contract is made clear. In a way, we would subject individuals to a disciplinary process by someone who is not their employer. How would that look under the current arrangements?

I do not disagree with the intent of accountability. We are all subject to accountability structures. Ironically, Ministers are not subject to the same accountability structures. Had that been an area that was strengthened, perhaps the Bill would not be necessary. As it is drafted, it feels like a blurring of lines in the relationship between employer and employee. I am keen to know whether that upholds current employment law or at least complements it.

Amendment No 4 seems to have given some Members cause for concern. I did not initially like it. I felt that it created a process that could limit the political discretion of the appointment. Having scrutinised the wording, however, I do not believe that it does.

If anything, it puts on record what I believe should already happen, a process similar to that which I would have conducted when I was in that role: seeking the correct person for the job. It also allows for political discretion, in that the Minister creates the job description and person specification. Arguably, if a Minister already has someone in mind, they can write it in a particular way to allow that person to be appointed. All the amendment does is require a Minister to put it in writing and justify their decision. Therefore, while initially I was intent on not supporting that amendment, I do not believe that there is too much wrong with it.

6.00 pm

I agree with the suggestion that we should reduce the number of special advisers in The Executive Office from eight to six. I do not see the necessity for having any more than that, particularly when you compare it with other jurisdictions, where there is not the same representation of spads in Departments.

It is important to put on record what special advisers are there for and what their purpose is. I have outlined that insofar as what I needed to do. It is interesting, because I am almost agreeing with everyone on this side of the House. I believe that, ultimately, the buck stops with the Minister, who is the appointing person. However, if we do not have the appropriate and relevant structures in place to ensure that Ministers are holding to account the people they appoint, maybe Mr Allister's Bill is necessary.

It is disappointing that some Members have chosen not to engage. As I said, we politicians are coming and going. Mr Allister tends to cause controversy and, to an extent, we like him for that. He is not here as Mr Jim Allister, private citizen; he is here representing the people of North Antrim, and when we disrespect him, in his office as MLA, we disrespect the mandate that the people of North Antrim gave him. We are all entitled to have that opinion.

We need to get back to ensuring the integrity of the Assembly and to building confidence among the public. To be fair to Mr Allister, we ask: should this Bill be necessary? No, it should not. I would like to think that people's good intentions drive what should be done. Sadly, however, as we have seen in what has characterised the past three or four years, that has not been the case. There is nothing wrong with putting on record, or putting into writing, what should be the case. Therefore, I support this group of

amendments, although I seek clarity from Mr Allister in respect of amendment Nos 1 and 2.

Mr Carroll: I support many parts of this Bill, including the clauses and amendments in group 1, which I now address.

The damning accounts given in the RHI inquiry, Sam McBride's 'Burned', and countless column inches should be reason enough to accept that these changes should be made via legislation. We simply cannot trust Ministers in this Executive to hold to account themselves or their spads via codes that they can tinker with, and have tinkered with, quite freely.

It is clear to me, listening to Mr Allister's opening remarks, that he and I would probably disagree about the remit of spads. If I had my way, we would not have unelected officials, with significant power, swanning around Departments in the unaccountable manner exposed by scandals such as RHI. I find it unsettling that spads are afforded any powers or given privileges far above those afforded to other civil servants and far above what any unelected individual should expect to hold.

It is also clear that, for far too long, the big parties have, with impunity, ridden on a gravy train, at public expense and often at the cost of the public purse. For that reason, I welcome the bulk of what is before us, in particular, those clauses and amendments that seek to curtail such behaviour. For example, I support the reduction in the number of spads by removing them from junior Ministers' offices, as outlined in amendment No 7. I also endorse clause 3. Many will find it humorously ironic that Sinn Féin would endorse or use something called a "royal prerogative" to appoint someone to effectively act as a spin doctor, who was charged with enhancing the profile and image of the Executive. In other words, they sell to the public the benefits of a cosy Sinn Féin/DUP friendship. I do not find that in the least bit humorous; I find it utterly unsurprising. I also find the fact that they used the power of the monarchy to appoint a PR doctor from public funds, without a shred of oversight or transparency, utterly unsurprising. The First and deputy First Minister must not be allowed to engage in such underhandedness in the future.

My party is also inclined to support amendment Nos 2, 3 and 4. It is patently clear that someone paid from the public purse to advise a Minister should be hired with some degree of record-keeping and regulation. The need for this is redoubled by the fact that the current Minister of Finance saw fit to change the code for appointments to remove such measures. What does the Minister of Finance have to hide when he is hiring spads that stops him from supporting basic record-keeping for that process? The legislation does not prevent him from picking the right person for the job, the person who works best with him or the person who meets the criteria outlined in a job spec. I cannot fathom why Ministers are uncomfortable with, or opposed to, explaining their choices to the public, who will be forking out for the well-paid role.

Unfortunately, amendment Nos 2, 3 and 4 apply to clause 1. My party is not content to support that clause in its entirety because of clause 1(6). The simple reason is that my party would not have supported Mr Allister's Bill in 2013, as it disproportionately impacted on ex-prisoners. Therefore, my party cannot support any attempt to enhance or beef up that legislation. To be clear, my party

will support amendment Nos 2, 3 and 4, but will oppose clause 1 in its entirety. My party does this in the hope that if it is defeated and clause 1 stands, the Bill will, at least, address the serious issues in the process of appointing spads and discipline them more rigorously.

Finally, what happens in the Chamber today and tonight should be closely watched. Parties that claim to support openness and transparency and claim that they work for their community but cannot bring themselves to slow the pace of the gravy train that they stand to benefit from are acting in their own interests, not the interests of the public. Those parties are not acting with the fervour that scandal after scandal on this hill commands. I suggest that this place needs root-and-branch reform, root-and-branch restructuring and a wholesale break from the shambolic governance of the past. This Bill, in its entirety, does not deliver that, but parts of it certainly help in that endeavour.

Mr Speaker: I call the Finance Minister, Conor Murphy, to respond.

Mr Murphy (The Minister of Finance): I have the task of responding to the Bill because the Executive gave me the task of leading its response to the RHI inquiry, chairing the RHI subcommittee and bringing the matters approved by it to the Executive for approval. Having listened to much of the debate, I could almost think that, perhaps, Sinn Féin is in the Executive on its own; would that it was. However, it is as if the approach agreed for dealing with these matters across the Executive since it was re-formed did not happen at all. The debate today is as if there had been no response at all to the RHI inquiry, no agreed response among the five parties that make up the Executive and no follow through on that response.

The evidence given to the RHI inquiry directly informed the extensive talks on transparency, accountability and the operation of the Executive in the summer of 2019, and that formed the work stream of the talks that led, ultimately, to New Decade, New Approach.

Representatives of the five main parties were involved in the discussion about improvements to the ministerial code, special adviser codes and the NICS code of ethics. The conclusions of those discussions were reflected in New Decade, New Approach. The parties agreed to an ambitious package of measures to strengthen transparency and governance arrangements in the Assembly and the Executive in line with international best practice. The Executive were committed, as a matter of urgency, to produce strengthened drafts of the ministerial, Civil Service and special adviser codes to be implemented immediately.

Mr O'Toole said in his contribution that the Minister of Finance had decided that legislation was not necessary. That is not true at all. The Executive, including your party colleague, decided that legislation was not necessary. The Executive have followed through on every aspect of the work that led to New Decade, New Approach and agreed on every aspect of the work since, without objection as to how that approach has taken place.

He also questioned why Sinn Féin, as a party, supports legislation in the Dáil but not in the Assembly. Clearly, the parties — some of whom are the SDLP's sister parties — in the Government in Dublin have not committed to strengthening codes and increasing transparency. As a matter of fact, some of the recent public appointments

justify the call for legislation, because clearly some of the appointments are not transparent. If the party beside me wants to get out of or wriggle away from the commitments that it gave and on which its Executive colleague has followed through, let it do that rather than trying to present this approach to opposition to legislation or a different approach to legislation to me and me alone. I happen to chair the subcommittee, and I happen to lead on behalf of the Executive on this matter, and every aspect of anything that I have brought to the Executive has received full support from every Executive party.

The measures that we agreed included issues addressed in this Bill: making clear the accountability of Ministers to the Assembly; strengthening Ministers' responsibility for their special advisers; publishing details of Ministers' meetings with external organisations; publishing details of gifts and hospitality received by special advisers, of their meetings with external organisations and of their pay; and strengthening requirements for record-keeping and protections for whistle-blowers. The parties also agreed to establish a robust, independent enforcement mechanism to deal with breaches of the ministerial code and related documents.

Among the first decisions of the restored Executive in January was, unanimously, the agreement and publication of the special adviser code of conduct, the revised code of appointment for special advisers. It was not my proposition, as Mr Carroll said, but the Executive's agreed proposition. It is not my code but the Executive's code, agreed among all of the parties in the Executive. There are new arrangements for special adviser pay and a revised model and letter of appointment.

Interestingly, Mr Storey and Mr Allister — sorry, I meant Mr Wells; I sometimes mix the two — majored on the issue of pay. The pay scales did not, in fairness, prevent him from joining the Executive. He knew all about this and objected to it but decided to take the post when it was offered to him. He set aside his principles. The pay scales have been reviewed, and Mr Storey said that the Bill will allow us to see what the pay is. The pay was published. The Department of Finance published the pay. That document, published on 14 February, contains the list of all the special advisers; the bands that they are put in; the restrictions, and the cap that has been put on their pay, which is nowhere near £91,000. It has the details of all of them and which band they are on. I say that to correct the debate, because some of it is as if there is a complete vacuum with ongoing activity on these matters.

The Executive parties, in fairness to them — all of your colleagues — have filled this with the action that we agreed to do, and they did cap the pay of special advisers. They did publish the names and the pay scales that these people are on. It is as if this has appeared out of the ether with Mr Allister's Bill. Our approach to this has nothing to do with the politics of Mr Allister. This is the Executive's agreement, and I am here to represent the Executive's agreement. I think that he overestimates his importance in that regard. The Executive have decided an approach to this, and I have been tasked with chairing and leading that approach and bringing that back to the Executive. Each aspect of this has had full Executive agreement.

Mr Wells: Will the Member give way?

Mr Murphy: I am happy to give way.

Mr Wells: I suggest to the Member for Newry and Armagh, the Minister, that, yes, the Executive may well have given him an undertaking that they would oppose this Bill but that, when the relevant Ministers went back to their parties, they received a very clear message from the Back-Benchers that they were going to support Mr Allister's Bill. The party leaders realised that they could not win the argument.

Mr Murphy: If the Member wants to outline some rationale for a kind of duplicitous approach to this, that is fair enough. That is his understanding of it. I had an RHI subcommittee meeting last Thursday, I think it was, in which we progressed further the work that we had already set out to do, with the full agreement of the Ministers who were there. An agreement was made to bring that to a further RHI subcommittee meeting in December, in order to bring it to the Executive for approval in December. If that was the case, Ministers and the Executive that I am dealing with are still on the same course and pathway that they agreed to take, which emerged from the five-party work stream prior to the resetting of the Executive being affirmed in 'New Decade, New Approach' and which was then followed through immediately by the Executive when they were appointed.

Mr Frew: I appreciate the Minister's giving way on this. I recognise what he saying, because his argument is consistent with the argument that he brought to the Finance Committee along with David Sterling, the then head of the Civil Service, and his own permanent secretary, Sue Gray. I can tell the Minister that, whilst he was conducting and relaying that argument to the Committee, it was alien to me because at no time during which I have been tasked by my party to sit on the Finance Committee, at no time during Second Reading and at no time during consideration in the Committee was I ever informed by my party that it was against this Bill and at no time when I asked did it say that it was against this Bill.

6.15 pm

Mr Murphy: The Member and I have had many discussions across the Chamber about the nature of how his party does its business. I cannot get into that any further. I can reflect only the discussions around the Executive table, the agreed approach and the follow-through on that approach, and the approval of the codes. At no stage has anyone in the Executive ever suggested that legislation is required to replace, supplement or complement the work that we have been doing in the Executive. At no stage has any Minister ever suggested that over the last nine months.

Following the RHI inquiry, the subcommittee on reform conducted the review at its first meeting in July. The majority of the inquiry's recommendations have already been fulfilled by the existing revisions to the codes and guidance. The subcommittee agreed to make recommendations to the full Executive for a couple of minor additions that would fulfil the terms of the inquiry's recommendations. Those amendments have been circulated to Executive members without objection, and they will be formally agreed by the Executive shortly.

In summary, the parties in the Executive followed the evidence to the inquiry, committed themselves to act in response through revisions to the codes, and the Executive have followed through on that commitment

and satisfied themselves that they have fulfilled those recommendations, including the recommendation to revise the codes.

I will move on to the Bill. As I said, my opposition to it is in order to be consistent with what my Executive colleagues and I have agreed and to follow through on that work. It has nothing at all to do with the politics of the sponsor of the Bill.

Mr O'Toole: I am grateful to the Minister for giving way. I echo what Paul Frew said about his consistency, and he has been consistent on this point. Speaking for my party, I believe that the work streams inside the Executive are not mutually exclusive with the Bill. As I said, we do not support all elements of the Bill. However, will the Minister reflect on the fact that passing the Bill, either as it is now or with amendments — as we hope — does not preclude positive, constructive progress along with the work streams in the Executive subcommittee?

Mr Murphy: In recent weeks, I accused Mr O'Toole of being a great man for an each-way bet, and he has proved that again tonight. He tends to have an each-way bet on all these issues. He is with the Executive and with the Bill at the same time. That is his prerogative and the prerogative of his party. I can deal only with the people who are sent along to the Executive subcommittee and to Executive meetings, and follow through on that course. As an Executive Minister, that is my job here tonight: to respond to the Bill with the consistent approach that the Executive have taken since they were re-formed back in January.

Mr Frew: Will the Minister give way?

Mr Murphy: May I finish my point? I took issue with the Member on two points. He said that it was my decision not to pursue legislation when it was clearly the Executive's decision not to do so. No one at an Executive meeting has ever proposed pursuing legislation.

The Member then challenged the consistency of my party's approach, even though I am here representing the Executive position. He challenged the consistency of my party's approach in the Dáil, where it is a completely different set of circumstances.

Mr Frew: I appreciate the Minister giving way. I do not need an answer immediately, and I am sure that he has advisers and support staff here. Will he provide dates for when the Executive settled on opposition to the Bill?

Mr Murphy: The Executive were never asked to approve or vote against the Bill formally. The Executive agreed a course of action that they would take in response to RHI. That was around strengthening the codes, the RHI recommendations and the work that your party and four other Executive parties undertook in summer 2019, when they looked at the evidence being given to the RHI inquiry and decided, in advance of its recommendations, the areas that would need to be strengthened in terms of the existing codes, protocols and practices, and they brought forward a series of recommendations. The Executive agreed immediately at one of the first, if not the first, Executive Committee meeting to take forward the recommendation in that area of work. In response to the RHI inquiry report, when it came out some time later, they decided to proceed with that course of action.

The Executive have not been asked to take a position on the Bill, but, as I said, they have consistently

concluded that the response to the RHI inquiry and its recommendations would be through the work that they had agreed on strengthening the codes and increasing transparency. At no stage did anyone propose that legislation would be required.

The group 1 amendments aim to reform the function and behaviour of special advisers. The evidence to the RHI inquiry certainly highlighted the fact that things go wrong with special advisers.

The revised code of conduct for special advisers, which the Executive published and agreed in January, already captures a significant proportion of those measures and, indeed, goes further in setting out the parameters of good practice. The revisions to the ministerial code of conduct that were agreed in March by the Executive are equally important here as they have to define the relationship between the Minister and the special adviser.

The Executive have given serious attention to the codes and guidance that cover the standards of behaviour in government. The codes and guidance were subject to extensive discussion during the talks in 2019, as I said previously. They were a significant part of the 'New Decade, New Approach' document and were subject to Executive scrutiny before and after the publication of the RHI inquiry report. The RHI inquiry recommended amendments to the codes rather than legislation. In addition, I am not convinced that the way to bring about the desired change is through this legislation. Putting administrative arrangements into primary legislation makes them difficult to adjust, and it opens up relatively minor matters to legal challenge, which benefits no one, apart from lawyers.

Clause 1(2), which would be amended by amendment No 1, would make it unlawful for a special adviser to be responsible for managing any other special advisers, except those in the Executive Office. Of course, in all other Departments, the special adviser is accountable to their Minister and to no one else. That is inherent in the relationship between the two by virtue of the fact that special advisers are appointed by their Minister. I will add that the appointment process has been the same for all special advisers to the Executive. If other parties felt that there was anything untoward or that a better standard could have been adopted, they could have chosen to go out to public appointment for their special advisers and published the details of who they interviewed. They could have chosen to advertise, but they all chose to appoint their special advisers under the arrangements that were put forward. Mr Wells, do you wish me to give way?

Mr Wells: He knows that that is not true. He has not answered the point — none of his colleagues has answered it — about the role of Mr Aidan McAteer, a super-spada who was not subject to any form of appointment and was not responsible to any form of Civil Service code. He was appointed by his party as a super-spada to control the activities of all the other spadas, who were answerable to their Minister. In fact, Mr McAteer was answerable to Mr Martin McGuinness, the deputy First Minister, not to the relevant Minister. How does the Minister explain that activity by Mr McAteer and how does a code stop that happening again?

Mr Murphy: The codes that have been developed here have been developed since RHI. They have

been developed in response to it and agreed by the five parties. We have been criticised for taking away what some people said was a sham process of going through an appointments process on paper and making it clear that the appointment of the special adviser was the responsibility of the Minister alone, that they were accountable to the Minister and that the Minister would be held accountable to the Assembly. That has all changed since the period that he is referring to. The Minister is responsible to the Assembly for that appointment and, under the ministerial code, can be answerable for the activities and behaviour of their special adviser.

I lost my train of thought when responding to the Member. Clause 1(3), which amendment No 2 would amend, requires a special adviser code of conduct to ensure that special advisers are subject to the discipline chapter of the NICS handbook, and the Minister cannot interfere in that disciplinary process. I am glad that the Bill's sponsor has recognised that that clause, as originally drafted, was eternally inconsistent. It would make no sense to insist that the Minister must be responsible for the conduct and discipline of a special adviser and then say that he or she cannot be involved in that discipline. The clause remains out of step with the purpose and function of a special adviser. Special advisers are our personal appointments. They are supposed to be someone whom the Minister has hand-picked, and that is quite right. A Minister is surrounded by officials whom they have no role in choosing. To have one hand-picked political appointment is not going to undermine the effectiveness of the Civil Service, but it provides an invaluable alternative perspective and political support. I heard other Members allude to that when relating their personal experience. Claire Sugden alluded to it, albeit she had a non-political special adviser.

If one has a personally appointed special adviser, one has to be able to treat them as such. If the personal relationship breaks down — that experience that has been referenced — that appointment cannot continue. The Minister and special adviser have to part ways and do so immediately. The breakdown of the relationship between a former Enterprise, Trade and Investment Minister and his spada was a contributory factor to the RHI debacle. To expect the Minister to go through the time-consuming path of Civil Service discipline in order to remove a special adviser is ridiculous. A special adviser cannot be moved to another post during an investigation, and the tax-paying public would not thank us if a special adviser was put on paid leave until their disciplinary process was complete. This provision undermines the implementation of the RHI inquiry recommendations. The inquiry wanted Ministers' responsibility for their special advisers to be absolutely clear. Rendering Ministers' responsibilities subject to the NICS handbook compromises that clarity.

Amendment No 4 falls into the same trap. It requires a Minister to conduct an appointments process that reflects the appointments process for civil servants. As I said, as far as I am aware, all Ministers in the current Executive have made their appointments in the way that has been outlined and could have chosen to take other steps had they wished to do so. The Bill sponsor makes the mistake of thinking that special advisers ought to be just like other civil servants. Ministers have plenty of civil servants, and we need a special adviser. Such a process would also mean that a Minister was without an adviser for weeks

after taking office as that process was conducted. I would like to correct a misapprehension. When the RHI inquiry concluded that Ministers ought to have followed the terms of the code of appointment, which, at the time, did require a selection process of this kind, the inquiry was not reaching a conclusion that the selection process was necessary. It was observing that, if there were rules, those ought to have been followed. I believe that the current rules are appropriate and proportionate and that they ought to be followed rather than changed, as the Bill would require.

Amendment No 5 seeks to address some unfortunate drafting of clauses 1 to 6 in the original Bill, but it still tries to apply a legislative solution in an inappropriate way. The clause aims to ensure that only special advisers are treated as special advisers and that they are not answerable to anyone other than their appointing Minister, with a couple of exceptions. If we want to ensure that special advisers are treated in accordance with their role and that no one else is given special access to Ministers and Departments, it is a matter of leadership. Ministers have to behave like Ministers, and permanent secretaries have to maintain the correct standards in their Departments.

Amendment No 7 and clauses 2 and 3 all attempt to cut the number of special advisers in the Executive Office. I am interested to note that, where the Bill sponsor originally tried to cut the number to four, he has now cut it to three for the First Minister and the deputy First Minister. The work expected of the special advisers in the Executive Office is significant and heavily weighted. Given the volume of work required to manage effective decision-making in a mandatory coalition, the task of special advisers here cannot be compared with the task of special advisers in the offices of the First Ministers of Wales and Scotland.

In conclusion, I do not believe that any of the provisions in respect of special advisers are required. Of course, there have to be rules for ensuring that special advisers are accountable and responsible but these are already set out in their terms and conditions, including in the code of conduct. The force with which some Members have insisted that these measures are necessary does not give credit to all those special advisers who work hard providing invaluable support to Ministers and fulfilling their essential roles in Departments.

As I said at the outset, we have been consistent in saying that the way to deal with the RHI inquiry was through the strengthening of codes. We have brought those to the Executive. They emerged from the work of the five parties that make up the Executive and whose approach that was. That was reflected in the recommendations of the inquiry. We have consistently taken that work forward in that manner. That is why I, leading the work stream on this issue in the Executive, oppose the legislation.

Mr Allister: I will seek to hone in on the issues that drew most attention and raised the most questions, but I want to start by responding to what the Minister said. The Minister seems to have a very churlish attitude to the Assembly's wanting to consider legislation. It is as if we do not need the Assembly; that we simply have Executive decree. He goes out of his way to tell us how much the Executive, allegedly, are opposed to the Bill and that, effectively, we should not be discussing it at all as it is a matter for the Executive. Sorry, this is a legislative Assembly. This is a legislative Assembly that is here to discuss and decide

upon legislation. Legislation ultimately rests with the House; not with the Executive but with the House.

The exercise in which we are engaged is that very exercise. It is a pretty churlish and poor start to imply that, really, we should leave all of this to the Executive and not busy ourselves in these matters. It is not clear to me, in fact, whether Minister Murphy is here, as he proclaims, representing the Executive, when members from other Executive parties seem to dispute that, or whether he is here to represent the Department of Finance, which would have primary responsibility for the oversight of the legislation. I would have thought that he is here in the latter capacity, rather than the former. However, in whatever capacity he is here, he cannot chip away at the right of the House to legislate. That is a fundamental of our very existence.

6.30 pm

All of that revolves around a point that I made in my first speech today, and that point is whether we individually and collectively think that codes that have failed lamentably in the past are a suitable vehicle to exclusively deal with the issues or whether we think that they need the bite of legislation. I was interested to note that some of our foremost commentators had a pretty poor view of dealing with the matter by codes only. Writing in 'The Irish News' at the time that the codes were published, John Manley was quite clear that the codes were disappointing and were not enough. I also noticed that the 'News Letter' editorial headed:

"Code on Stormont special advisers does not go far enough"

started with a very compelling sentence, which I think the House would do well to live by. That was:

"For the Northern Ireland Assembly to command the respect and confidence of the public over a long period of time, it must right the wrongs of the previous administration ... One of the key questions, of course, is whether the new code goes far enough and the answer is that it does not."

The 'News Letter' editorial goes on to state that giving the codes true bite is required and that they should be complemented by legislation. Suzanne Breen, another notable commentator, had this to say:

"In terms of the spad code of conduct that Conor Murphy unveiled today, I think it is massively disappointing."

She went on to make some complimentary comments about the Bill's sponsor, but modestly forbids me from reading those out. She then said:

"to continue with eight spads in the Executive Office, that is absolutely ludicrous".

It is not just that some jumped-up MLA, who is a Back-Bencher and should know his place, thinks that he knows better than the Executive and dares to bring to a legislative Assembly a proposal for legislation. It is that some of the most seasoned commentators on our political process seem to hold the same view.

Ultimately, it comes down to the defining issue of whether we are prepared to place our trust on the broken reeds

of codes or whether we are going to give them the bite of legislation. I remind the House again that the party that says that we do not need anything but codes is the party that said that we do not even need codes. In 2013, it was the party that voted against the very introduction of codes. Here it is again, fighting that same rearguard action to avoid oversight and restraint.

Of course, one of the most compelling reasons why it is seeking to avoid that is something that Minister Murphy talked very little about: clause 1(6). Why is clause 1(6) there? It is there because, with calculation and deliberation, Sinn Féin set about deliberately circumventing the law of the land by appointing a super spad to oversee everyone else, knowing, conscious and boasting of the fact that it breached that particular provision as it did not regard itself as being bound by it. As Mr Ó Muilleoir put it, Sinn Féin was not going to be told by Jim Allister what it could or could not do. Sorry, it was not Jim Allister. It was the Northern Ireland Assembly that said what it could and could not do the moment that it passed the Civil Service (Special Advisers) Act (Northern Ireland) 2013.

It is the same mentality that then has to inform us when we ask whether codes are enough. The party that said that we never needed codes then set about breaching the provisions of the statute, yet they are the people who are called as character witnesses to say, "You don't need legislation; you just need codes". That is confirmation of why you need to give codes the bite of legislation. I urge that view again on the House.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: Does the Member accept that, if the codes are so wonderful and so enforceable, they have nothing to worry about, because the legislation will never have to be invoked?

Mr Allister: As I said this morning, if one were determined to do the right thing, why would one fear legislation? Legislation is only a restraint from wrongdoing if you are minded to do wrong. It is not a restraint if you are minded to do right. That is a very apt point.

I will home in on two issues in particular that excited most comment from the House and posed to me, very properly, questions. Clause 1(3) is about subjecting the special adviser to the Civil Service disciplinary procedures. I remind the House of two points. First, special advisers are civil servants. They have all the benefits and all the privileges, so they are civil servants. What the Minister wants is that, although they are civil servants, they should be exempt from the discipline of the Civil Service. Secondly, I remind the House that, on the one occasion in our history where a spad was being disciplined, the Finance Department conducted the investigation according to its rules and found that a disciplinary process was justified, but a Minister intervened and said, "No. It will not happen". That is exactly what Minister Murphy wants to continue with.

Mr Murphy: Will the Member give way?

Mr Allister: Yes.

Mr Murphy: I have listened to a lot of what the Member has said, whilst biting my tongue through most of it. First, if I regarded the Assembly as having no role in legislation,

I would not be here. I would not have deigned to come to the Assembly to answer and to explain the reasons that I oppose your legislation. I am not treating the Assembly or elected Members with any contempt at all.

I will say clearly that I am not proposing to continue with that. That is a misrepresentation of the position that I outlined, because the strengthening of the ministerial codes would mean that, if a Minister were to decide not to discipline a spad, thereby refusing to be accountable and responsible for them, they would be held to account. The standard of discipline is higher than in the Civil Service, because someone would not be summarily dismissed from the Civil Service but would go through a lengthy disciplinary process during which they would continue to be paid as they sat waiting for the outcome of the process, and the Member knows that full well.

The Minister being held to account was not the situation when former Minister Nelson McCausland was asked to account for the behaviour of his spad. Like a lot of other Members, including Mr Wells, you present today as if nothing has happened since that time, by alleging things and, quite rightly, drawing attention to issues that needed significant improvement. Those improvements have taken place, however, and the codes are there to hold Ministers to account, rather than simply to try to get the Finance Department to get a Minister to do the right thing.

Mr Allister: Let us consider that. The Minister says that the Minister then, for failing to discipline, could be in breach of the ministerial code. Who decides whether the Minister deserves discipline? The incestuous arrangement is that the nominating officer who put him or her in the post is the very person who then decides whether the Minister has breached the ministerial code.

How cosy is that? How farcical is that? How destructive is that to public confidence in a system? Although, theoretically, a Minister can be held liable in respect of a breach of the ministerial code, he will be held liable only by his own party and his own appointers.

I asked this morning, and I repeat it: has a Minister ever — ever — been held liable for a breach of the ministerial code under this system? I am firmly positive that the answer is no, and the reason is that it is a system that is guaranteed to provide a human shield for the Minister. In each party, there is a human shield of protection under the provisions pertaining to the ministerial code, so the Minister need not talk to the House in glowing terms about how, if he or some other Minister failed to discipline, they themselves would be in breach of discipline. Who is he kidding? He is certainly not kidding the public, because the public know that there is nothing about this system that is capable of that level of enforcement.

On the issue of disciplining a civil servant, the starting point and the premise is that they are civil servants and so there is no exemption, but there is an involvement for the Minister. That is plain in the Bill. The Minister maintains his involvement in that process, and it could well be that the provisions that the Civil Service specifically drafts for the disciplining of spads might involve the Civil Service independent investigation presenting the evidence to the Minister and requiring the Minister to take the decision. There is nothing in my Bill that does not allow that. The Minister is prevented from interfering, from stopping the process, and from meddling in it, but he can still be

involved in the sense of making the referral in the first place or dealing with the outcome in the second place. It is a fiction to suggest that this denudes the Minister of any control over a spad.

What control did the Minister have in the past? The Minister, in the past, could have sacked his spad provided he did it in compliance with employment law. The Minister could still sack his spad provided he does it in compliance with employment law. There is nothing here that reduces that right for the Minister. It ensures that any errant spad who is a civil servant must face the rigours of the Civil Service process in respect of his discipline. According to how the Civil Service drafts this, and provided it is all within the code of conduct, that can still preserve a key role for the appointing Minister. That point needs to be very clear. Ms Sugden asked that question, and that is the point that I have been trying to deal with — this blurring of the relationship, as she said.

It is quite possible that, under clause 1(3), the Civil Service does the investigation — it might have been initiated by the Minister or it might have been initiated by someone else — and the outcome is referred to the Minister and the Minister acts accordingly. That is all entirely feasible under clause 1(3). However, clause 1(3) makes sure that there is a process that is proper and fit for standard and one governed by the process that affects other civil servants. What could be wrong with that for a spad who is a civil servant? It is important not to distort what clause 1(3) is about.

6.45 pm

Coming on to amendment No 4, some parties have said that they cannot support it. Can I start by making this point? The Minister said that they had strengthened the codes. Well, you certainly cannot say that about the code of appointment, because, as I pointed out this morning, the old code of appointment required you to consider a pool of candidates, required you to have the criteria for the post and required you to keep a note of why you chose the person you chose. Of course, Mr Murphy came along and stripped all of that out. He did not strengthen the code; he weakened it.

Amendment No 4 seeks to put back in that which was previously in the codes, which Justice Coghlin found was simply ignored, so that it will be given the bite of being in legislation. Create a job description, set out the requirements for a successful applicant, achieve a candidate pool, complete and retain the documentation. That is exactly what Ms Sugden described herself as doing. It does not say that you have to put an advert in the 'Belfast Telegraph' to say, "I'm going to appoint a spad", but it does require a job specification and job criteria. It does require a candidate pool, but the legislation is not prescriptive on how you assemble that candidate pool. You must have a pool, otherwise it is open to the public ridicule that you simply appointed your best mate, with no objective rational explanation and no need to even keep a record of why you appointed them. The first thing that the Department knows is that Joe Bloggs has been appointed. What the criteria for the post were no one knows. What the job description was, no one knows. How that person met any perceived description, no one knows. Was more than one person considered? No one knows. I remind you of the evidence of Felicity Huston: you cannot conduct recruitment to a public post in that clandestine manner.

Mr O'Toole: I am grateful to the Member for giving way. I want to make a couple of points very briefly. This gets to the heart of something that concerned several of us who are supportive of other bits of the clause. It is really important that we acknowledge that spads are fundamentally political appointments. If Joe Bloggs is the right person for the Alliance Party Minister, the SDLP Minister, the TUV Minister or the Sinn Féin Minister, that is that.

My party would find it very difficult to support this amendment without a specific insertion in the Bill saying that party political alignment is a legitimate reason for appointment. I ask him to reflect on that and whether he is able to offer that at Further Consideration Stage.

Mr Allister: Yes, I appreciate that. I pointed out this morning that we have, in the Fair Employment Order, that protection; you cannot be guilty of discrimination on the grounds of political opinion if you are making a political appointment. So, it is already there, in a sense. However, if it helps, I anticipate that it would be possible, at Further Consideration Stage, to add to amendment No 4 and align something to the effect of, "For the avoidance of doubt, since these are political appointments, there is no issue relating to making a political choice". I am sure that there is wording that could be much more polished than that, and it seems to be entirely compatible with the 1998 Order and, if it is required on the face of the Bill, it can be put there.

Mr Stalford: Will the Member give way?

Mr Allister: Yes.

Mr Stalford: Hopefully, the Member will find this helpful. The Member will know that, when organisations such as the Presbyterian Church in Ireland, the Church of Ireland and church groups advertise for paid posts in places like church house or church headquarters, they put in their adverts phraseology such as, "The applicant should agree with the ethos and identity of the potential employer". I am just trying to be helpful with that suggestion.

Mr Allister: Yes, and, if that is required in legislation, that can be in legislation. My point is that amendment No 4 is not prescriptive of everything. You would still have your essential criteria, and you, as the Minister, could put in your essential criteria a requirement that applicants must have a political empathy with the Minister's political stand. That would be entirely lawful. Churches do that sort of thing, and they are not breaking the law. Likewise, a Minister who puts that in here would not be breaking the law.

The point of amendment No 4 is that it is an insult to the intelligence of the paying public that you never even have to have a job description for a job that they are going to pay for; you never even have to have any requirement set forth for a job that they are going to pay for; you never even have to consider more than one person for a job that they are going to pay for; and you never even have to keep a note in respect of a job that they are going to pay for.

That is why I say that amendment No 4, which draws carefully and exclusively on what was in the old code, does not go beyond that and does not expand it. It draws carefully and explicitly on what was in the old code; a code that existed for many years. It simply puts it into legislative form. Why does it do that? It does that because Lord Justice Coghlin said that those codes on appointment needed to be rigorously implemented, having pointed

out how flippantly they were treated in the appointment process heretofore.

It is nothing new that suddenly would have to be done. It is something that always should have been done, and now it is being given the bite by putting it in legislation. If it helps the House and others, I do not see the difficulty with a "For the avoidance of doubt" clause, which I will undertake to discuss with those who are interested before Further Consideration Stage and bring that forward as an amendment.

Ms Sugden: I appreciate the Member's giving way. My initial apprehension about amendment No 4 is probably the same as that of other Members. It somehow suggested to me that there was a limitation of political discretion. Can I confirm with the Member — he will know this better than me — that any decisions or process that one Minister adopts will not limit any future Ministers, set a precedent of any sort or suggest that Ministers will be limited in having their political discretion? For me, rereading this, it seems as though you are essentially putting on record what, in your consideration, should already be done.

Mr Allister: Absolutely, and, if it had not been so flagrantly breached, as illustrated in RHI, this would never have been necessary. Indeed, I remind the House that amendment No 4 brings something that was not in the Bill initially, because the Bill was drafted before the new code of appointments stripped all this out. I never for a moment thought, given the evidence at the RHI inquiry, that any Minister would be so brazen as to take out the very criteria that had been breached and had been criticised by a Lord Justice for being breached, and that the answer to that would simply be, "Excoriate the criteria, take them out and then no one can say that we are in breach".

The very fact that this is an amendment and was not in the original Bill is because it took me greatly by surprise that the Minister came forward with a proposition as brazen as he did that the code of appointments should be stripped out of the very things that were in the old code and that, as Ms Sugden said, should be happening anyway, but they did not happen. That is why we now need to put them in legislation. That is why, I believe, the Committee, at that stage, was convinced of the merits of amendment No 4 and voted for it.

The other point that I want to deal with is the point that Mr Frew raised about the cap on pay.

I will make it plain again: all that I seek to do is to insert a ceiling. I am not interfering with the bands or the Department's discretion to juggle the bands or do anything else. I am simply saying that for two reasons: one is because it is good to depoliticise and not have Ministers being accused of upping the salary just to placate their special advisers, which, as we know, happened in the past —

Mr Murphy: Will the Member give way?

Mr Allister: Yes.

Mr Murphy: The Member should be aware, given that he is the sponsor of the Bill and was present during its Committee Stage, that that is no longer the case. The bands and levels of payment are set by officials in the Department of Finance; they are not set by me but by officials. To correct something that was the case in the

past is not correcting something that is the case in the present.

Mr Allister: The Minister is half right; I acknowledge that. However, it is then still subject to a political process of approval. The codes have to be approved. That is where the political imprimatur comes in, whereas, if the ceiling were set with a linkage to a generous Civil Service grade, no one could say that it was politicians looking after their own. That is why it makes good sense to link it to a Civil Service grade. There is nothing to say that, in future, those bands could not be radically revisited. However, under my system, they or the ceiling would be revisited according to the natural progression of grades in the Civil Service. That is how it should be. I have heard no one say that a grade 5 salary is not generous enough. Some have said that it is too generous. I think that it is about right. That takes it out of the political arena. I would have thought that that was highly preferable.

Mr Frew asked whether it was inflexible. The answer, of course, would be to have no ceiling and not have £85,000 in the bands. If one wants maximum flexibility, one must remove everything. However, the principle is about where the upper limit should be set. Should it be set by a Department through its officials and approved by Ministers, or should it be set by a linkage to a Civil Service grade? I think that the latter is the better prospect.

There is, perhaps, a legitimate concern: what if we need a super-duper expert on something or other, and he turns his nose up at £81,000 or £82,000? I have suggested to the House that there are two remedies to that situation: that person could be appointed as a consultant in the Department, or prerogative powers could be used to create an appointment, subject to the approval of the House. Therefore, if the situation were arrived at where maximum flexibility was needed to address an issue such as that, there is a mechanism for it. It is not all or nothing here. A cap on pay, in principle, is right. I do not think that it is inflexible in that it will move as the grade moves. However, if it proved to be less than satisfactory for the filling of a particular post, there is an opportunity to do something about it through the other mechanisms.

I hope that I have dealt with the main points. I have not gone through what everyone did and did not say. That never strikes me as being a fruitful exercise. I hope that I have dealt with the issues. Since no one is seeking to intervene, I will assume that I have done that, satisfactorily or otherwise. Therefore, on that basis, I will conclude my remarks.

Amendment No 1 agreed to.

Amendment No 2 made: In page 1, line 12, leave out "involvement or".— *[Mr Allister.]*

Amendment No 3 made: In page 1, line 13, before "A minister" insert "Subject to section 3A".— *[Mr Allister.]*

Amendment No 4 proposed: In page 1, line 14, at end insert —

"(3A) In section 8 (Code for appointments), after subsection (1) insert the words: '(2) Without prejudice to the generality of subsection (1), the code must provide that the appointing minister must —

(a) create a job description and person specification for the post,

(b) set out the requirements to be met by a successful applicant,

(c) achieve a candidate pool from which the minister shall select on sustainable and lawful grounds, and

(d) complete and the department retain documentation associated with the above processes, including recording the minister's reasons for the selection made."—
[Mr Allister.]

Question put, That amendment No 4 be made.

Some Members: Aye.

Some Members: No.

Mr Speaker: Since we cannot determine the outcome of the vote, the House will divide. Clear the Lobbies. The Question will be put again in three minutes. I remind Members that they should continue to uphold social distancing throughout all the votes that may be held this evening and that those who have proxy voting arrangements in place should not come to the Chamber. Thank you.

Members, please resume your seats. Before I put the Question again, I remind Members that, if possible, it would be preferable to avoid a Division.

Question, That the amendment be made, put a second time.

Some Members: Aye.

Some Members: No.

Mr Wells: The Ayes have it.

Mr Speaker: OK. The Ayes have it. [Laughter.]

Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind Members to ensure that social distancing continues to be observed at all times while voting is taking place. Please be patient at all times and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 27; Noes 60.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Ms S Bradley, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr Lunn, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Nesbitt, Mr O'Toole, Mr Stewart, Ms Sugden, Mr Swann, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister and Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms Bradshaw, Ms Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mr Dickson, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Easton, Ms Ennis, Ms Flynn, Mrs Foster, Mr Frew, Mr Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch,

Mr Humphrey, Mr Irwin, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyons, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Miss McIlveen, Mr Middleton, Mr Muir, Ms Mullan, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stalford, Mr Storey, Mr Weir.

Tellers for the Noes: Ms Ennis and Mr Givan.

The following Members' votes were cast by their notified proxy in this Division:

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan [Teller, Noes], Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis [Teller, Noes], Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin, and Mr McNulty.

Question accordingly negated.

Amendment No 5 made: In page 2, line 9, after "adviser" insert "by reason of the holding of that post".— [Mr Allister.]

Amendment No 6 made: In page 2, line 12, leave out "him" and insert "the special adviser".— [Mr Allister.]

Clause 1, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 7 proposed: Before clause 2 insert

"Repeal of the Civil Service Commissioners (Amendment) Order in Council 2007"

A2.The Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007 is repealed".— [Mr Allister.]

Question put, That amendment No 7 be made.

Mr Speaker: I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement that we can dispense with the three minutes and move straight to the Division.

I remind all Members to follow the instructions of the Lobby Clerks and to respect the need for social distancing throughout.

The Assembly divided:

Ayes 61; Noes 26.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dickson, Mrs Dodds, Mr Dunne, Mr Durkan, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mrs Long, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Mr Nesbitt, Mr Newton, Mr O'Toole, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister and Mr Wells.

NOES

Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Ennis and Mr McGuigan.

The following Members' votes were cast by their notified proxy in this Division:

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis [Teller, Noes], Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan [Teller, Noes], Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin, and Mr McNulty.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

Mr Speaker: I pause to make sure that Members are in the Chamber before we move on to the next amendment.

Before I put the Question, I remind Members that we have debated Mr Allister's opposition to clause 2 stand part but the Question will be put in the positive as usual.

Clause 2 disagreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4 (Special Advisers in the Executive Office)

Amendment No 8 made: In page 2, line 28, after "Office" insert "under the provisions of the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007".— *[Mr Allister.]*

Amendment No 9 made: In page 2, line 33, leave out subsection (3).— *[Mr Allister.]*

Clause 4, as amended, ordered to stand part of the Bill.

Mr Speaker: By leave of the Assembly, I intend to suspend the sitting for 15 minutes.

The sitting was suspended at 7.43 pm and resumed at 8.00 pm.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

Clause 5 (Amendment of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011)

Mr Deputy Speaker (Mr McGlone): We now come to the second group of amendments, which deal with accountability to the Assembly. With amendment No 10, it will be convenient to debate amendment Nos 11, 12, 21 to 23 and 25. It should be noted that amendment No 25 is consequential to amendment No 21. I call Jim Allister to move amendment No 10 and address the other amendments in the group.

Mr Allister: I beg to move amendment No 10: In page 3, line 4, at end insert

"(1A) In Section 17(1)(a) after 'Part' insert ' , provided the Commissioner is satisfied the complaint is not frivolous or vexatious or otherwise an abuse of the complaints process'".

The following amendments stood on the Marshalled List:

No 11: In page 3, line 11, leave out from "means" to end of line 12 and insert "means Section 1 of the Ministerial Code as provided for by Section 28A of the Northern Ireland Act 1998".— *[Mr Allister.]*

No 12: In page 3, line 14, at end insert

"(6A) In Section 27(1) after 'Assembly' insert 'or minister'".— *[Mr Allister.]*

No 21: New Clause

After clause 11 insert

"Accountability to the Assembly; provision of information

11A. Ministers and their departments have a duty to report to an Assembly committee such information as that committee may reasonably require in order to discharge its functions, being information which —

(a) has been requested in writing; and

(b) relates to the statutory functions exercisable by the Minister or their department."— *[Mr Allister.]*

No 22: In clause 12, page 4, line 30, leave out from "relevant" to "actions" on line 31 and insert "judgements of the courts relevant to the functioning of government".— *[Mr Allister.]*

No 23: New Clause

After clause 12 insert

"Assembly scrutiny of the Executive's in-year monitoring process

12A.—(1) Ministers and their officials must provide the relevant Assembly Committee with a written or oral briefing on the department's submission to each monitoring round in advance of it being submitted to the Department of Finance.

(2) The Department of Finance shall publish the outcome of each monitoring round within 7 days of Ministerial approval being granted.

(3) Within 14 days of the publication of the outcome of the monitoring round provided for in subsection (1), the Minister of Finance must lay before the Northern Ireland Assembly a statement specifying the changes to each department's net budget allocation as a result of this exercise."— [Mr Frew.]

No 25: In clause 14, page 5, line 10, at end insert

"department' means a Northern Ireland department as set out in Schedule 1, Departments Act (Northern Ireland) 2016."— [Mr Allister.]

Mr Allister: In this group, we come to deal essentially with clauses 5 and 12, plus my suggestion to insert a new clause. Clause 5 deals with the tricky issue of how complaints against Ministers should be dealt with. We all know that we, as Members of the Legislative Assembly, have a Commissioner for Standards. A new person was appointed recently. We all know that, if someone has a complaint to make against us, they are the arbiter in that. They decide whether to uphold the complaint or not and report the matter back to the Assembly. Until this point, within the Executive, there was, of course, not really a process for a complaint against a Minister. It was a bit of a mystery as to how that would be advanced. New Decade, New Approach suggested that there should be a process whereby the First Minister and deputy First Minister would appoint three commissioners who could report on any complaint against a Minister. What I primarily want to do here is compare and contrast how that would work with how my proposal that it should go to the standards commissioner would function; in other words, that we should have a single standards commissioner that deals with you, whether you are a Minister or an MLA. Of course, Ministers are both. At the moment, we have a bit of a ludicrous situation where a Minister can be proceeded against by the standards commissioner but only in respect of his role as an MLA, not in respect of his role as a Minister. Since that essential mechanism and process exists, my basic and simplistic contention is this: why would we reinvent the wheel when all that we have to do is expand the remit of the standards commissioner?

The last motion that the Assembly passed before it fell apart in January 2017 was proposed by Steven Agnew and passed without division. It, in essence, did what I am seeking to do here. It called for the expansion of the powers of the standards commissioner to also deal with complaints against Executive Ministers. When that motion was passed, it gave rise to the then standards commissioner making comment on it in his 2016-17 report. In paragraph 2.3 of that report, he wrote:

"I note that on 24 January 2017, the last sitting day before it was dissolved ahead of the March election, the Assembly, without the need for a division, passed a motion calling for urgent legislation to extend the role of the Commissioner to cover complaints of alleged contravention of the Ministerial Code of Conduct. There is at present no process for the investigation of such complaints. The investigation of such complaints would have many similarities to work already undertaken by the Commissioner. It would be most unlikely to require any significant increase in resources. It would have the advantage that when considering a motion to exclude a Minister or junior Minister from office for an alleged breach of that Code the Assembly would have the benefit of a report of an independent investigation into the alleged conduct."

Here we have the then Commissioner for Standards saying that it would be perfectly feasible to do it and that it would not have many resource implications. In other words, he was saying that the process and the infrastructure are already in place so that he or she could take on the extra work. That seems to me to be eminently sensible.

'New Decade, New Approach' called for something a bit different. Of course, it has not advanced the situation very far. It states:

"Complaints that a Minister has breached the Ministerial Code ... will be referred to the Commissioners for Ministerial Standards.

The Commissioners will decide whether a complaint has sufficient merit to be considered, and will decline to investigate a complaint that is frivolous, vexatious, or made in bad faith.

The Commissioners will number three in addition to the Assembly Commissioner for Standards, and will be appointed by the First Minister and deputy First Minister.

The Commissioners may ask for the facts from the Secretary to the Executive to inform their decision as to whether to investigate a complaint.

The Commissioners' decision to investigate or not to investigate, and the grounds for their decision, will be published. There will be strict, published, timeframes to adhere to for each stage of the process.

When the Commissioners investigate a complaint, they will publish the findings of their investigation. Their findings will include whether or not the Minister has been found to have breached the terms of the Code or Guidance, and the relative seriousness of the breach. The findings will not include any recommendation regarding sanctions. This will ultimately be a matter for the relevant Party/Assembly process."

That is what is proposed there. What I want to do now is to compare the mechanics and usefulness of that process with what the process would be if the powers were given to the standards commissioner. There are many striking distinctions between the two that go to the very heart of the veracity of the process that would be involved.

The first distinction is that the standards commissioner is set up in statute and his function and powers are laid

out. It is not clear to me whether the powers of the three commissioners would be in statute, but I have certainly seen no sign of such. The commissioner in question, namely the standards commissioner, is appointed by open competition. He is not an individual hand-picked by the First Minister and the deputy First Minister like the three ministerial commissioners would be. No, he is appointed by open competition. That is in section 19 of the Assembly Members (Independent Financial Review and Standards) Act 2011.

Here comes the real significance. The standards commissioner has the statutory power to compel witnesses and to command the production of papers. That is in sections 28 and 29 of the 2011 Act. He can take evidence on oath. That is in section 30. It is a criminal offence not to cooperate with or answer questions from the standards commissioner. That is in section 31. He has statutory independence. That is in section 18. Compare that with the notion that three hand-picked ministerial commissioners would investigate alleged complaints against Ministers. Those commissioners would have no powers to compel the production of papers, to compel witnesses or to take evidence on oath. Indeed, pitifully, their accumulation of evidence, if we can call it that, is confined to what the permanent secretary or the secretary to the Executive tells them. The commissioners, according to *New Decade, New Approach*, may ask for facts from the secretary to the Executive to inform their decision. However, in their own right, they have no powers to collect evidence, to interrogate evidence or to take evidence under oath; it is all a sham. They are hand-picked by the First Minister and the deputy First Minister and appointed with no powers of enforcement. Compare that with the standards commissioner. The Executive are saying to us, "You, as mere MLAs, will be subject to the full panoply of investigative powers of the standards commissioner. He can take evidence against you on oath, can compel papers and documents, and can really interrogate the allegation. However, when it comes to Ministers: no, no, we do not want any of that. We do not want commissioners who have teeth, powers and who can take evidence on oath. We just want commissioners to investigate what the head of the Civil Service tells them".

Frankly, why should we, as MLAs, be subject to the rigours — it is right that we should be — of the standards commissioner but Ministers be exempt? That is what lies at the heart of clause 5. We should have an equal playing field: if MLAs are to be investigated for breaches of our code, and so we should, Ministers should be likewise investigated for breaches of the ministerial code. It is a question of a level playing field, equity and fairness. It is abundantly clear that, for the standards commissioner, the whole architecture already exists; the functions and the powers are already there. Why, oh why, therefore, would we come up with some other scheme that was not as vigorous as the one to which MLAs are subject? This is about an essential levelling up of accountability; it is indefensible that Ministers are in this special category. They are the people with the real power; we are the people with lesser power, but we are subject to the higher investigation and they to the lower. That is a preposterous situation for the House to sustain, and clause 5 gives us an opportunity to address it.

Part of the farce is illustrated by the fact that it says in *New Decade, New Approach* that the existing standards

commissioner could assist the three commissioners. If the present standards commissioner was acting as a commissioner investigating a Minister, he would have none of the powers that he has in his real role of investigating an MLA. He would simply be able to go the head of the Civil Service and ask for the facts. What he is told he is told. He could not compel witnesses or documents, and he certainly could not take evidence under oath. He would be second-rate when performing that role, as opposed to the first-rate facility that he has when performing his regular role. I can think of no sensible compelling reason why the Assembly commissioner, as the House decided in January, should not also exercise their powers in respect of Ministers.

The Standards of Conduct Committee at the Welsh Assembly produced a very interesting report in 2018. It recommended the very thing that I am suggesting: Ministers, equally with MLAs, should be subject to the work and oversight of a standards commissioner. That seemed to be sensible to that jurisdiction, and I suggest to you that it should be sensible to this House. So, clause 5 is about a levelling up in that regard.

8.15 pm

Then there are three amendments to clause 5. You will have noted that, in *'New Decade, New Approach'*, there is a protection at paragraph 1.5 of annex A, which says:

"The Commissioners will decide whether a complaint has sufficient merit to be considered, and will decline to investigate a complaint that is frivolous, vexatious, or made in bad faith."

There is no such protection for you as an MLA, so amendment No 10 is about giving not just you but Ministers that same protection to insert into the legislation that a complaint proceeds:

"provided the Commissioner is satisfied the complaint is not frivolous or vexatious or otherwise an abuse of the complaints process".

It has been said of old that what is sauce for the goose is sauce for the gander, and that applies equally to the process of investigation, so amendment No 10 supplements the levelling-up process in that regard.

Amendment No 11 flows from evidence supplied by, I think, the Executive Office, which helpfully pointed out that, as originally drafted, the Bill embraced the entire ministerial code. There was some stuff in the ministerial code that was not really about conduct but about cooperating North/South and all that sort of thing, so I tabled an amendment that would restrict the ambit of investigations to paragraph 1 of the ministerial code; that is to say, the standards that are required in public office. Amendment No 12 is simply a tidy-up amendment to make sure that the whole thing reads fluently in regard to the legislation and adds a Minister to the ambit of it. That is the essence of clause 5 and the amendments relating to it.

I will move to clause 12, which I thought would probably be the most non-controversial part of the Bill. It simply takes the standpoint that improving the functioning of government is not a one-off event or a snapshot in time. It should be an ongoing process because things change, and that is why clause 12 recommends a biennial report from the First Minister and deputy First Minister setting

out matters pertaining to the functioning of government and bringing forward resolutions to any issues that have been thrown up. Every two years, the First Minister and deputy First Minister would bring a report to the House, and that would gather together things that had emerged in the previous two years, maybe from the Audit Office, from the ombudsman, from the Commissioner for Public Appointments and, doubtless, from judicial reviews, because, very often, judicial reviews turn upon the procedures of the issue being challenged, and, very often, judges say, "government should not be doing that in this way. It should be doing it in some other way". There will be many lessons to be drawn, so clause 12 is about drawing those lessons together and setting out what the propositions are and how they will be resolved.

Indeed, the Committee report before the House today identifies one such issue, and the Chair has already referred to it. When the former Commissioner for Public Appointments appeared before us, she drew our attention very compellingly to the deficiencies in the set-up of that office in that its set-up and operation does not meet international standards. Therefore, that will need to be addressed, and if that is still an extant issue, you would expect it to be addressed in one of these biennial reports. With some recommendations, you do not have to wait for the two years — I am not suggesting that you should — to address something; if it is crying out to be addressed, it needs to be addressed. However, there will be issues from reports that are gathering dust on the shelves, and we are all familiar with that. Those need to be taken down and examined, and every two years we need to ask, "Have we ticked that box? Have we done that? Have we improved that? How can we improve that?". That is what clause 12 is all about.

There is another example that might come to this House. I am on the Audit Committee, which is beginning an investigation of the oversight of the Audit Office. It has come as a considerable surprise to some of us that there is no independent board governing the Audit Office; there is elsewhere in the four nations generally, but here there is no such supervision. That is something, subject to what the Audit Committee says, that this House may be advised to act upon.

There will be many unforeseen but inevitable propositions coming forward to make improvements. I make the point again: this Bill, in its own small way, tries to improve aspects of the functioning of government, but it is not an end in itself. Clause 12 can make it a launch pad for keeping those matters under review by making it a statutory requirement that every two years there is a report to this House. That way, we can all see what we have not done and what we need to do. Why would we fear that? Would that not be a good thing? Clause 12 is in those terms.

Mr Frew has an amendment, and I will not steal his thunder other than to say that I generally support the proposition; the more scrutiny opportunities that we have, the better. The other amendment that arises in this group as far as I am concerned inserts a new clause and is amendment No 23 — sorry, amendment No 21; I was about to steal his thunder. Amendment No 21 states:

"Ministers and their departments have a duty to report to an Assembly committee such information

as that committee may reasonably require in order to discharge its functions, being information which—

(a) has been requested in writing; and

(b) relates to the statutory functions exercisable by the Minister or their department."

Of course, we have scrutiny Committees, but it surprised me somewhat, when I got down to studying the legislation, that there is no statutory duty to service those Committees with papers that are requested. There is, of course, in section 44 of the 1998 Act, the facility for a Committee that is dissatisfied with the cooperation to go to the point of compelling the production of documents. Any Committee that has ever used that facility knows that it is a last resort, is complex and is laborious, and it eventually falls to the Speaker to make various orders. The idea of this new clause is that by establishing a statutory duty on Departments to do what they should already be doing — in most cases, I suspect, they already are doing it — you would probably dissipate the need to resort to section 44. It is about toughening up the provisions of the legislation and underscoring the accountability to the Assembly of the Executive and the Ministers by imposing a statutory duty to provide information, and it sets the conditions for that. Again, that can only be a good thing; it strengthens scrutiny, and I do not see why anyone would object to that.

When the Carnegie UK Trust, which is much respected in these matters, sent us evidence, it was quite effusive about the idea and thought that it would very much improve openness and transparency. It said this — sorry, this is about clause 12, but I will quote it now that I have come to it:

"Reporting to the Northern Ireland Assembly on a biennial basis will improve accountability, transparency and public awareness of these ways of working, and the progress made towards improving the societal wellbeing outcomes in the Programme for Government."

That was about clause 12. I meant to say that the Carnegie UK Trust had supported that.

This new clause seems to be justified in its own right. If it is what the Department is already doing, well and good, but it puts it on a statutory footing, which means that there is no wriggle room. There is no opportunity to play around with it, so the amendments in this group and the clauses to which they relate are worthy of your support.

Dr Aiken: Mr O'Dowd will be very happy that my remarks will be much shorter and more germane this time than they were the last time.

Concern was expressed in Committee that the provision in clause 5 to bring Ministers under the same procedure for complaints as MLAs could lead to large numbers of complaints relating to ministerial decisions on policy issues that may be considered unpopular. I am grateful to the Bill's sponsor for listening to and acting on those concerns.

The Committee was informed as early as July of the Bill's sponsor's intention to bring an amendment to enable the Commissioner for Standards to sift out complaints against Ministers or MLAs that are considered frivolous, vexatious or otherwise an abuse of the complaints process. The

Committee, therefore, welcomed amendment No 10, which addresses its concerns in that respect.

The Committee was content with amendment No 11, which provides for clause 5 encompassing only the Pledge of Office, the code of conduct for special advisers and the Nolan principles. That addresses a concern in the Executive Office that the original drafting included more of the ministerial code than was necessary.

In the Committee's deliberations, it accepted the Bill's sponsor's explanation that amendment No 12 is a necessary but incidental amendment to add Ministers to the ambit of the Commissioner for Standards.

Amendment No 21 introduces clause 11A. During the Committee's deliberations, it noted the intention of the provisions in clause 11A to strengthen the overall scrutiny functions of Committees by providing them with enhanced authority to seek information from Departments without having to resort to section 44 provisions in the Northern Ireland Act 1998.

Although the current Committee for Finance has not had to resort to section 44 since its formation, it has had occasion to consider its use in order to receive information to which we were entitled. For that reason, the Committee would like to have taken evidence on clause 11A. However, given time constraints towards the end of the Committee Stage, we were unable to do so. For that reason, the Committee was able only to note the amendment.

The Bill's sponsor informed the Committee that amendment No 22 to clause 12 is essentially technical in nature. The Committee asked him to expand on the phrase:

"judgements of the courts relevant to the functioning of government".

The Bill's sponsor outlined that judicial reviews are, by their nature, challenging processes and that it is most likely that it would be judicial review judgements that criticise government.

As the Bill's sponsor said, the Carnegie UK Trust welcomes the provisions in clause 12 and informed the Committee that:

"Reporting to the Northern Ireland Assembly on a biennial basis will improve accountability, transparency and public awareness of these ways of working, and the progress made towards improving the societal wellbeing outcomes in the Programme for Government."

The Committee was content to support amendment No 22 as an appropriate addition to clause 12.

Amendment No 25 to clause 14 is technical in nature and is consequential to the amendment to introduce clause 11A, on which the Committee did not come to a view.

Mr Frew: I will speak to the amendments and clauses in the group. I will start with clause 5 and the amendments. I thank the Committee and the Bill's sponsor for their work. I echo the sentiments of the Chairperson in thanking the Bill's sponsor for listening to the Committee.

8.30 pm

One of the issues that I pushed on was the fear that Ministers may be more liable to get more complaints than

MLAs simply because of the position that they are in and the decisions that they have to take. Even though it is right that Ministers in this place, who were MLAs before they became Ministers and joined the Executive, should be held to the same standards and account as MLAs, there is that difference in the processes, the policy development and the decision-making powers that they have. I would not want to leave any Minister open to a whole raft of complaints to the standards commissioner because of a planning application, policy development or the closure of a school or something of that nature. That is why I asked for that to be included. I am glad that the Bill's sponsor ceded to that. I am sure that he knows that and supports it, most definitely, because it removes that possibility.

Whilst it might add another layer to the standards commissioner's role, it is a quicker and more efficient way, so if there are those frivolous and vexatious complaints, they can be moved to one side and the commissioner can carry on with the work that they have been assigned to do. That is important because we do not want the system to be bogged down for fear that that work will not get done for the other MLAs that there may well have been complaints about. It is, most definitely, correct that a Minister should be held to account by the same standards as us. The Bill's sponsor said, "MLAs do not get the protection that we are now putting into the Bill". However, I think that that is fitting and just because of the reasons that I outlined with regard to the decision-making powers, policy development and, at times, harsh decisions that Ministers have to make. You cannot please everybody all the time.

Mr Allister: Will the Member give way?

Mr Frew: Yes, I will.

Mr Allister: The amendment would afford that to complaints against MLAs as well. Any complaint would be sifted to determine whether it was vexatious or frivolous. That is right.

Mr Frew: I had not read that in, but I will bow to the Bill sponsor's wisdom on that. It is his Bill. After all, he knows it best. He knows it better than any of us, so I thank him for that clarification.

I will talk about amendment No 22, which would amend clause 12 on the biennial report. Yes; I see that as the way forward, because laws will be passed in the House that people — I mean individuals, Ministers and parties — could well try to ignore. It has happened in the past. It is very clear that we need a reporting system that monitors things that change, things that are not enacted and things that need to change in the future. I think that reporting is the way to go. We had it last week on the domestic violence Bill when talking about reporting and monitoring that legislation. I believe that that is good practice going forward. I most certainly support laying a biennial report in the Assembly.

I will speak to the new clauses. Amendment No 21 would create a new clause on the provision of information. It is massively important. Once we started to talk about it, I lapped it up and said yes, yes, yes. I am sick of the way that Departments treat Committees. I am sick that we have to wring information out of Departments and Ministers. At times, Departments and their officials treat Committees with great contempt. We have seen it, even since the Assembly came back. It seems as though nothing has changed, nothing went wrong and we are back to square

one. That is not where we are at, and it is never where I will be at. I will never go back. I will never go in reverse. I want to see improvements. However, I have not seen those improvements, and I have not seen that culture change. I still see a Civil Service and Ministers prevaricating on information that the Committee has requested.

I will give you one example, Mr Deputy Speaker. In this Chamber, a good number of months ago, I raised — in my gentle manner, as you know I do — the issue of the emails on the PPE order that we had requested but which had not come forward to the Committee. We had asked for all emails and correspondence connected to that. “All” is a very small word. It has three letters: A, L, L. It is very simple to understand, yet we did not receive “all” those emails. We kept asking the same question, but it was treated like a different request. It was not a different request. It was the same one being repeated over and over again until we were provided with the information that we received. It took weeks. In fact, I think that it took months to get that. Then we were able to look at the bigger, wider picture.

The reputational damage that was being done to the Minister, to the officials, to the permanent secretary and to the Department was mighty. It was mighty not because of what was contained in those emails, although that was quite embarrassing, but because a vacuum was being created at will by the Department in opposing the release of that information to the very scrutiny Committee that is designed to scrutinise it. That is no way to behave. That is no way to have a relationship between scrutiny Committee and Department. I hope that lessons are learned. However, I have been in this place long enough to know that lessons do not get learned. That is why the new clause is so important. The legislation is there, and it has to be rigorously applied. This is echoing that legislation, bringing it to a more modern piece of legislation and echoing the fact that we should not be treated with disdain.

Scrutiny Committees fulfil a very important role in this place, not least given the fact that we have a five-party coalition Executive and that we have a very small, fragmented opposition. It is therefore critically important for me as an MLA, even though my party is part of the Executive, to know that there are safeguards and fail-safe mechanisms in place so that, if — God forbid; heavens above — a Minister, no matter which party they belong to, makes a mistake or does something that is not quite right, the scrutiny Committee is there not only to scrutinise but to support — to support — the Department and, sometimes, yes, to fix. I have evidence of that. I have experience of that throughout my career as an MLA, and it is very important. It is also very important that Committee members take that role very seriously. That is why I embraced this Bill when it was introduced. There are things in it that I did not like. I did not like the direction of travel in some places, but I embraced it, and I engaged. I communicated with the Bill sponsor, I communicated with the Chairperson, and I communicated with the Committee members. Hopefully, what we have produced here is a Bill that we in the Assembly can all be proud of.

I therefore support amendment No 21 and the new clause that brings added accountability to the Assembly with regard to the provision of information. That is a no-brainer. It should not even have to be said, and it should not even have to be written in a Bill. However, it has to be, because I have no confidence — no confidence — that a Committee

will get everything that it requests. It has also happened in the Justice Committee, so it has not just affected the Finance Committee.

I cannot lay everything at the door of the Finance Minister and his officials. It also happened on the Justice Committee with monitoring rounds. Unforgivable. That is not the place that we need to be. We need to be in a far better place, and let us hope that this, in a small way, goes some way to correcting that imbalance and removing the disdain that some of our officials at the highest level and some of our Ministers have for their Committees. That cannot be abided and should not be abided by anyone in the House, and I will not support anything less.

I move on to my amendment No 23. I will speak to that and then sit down, Members will be relieved to hear. The amendment has three limbs. To be fair, I wanted to do much more, I really did. I tossed and turned, and I really wanted to go after the procedure used in the formation of a Budget. I see the Budget as being a two-yearly thing. I spoke in the House on the Budget Bill a couple of weeks ago on that very matter and laid the groundwork. I served notice that I was going to do this. Quite simply, I wanted to make sure that there was a statutory duty on the Minister to commence a Budget cycle and to lay it before the House in a timely fashion.

We have had experience of a Finance Minister failing to bring a Budget to the House. The Assembly fell, and the country was left without a budgetary process. Civil servants took over, and Ministers in Westminster had to put in place emergency legislation in order for us to get by. That was nowhere near a sufficient process; it was a terrible process. It was a necessity, however, because there had not been a Bill passed in the House. The only duty that I can see on the Minister of Finance is a requirement to bring a Budget by the end of March, before the start of the new financial year. That is an excepted matter, however, so it seems that we cannot touch it. I will keep pushing and probing to see what we can do.

Amendment No 23, which deals with monitoring rounds, is the next best thing. In my experience, not just in this phase of devolution since we came back, but over the past 10 years, I have seen massive inconsistencies in the way in which Departments handle Committees when it comes to providing monitoring round information. It could simply be that a Minister is querying something or is not sure of something or is dotting the i's and crossing the t's and that type of thing. That may delay the process, and it may be just a case of good, sufficient and thorough ministerial governance. That could well be the case, but the Committee should have a role to play in it.

Subsection (1) of my amendment — the first limb — places a requirement on Ministers and their officials to:

“provide the relevant Assembly Committee with a written or oral briefing on the department's submission to each monitoring round in advance”.

They should do that. What I find, though, is that, across Departments, that information can be inconsistent. There might be reasons for that, but I do not know why. It should not be the case, but it is the case. The amendment in some way tries to regulate for a uniform approach.

I have not been too hard on the other Ministers, simply because there is time for things to bed in. There will be

a Further Consideration Stage, but there will be other opportunities throughout the legislative life of —.

Mr O'Toole: I thank the Member for giving way. We are considering proposed new clause 12A. In subsection (1), how wedded is the Member to the idea of Committees getting submissions on monitoring rounds in advance of their going to Departments? While we agree with the aim of greater scrutiny and more power for Committees, is there not a risk that you conflate the policymaking role of Departments with the scrutiny role of Committees? If bids are going in in advance, there is a risk of gumming up the policymaking process, because we will then be getting into a bun fight.

8.45 pm

Mr Frew: There is that risk, but there is a balance between accountability and the role of the Committee in supporting, scrutinising and assisting. I do not mean that Committees will have any way of shaping submissions if they are brought to Committees in advance. A Minister signs off on their monitoring round; it is the Minister and Department's monitoring round. They will know best what they need and what they do not. That should not really be the role of the scrutiny Committee at that point, but it is a way of getting that information to members through the vehicle of the Committee, which could then populate the thought process of the parties represented on the Committee. If that were the case, there would be no surprises with regard to bids. Hear this: I am open to amendment. I say this to Members, especially members of the Committee: if you think that you can better the amendment, please do. Please come and talk to me, and we will see what we can do. I am open to that.

The second limb states:

"The Department of Finance shall publish the outcome of each monitoring round within 7 days of Ministerial approval being granted."

Again, that is an attempt to get some speed and consistency into the process.

The third limb states:

"Within 14 days of the publication of the outcome of the monitoring round provided for in subsection (1), the Minister of Finance must lay before the Northern Ireland Assembly a statement specifying the changes to each department's net budget allocation as a result of this exercise."

I point to that last line:

"a statement specifying the changes to each department's net budget".

One thing that I have learned from being on the Finance Committee is that Budget material is hard to read. You need to be an experienced MLA or a master craftsman like Matthew O'Toole, the Member for South Belfast, who had daily experience of it, to really get into the detail and see what the figures mean. Sometimes, you see just a blur of numbers with a lot of zeros; sometimes, the zeros are not even provided. It is hard to read the Budget. I have attempted to make sure that something is published that specifies the changes in each Department's net Budget allocation.

Mr O'Dowd: Will the Member give way?

Mr Frew: Yes, I will.

Mr O'Dowd: I am sure that the Member has, as I have, sat through many monitoring round statements in the Chamber. Attached to the back of the monitoring round statements is what the clause asks for: it sets out what each Department is getting extra. My experience of monitoring rounds is that they are usually good news stories. There is no hesitation from a Finance Minister in coming to the Chamber and telling the world that he can give out money; it is when they have to take money off you that they are more reluctant to come to the Chamber. I do not wish to lengthen the debate, but I am not sure that the new clause is necessary to carry out the functions that the Member wants.

Mr Frew: I accept that argument. There are two aspects to it. The first is that I hope that it is not necessary; I hope that it is uniform and standard procedure; I hope that that is what takes place. However, I am not sure about the other Departments and Committees. This is a way of ensuring uniformity and speed. Let us face it: it is the Assembly that votes on the spring Supplementary Estimates much later in the year, which is, basically, the combination of monitoring rounds anyway. In a way, it is about making sure that MLAs, who make decisions, pass legislation in the House and clear Budgets and everything else, get sight of that in a way that allows us to see the change.

It is not always the case that we throw more money about at monitoring rounds. There will be times when Departments give back and times when it is right that Departments give back. I am not saying that I want the information so that I can see that there has been a big net fall in a Department and can say, "Oh, big bad Finance Minister; you've taken money off a Department. Big bad Finance Minister"; I am saying, "Well, hold on. Why was that money handed back, and why was it good that that money was handed back? If that money is put to the centre, what use will it have in the centre?". Those are just primitive questions from MLAs who maybe do not sit on the Finance Committee.

I have sat on other Committees, and I have noticed that, sometimes, financial aspects of scrutiny are neglected. I am not saying that as a criticism; it is just a mark of life. The Agriculture Committee will be about suckler cows, beef cattle stock and less-favoured areas. It will not necessarily be about finance, although there is a lot of finance involved, not necessarily at the monitoring-round stage. This is a way of ensuring that all MLAs on all Committees will get good, timely information so that they can see drops and increases in a more consistent way.

I could have gone further, and I retain the right, at Further Consideration Stage, to go further. The Assembly votes for the spring Supplementary Estimates much later in the financial year. I toyed with the idea of tabling an amendment that the House votes on every monitoring round. That would just bring an added layer of accountability. I still have not worked out in my head whether something good could go wrong with that accountability. I am teasing that out in my head, and my head is quite primitive —.

Mr Murphy: On a point of order, Mr Deputy Speaker, perhaps you could advise us, while the Member is teasing stuff out in his head, that Further Consideration Stage will apply only to consequential amendments that come from

the Consideration Stage. It is not a point for tabling a new amendment to a Bill.

Mr Deputy Speaker (Mr McGlone): I am sure that the Member will tease that out in his head.

Mr Frew: Yes, I will try to tease that out, Mr Deputy Speaker.

If the amendment stands, something could be done with it. Again, I put the welcome mat out: if Members see fit to amend the amendment and make it better, I am absolutely there with you. Let us see what we can do. When MLAs work together, whether in a Committee, by consensus or in partnership, we get things done. That is where we want to be. I encourage Members to knock on my door, speak to me, speak to other Members or speak to the Bill's sponsor, and let us ensure that the legislation that we are about to pass is fit for purpose and will do the job that it is designed to do.

Ms Dolan: I would genuinely welcome a situation where Mr Allister was sponsoring a Bill truly motivated by improving the functioning of government here, notwithstanding the fact that it would run contrary to his approach to power-sharing thus far. However, it is clear from the debate on the first group of amendments that, once again, the motivation of the Bill's author is to fundamentally weaken the functioning of government by undermining the important role of ministerial advisers. The amendments in group 2 carry on in that vein with regard to the Assembly and, by extension, elected MLAs.

The amendments in this second group are, at best, unnecessary and, rather than improve ministerial accountability, they dismiss and ignore the current scrutiny function of the Assembly and its MLAs. The Assembly, like Committees, is an important forum for the scrutiny of the Executive and Ministers. As we all know, the scrutiny role is a fundamental part of the work of the Assembly, and it is the responsibility of each MLA to perform that role. It is an essential rule to delivering good governance and is necessary to hold Ministers to account. In reality, the clauses do nothing to enhance that role.

Amendment No 21 is a case in point. Under section 44 of the NI Act 1998, the Assembly has the power to call witnesses and documents. Ministers already appear regularly at Committees to engage with and answer questions from MLAs. Ministers are required to answer listed and topical oral questions approximately every fortnight on the Floor of the House. Many in the Chamber are willing and more than capable of putting questions to Ministers on the Floor of the Chamber and challenge them where necessary. This is as it should be. It is our responsibility. It is what we were elected to do.

The amendments ignore the fact that the Assembly and its Members have held and continue to hold Ministers to account. It is not about improving scrutiny because, in reality, the amendments will not do that. It is about undermining the credibility of this institution, and we all know what Mr Allister thinks about the power-sharing institutions and the Good Friday Agreement that established them. On that basis, given that the Bill is about undermining the functioning of government here, Sinn Féin will oppose all the clauses of this cynical and counterproductive Bill.

Mr O'Toole: I will, hopefully, like other Members, make my remarks on group 2 briefer than they were on group 1, and

they will probably be briefer than they will be on group 3, in which there is significantly more meat and quite a bit more controversy.

First, given that she will be going to bed soon, I should say that it is my wife's birthday. I am missing it to be here with Jim Allister and Jim Wells. I leave it to the House to decide whether I made the right decision. She probably thinks that I have, but anyway *[Laughter.]* I have already set out our approach to the Bill's general principles and our general support for many of the intentions but with specific concerns in some areas. There will be more of both in the next section. However, on the group 2 amendments, it is fair to say that we are broadly supportive of practically all of them, and we think that they are constructive as far as they go.

I do not agree with the previous Member who spoke. I will reiterate something that I said in the debate on the previous group: our party bows to no one in how serious we are about protecting the institutions. Part of our scrutiny of this will be and has always been a question of whether it strengthens or weakens the institutions, and we will continue to take that view of individual clauses and amendments.

On the group 2 amendments, as I said, in general, we support them. One of the things about the legislation — the Northern Ireland Act 1998 — that created this institution is that, along, obviously, with the negotiations that led up to the Good Friday Agreement before that, it led to the real possibility of, in some ways, a more dispersed democratic approach to scrutiny. We obviously had power-sharing at the core of the way that this institution worked. We remain committed to that. For the purpose of putting it on the record again, I am under no illusion that other people who sponsor or support the Bill are not keen on mandatory coalition, but we remain committed to the principles of power-sharing.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

As I said, one of the key drivers, instincts, thoughts and impetuses in the development of the institutions was not just around power-sharing but around the dispersal of scrutiny authority and putting specific scrutiny functions into Committees. It is fair to say that the potential laid out in the Northern Ireland Act 1998 has not always been lived up to. That is not necessarily a point about the scandals that we have talked about before and will talk about again in the debate on the next group around RHI and other bits of grifting and borderline corruption; it is about how we do government, do it well and do scrutiny well. As I said, good government relies on Ministers, special advisers, the Assembly and the Civil Service all performing our respective roles effectively. The last few years have prompted a serious examination of us all in terms of how well those roles have been performed, not just by individuals but by the structures within which those individuals operate.

We have talked at some length about codes and guidance versus legislation in relation to the earlier part of the Bill. With regard to scrutiny around ministerial accountability, it is clear that some of the codes and guidance have not lived up to their billing in delivering what is not just the actuality of ministerial accountability but the perception among the public of ministerial accountability.

9.00 pm

At this point, it is worth saying that I have noted something since joining the Assembly. I was privileged to be asked to come here; it is a privilege to serve with all of you, despite our profound political differences. I have been struck by the fact that there is a significant amount of goodwill. Members are trying to do the best, as they see it, for the people, places and communities that they serve. If you paid attention to some media coverage, you would think that absolutely everything about these institutions is totally falling apart and distrusted. It is not, but there are real issues. There is a problem. Someone mentioned a certain radio programme: if you turn on the radio at 9.30 am every day, you get a certain version of this place. That may not be an entirely accurate or exact reflection of where we are, but it performs a function. That debate and the sense that things need to get better in how we hold people to account are real. We need to think about how we do ministerial accountability and scrutiny.

The Assembly is the prime source of devolved authority in this place. Our laws and governance should reflect that and uphold accountability to the Assembly. It is sometimes easy to forget that. I do not say that to undermine or take away from the important work that the Executive do, but, as I say, the Assembly is the prime source of devolved authority and the Executive are derived from that.

The SDLP supports amendment No 10 to clause 5, which protects Ministers from frivolous and vexatious complaints. It adds to the original clause. We also support amendment Nos 11 and 12 to clause 5. On our general support for clause 5, as others have said — the Bill sponsor delved into some detail — it brings complaint procedures against Ministers into the same ambit as those for MLAs. It is worth taking a step back and looking at the wider context around codes and ministerial standards. It is fitting in some ways that we are debating that this week. At Westminster, we have seen what happens when standards of accountability for Ministers go completely by the wayside. We have all seen the shocking and appalling reaction of Boris Johnson not only to clear evidence of bullying but to a top-to-bottom damning report from the now former adviser on the ministerial code, who has resigned because the code was not taken seriously by the UK Prime Minister. It is important to think about that context. There is a real crisis across the water and, if we are honest, here too. As I said, we should not overdo it, but there is a serious issue about people's trust in ministerial accountability and how we hold Ministers to account. That has been exacerbated by the events of this year and people's perception that Ministers have acted with a degree of impunity. Anything that we can do to counteract or improve that process has to be considered seriously.

The measures in the Bill are, hopefully, a positive step forward. I talked about the inquiry into Priti Patel, but I hope that what we will do in the Bill is to show that we can take the lead in these islands, for a change, in delivering more robust and free-standing ministerial accountability. That does not mean that the accountability function of the Assembly or the media, for that matter, is undermined by the commissioner's remit being extended to Ministers. If the Bill passes with the clause as it is, it would be worth whichever Department is responsible for taking forward the enhanced role of the Commissioner for Standards looking at its resourcing and staffing. Given the context

that we are in of having an extreme backlog of complaints about MLAs, it would, I am afraid, be unacceptable and pretty naive of us to burden the commissioner with extra work without adequately and realistically resourcing them. We in the SDLP believe that what is proposed is an appropriate vehicle to oversee the fundamental standards and principles that are expected of Ministers.

I will move on briefly and put on record my party's support for amendment No 21, which, we think, is reasonable and hard to argue with. Again, it would put in statute what should already be happening. The Bill's sponsor can perhaps say something about this, but it does not prevent any Department being frank with a Committee about material that is not ready yet. Clause 21 will not hugely overburden Departments with duties in addition to their existing ones under the Northern Ireland Act. However, it is a useful addition, because, as we have said, scrutiny adds to the proper functioning of government.

It is worth saying that there are some here who are sceptical of mandatory coalition as a principle. Certainly, one thing that, I think, we can all agree on, whether you were a supporter of the Good Friday Agreement or a frenzied opponent of it, is that, with a structure of government like this, it is particularly important that Committees are able to do their job.

A recent Institute for Government report on the working of devolution in Northern Ireland was explicitly critical of Committee oversight. The report said that Committees needed more support by way of research and information. That is no reflection on RaISe, which does a wonderful job for us. However, it is true to say that we could have more resource for our Committees, and, if the Bill helps to beef that up by putting the information that is required from Departments on a statutory footing, why not?

We support amendment No 22, which is sensible. On clause 12 more broadly, what is proposed is a pretty sensible innovation, to be honest. It will not necessarily instantly transform how people see the institutions, but the fact that senior Ministers have to come to the Assembly to explain how government is functioning would be a useful discipline and should not create any disproportionate burden on civil servants or Ministers. It is useful, given that the institutions are, like everything else, a work in progress, and, in one sense, it is arguable that a biennial report that leads to practical constructive improvement and consensus on improvements is not damaging to the institutions but could strengthen them. Perhaps I should not have said that, because Mr Allister may want to withdraw the clause now. Biennial reporting is a useful tool and hopefully could also improve delivery of the outcome-based approach that we have moved to in the past few years. Obviously, we have not had an updated Programme for Government, in some ways understandably, because of COVID, but this is something that we could look at in complement to a new Programme for Government, whenever that comes, probably during the next mandate. There are positive things there.

The arguments against seem to be primarily around the fact that it duplicates what is already codified. I am, perhaps more than some, willing to give particular credence to arguments about not creating a disproportionate burden on civil servants, and I will talk a fair bit about that in the next grouping because, particularly, given my career history, I am very cognisant

of that. We have to be careful, as we pass laws, that we are not simply creating disproportionate burdens on civil servants in lieu of changing culture. On this grouping, I genuinely do not see that we are creating enormous burdens on civil servants or Ministers.

Mr O'Dowd: Will the Member give way?

Mr O'Toole: Yes, I am happy to give way.

Mr O'Dowd: While you may not be creating an undue burden on civil servants, the question that you have to ask yourself is this: are you creating effective law?

Mr Deputy Speaker (Mr Beggs): Can I ask the Member to use the microphone so that Hansard will record his words?

Mr O'Dowd: This is not like passing a motion on a Monday or a Tuesday that has no impact. This is legislation that we are passing, so ask yourself this question: will the clauses that you pass support effective law?

Mr O'Toole: The Member asks a good and very fair question, and I touched on that a bit in my previous remarks. There are areas of the Bill that, we think, are counterproductive and superfluous in some places, so we will not support those. In this area, I do not see that this is a counterproductive law, in the sense that it is not creating, as far as I see it, a disproportionate burden on our Administration. There is a separate question about the volume of the statute book, and I am sure that people more qualified than me will have strong views on the length of the statute book and whether it is tidy or untidy. I do not think that the specific provisions create any undue burdens.

I move on to Mr Frew's amendment. As I alluded to in my interventions, we have some questions around the timing in new clause 12A, but we are certainly happy to take up his invitation at the next stage. We may not be able to vote actively for it at this stage, but, if it goes through to the next stage, we will work with him to look at the content. He has talked about the three-legged stool of the clause: we certainly think that the second two have a lot of merit.

On subsection (1), going back to what Mr O'Dowd just said about creating the right law, frankly, there is a risk that, if you put it in law that every Committee has to be provided by its Department with a briefing in advance of its submission to a monitoring round, you are, in law, creating a process that could lead to unintended consequences and to political bun fights and people haggling before monitoring rounds. We have to be careful about distinguishing between the role of an Executive — people like the Finance Minister, who is here today — who have a role in policymaking, and our role as scrutineers. Yes, there is a huge job in co-design and in Committees having a role in policy input and policy development — there is nothing wrong with that in principle — but formalising it in law as a kind of upfront thing before a monitoring round is a —. However, if it proceeds, we are happy to work with the proposer of that amendment to see whether it could either be made retrospective in terms of the information being provided in that new clause or clarified in some other way.

We also support the technical amendment to terminology through amendment No 25. At this stage, I am glad to end my comments there. I think that I was quite brief. I look forward to voting and moving on to the third grouping.

Mr Deputy Speaker (Mr Beggs): I call Andrew Muir. Sorry, it is Stewart Dickson.

9.15 pm

Mr Dickson: Apologies, Mr Deputy Speaker, if my name was not in front of you. I will speak on behalf of the Alliance Party on the amendments in the second group, which are on ministerial accountability to the Assembly.

That Ministers are accountable to the Assembly is indeed a fundamental principle of our devolved Government. We believe that Ministers should be held accountable for breaches of the ministerial code and that Members' questions and requests for briefings and papers should be responded to fully and promptly. The need to reform and, ultimately, remove the petition of concern as a block to censure of a Minister for contravention of the ministerial code and, indeed, of Members when they may have committed misdemeanours is something that we as a party sought to achieve prior to the re-establishment of the institutions and is that we will continue to press for.

In the lead-up to RHI, some Ministers, at times, showed complete and unacceptable disrespect for the Assembly and its scrutiny function. We fully recognise that there is a great deal of work that needs to be done in that regard. Multiple examples of that disrespect were highlighted by Sir Patrick Coghlin in his report, and we support the implementation of the recommendations designed to redress that.

Since the return of power-sharing earlier this year, the Minister of Finance has, through the Executive subcommittee on the RHI inquiry, pledged to the House to establish a three-person panel, including the Assembly Commissioner for Standards, to investigate breaches of the ministerial code. With the subcommittee due to report its final recommendations before the end of the year, we will hold the Minister of Finance accountable for ensuring that the panel is swiftly established; indeed, we would very much welcome an update on its progress from him to the Assembly during this debate. We do not expect that other members of the panel need to be commissioners; rather, they should be people of rigour, independently appointed and with the ability to act. We would like to hear more from the Minister of Finance about their powers and the terms of their appointment. We believe, however, that it is important that the new Commissioner for Standards be supported in what is a separate and additional role to that which she currently holds for Members of the House. On that basis, we are minded not to support clause 5, which brings the conduct of Ministers and the ministerial code directly under her remit. We are keen to get the necessary assurances from the Minister of Finance about the establishment of a panel to investigate ministerial conduct and that establishing it will be properly and completely fulfilled in line with the recommendations of the Coghlin report.

I turn now to amendments Nos 21 and 23. Amendment No 21 would put into legislation a requirement for Ministers to provide information to the Assembly and its Committees. Amendment No 23 concerns the timing of in-year monitoring processes. The Good Friday Agreement, enacted by the Northern Ireland Act 1998, gives Committees the power to call for persons and papers. The power to require attendance at Committees is included in section 44 of the 1998 Act, and we simply cannot see why it is believed that further legislation will make any tangible

difference, but we will wait to be persuaded before voting on amendment No 21. On amendment No 23, the in-year monitoring process is extremely important, and Members must be able to scrutinise it fully. There is, however, a need for flexibility around the timing; indeed, we have seen that this year with the unprecedented disruption caused by the pandemic. For that reason, we feel that issues of timing are better and more appropriately dealt with through Standing Orders, where they can be ruled on by the Speaker's Office.

Mr Frew: I thank the Member for giving way on that issue. One of the reasons that I did not put dates in amendment No 23 is the flexibility that is required with having monitoring rounds and a Budget process every two years. That is why I put in a time frame of days rather than include a date for a Minister to have a duty to come to the House.

Mr Dickson: I welcome that flexibility and the recognition that to have fixed dates would not be an appropriate way forward. For that reason, issues of timing are more appropriately dealt with, as I have said, through Standing Orders.

We have no objection to clause 12, which requires the First Minister and the deputy First Minister to bring a biennial report to the Assembly on the functioning of government. As with so much of the Bill, real change will come through the implementation of the Coghlin report and through changes to culture and accepted work practices. At the end of the day, you can take a horse to water, but you cannot make it drink.

Mr Wells: It is well after 9.00 pm, and, of course, this is only a warm-up session for the real battle, which is to come after these amendments. In the debate on this group, there will be no revelations from me about the misdemeanours of spads, so this will be rather dull. Maybe part 2 will occur in the debate on the next group.

This group of amendments is rather uncontentious. I would like to think that they will go through without the need for a Division, because they make eminent sense. Every sensible MLA will give Mr Frew's amendment their full support. I agree entirely with the clause that gives the Commissioner for Standards the power to weed out vexatious complaints. I am a regular customer of the standards commissioner; indeed, there were times when he or she would have had little to do if it had not been for me and the former Member for North Antrim, who is now the MP for the constituency. Between the two of us, we kept up a steady flow of complaints to the commissioner.

I will give two recent examples. There was one from my attendance at a four-party panel discussion in Belfast, where someone asked me my view on gay marriage. I looked round the audience and thought, "If I give my views on gay marriage to this audience, first, I will not be home until about 2.00 am and, secondly, it will cause an awful lot of dissent", so I said, "I would prefer not to answer that question". A member of the LGBT community reported me to the Commissioner for Standards for not answering the question.

Mr Deputy Speaker (Mr Beggs): I draw the Member back to the amendments.

Mr Wells: Mr Deputy Speaker, far be it from me to question your ruling — that, of course, would be heresy — but it is related to the amendments, because the

Commissioner for Standards is being given the power to weed out vexatious complaints. I believe that that was a vexatious complaint. Of course, under the rules that applied then, the commissioner had no choice but to look at it. Obviously, he quickly ruled in my favour because I am perfectly entitled not to answer any question put to me at a panel discussion.

More recently, I had cause to ring an office in Essex, of all places, on behalf of a constituent. I think that it was about a speeding problem. Amusingly, the lady who answered the call had the broadest Essex accent. Whilst I believe that I speak English properly, she could not understand a word of what I was saying, and I could not understand a word of what she was saying. I said, "I am sorry, but we cannot make ourselves understood. You will have to slow down". She took great exception to that comment and reported me to the Commissioner for Standards. That is what I call a vexatious complaint. It is not what the rules were set up to achieve; they are meant to deal with issues of real concern that would cause concern to the public. That is why I think that that is important.

The former Ministers in the Chamber will know that you have to take some difficult decisions. I remember that one of the most difficult decisions that I had to look at was in respect of Dalriada Hospital in north Antrim; indeed, I was lobbied intensely by people in this very Chamber. Some 14,500 residents of Moyle lobbied me, which was about 95% of the adult population of the district. That is how many signed the petition saying, "Save Dalriada Hospital". As I said earlier, as it turned out, I decided not to close Dalriada Hospital. However, had I done so — it was a 50:50 decision — I am confident that there would have been about 14,500 people making a formal complaint to the Commissioner for Standards against that decision as malpractice. That is how controversial it was. I have never in my life seen a community as engaged as the Ballycastle and Glens community was about Dalriada Hospital. If we are to have a system through which the commissioner can deal with complaints against Ministers, we have to have a filtering mechanism that stops that happening, or else the system will become unworkable.

I can think of other examples. For instance, school closures are emotive issues. A small rural primary school is down to 30 or 40 pupils, the Minister has to decide to close it and, inevitably, that causes great concern. However, if he goes through the proper procedures, he will make the right decision, albeit a controversial one, and he cannot be subject to a huge number of complaints. Another example was the recent decision by the Infrastructure Minister on the North/South interconnector. That is a hot potato in border areas.

If MLAs are to be protected from frivolous and vexatious complaints, so should Ministers. That has an awful lot of merit, and I would hope that that would go through without any dissension.

The other proposals make eminent sense. Mostly, monitoring rounds involve the Minister divvying out goodies to Departments. However, it is important that Members can scrutinise monitoring rounds because they indicate that some Departments do not have sufficient control of their budgets to spend all that they were allocated. It is important that Members, particularly those who serve on the Finance Committee, find out why that happened. It should not occur. If Ministers have good

control of their budgets, they should go right to the wire, as it were, with their expenditure. We need to understand what projects have been withheld or held up and why that was the case.

I will not speak long on this group — I emphasise “this group”— of amendments. I would like to think that I would not be called to be a Teller for the votes on them.

Mr Catney: From the outset of my comments on this group of amendments, I give my full and firm support to the concept of Departments and Ministers having greater accountability to Committees in the Assembly.

Although I disagree politically with the Bill's sponsor on many issues, one of the more interesting aspects of daily life here since the Assembly was restored and one of my permanent likes is watching him hold Departments to account. I am sure that permanent secretaries have a treasure chest of war stories of coming up against him; it is a task that holds a suitable level of trepidation. That being said, there is a clear need for greater accountability and scrutiny to allow cleaner, more honest government and to restore the public's faith in this place. That will allow it to come to reasoned, sensible decisions that are based on sound evidence rather than political whim.

I support clause 5. It is right for Ministers to fall under the same complaints procedures as MLAs; it would be ridiculous for them not to be included. However, I welcome the amendments tabled by the Bill sponsor to add protection against frivolous and vexatious claims. We have only to look at some of the statistics from the Local Government Commissioner for Standards, which show that around 50% of complaints against councillors come from other councillors, to see how the system could be abused rather than used for its intended purpose.

Amendment No 21 is important in providing a statutory footing for the duty of Ministers and Departments to provide information to Committees and to allow for greatly enhanced scrutiny. In addition, as the Bill's sponsor will know from sitting on the Finance Committee, the clause will enhance the efficiency of the work. I am no expert on Committees. The Finance Committee is the first Committee on which I have served, but I find it a good and constructive Committee. Much of the information that we require is provided to us. There are times when the process of getting that information is slow, but I think that that tends to be the case for all Committees. Information should not have to be chased up repeatedly, and the amendment will, I hope, reduce the number of unnecessary delays.

I turn to Mr Frew's amendment No 23. I know what the Member is trying to achieve with the amendment and of his dedication to open decision-making. I agree with his desire to have more scrutiny of monitoring round bids. My issue, again, is with the operation of the clause. Many departmental budgetary pressures are time-sensitive, and the whole point of monitoring rounds is to allow Departments to act quickly and to give them the flexibility to deal with in-year pressures.

It may be cumbersome for Departments to come to the Assembly before every bid is submitted. Could that be done retrospectively to allow for the scrutiny that is required while keeping the process of monitoring rounds moving efficiently?

9.30 pm

Mr Carroll: The first two amendments in this section — amendment Nos 10 and 12 — are technical, but amendment No 12 is an important addition to the role and remit of the Commissioner for Standards. Other Members have talked about that. As it stands, the commissioner can investigate any MLA who is suspected of breaching the code of conduct or other wrongdoings. It is quite remarkable that the person designated to investigate complaints and breaches, effectively, has a blanket ban on Ministers being investigated. It is right and proper that there is a process, albeit that it is often a slow and laborious one; nonetheless, a process exists for MLAs to be investigated for breaches, potential breaches, misconduct and so on. Why is the same level of accountability and scrutiny not in place for Ministers? Are we really saying that Ministers are untouchable and that, as the current unamended and unchanged legislation does, Ministers are beyond any real investigation? Effectively, that will be the de facto situation unless changes are implemented to this legislation. Whilst the current state of affairs is obscene, it is in line with the general approach of Stormont in which Ministers are rarely held to account for their actions in any meaningful sense. A Minister resigning for wrongdoing is a rare thing in the House.

Amendment Nos 21 and 23 introduce two new clauses. Amendment No 21 would bring an important change to the way in which this Building and its Committees function. I have lost count of the number of times that I or other members at the Health Committee have asked reasonable questions, which are not outlandish and are not in the public domain, but have not received an answer or even an, “I will get back to you”. The fact that this amendment places a responsibility on Ministers and Departments when a Committee may reasonably require information in order to discharge its functions is right and proper. I hope that it will go some way to increasing the scrutiny function of Committees in the Assembly more generally and will increase the information that Committees, including the Health Committee that I sit on, can get access to.

In the normal budgetary and in-year monitoring round process that occurs, my experience in the Health Committee is that it is extremely difficult to find out the rationale for and the detail on why some bids are made or not made. Even political anoraks would find it difficult to explain or understand that process. Surely, any transparency around the process can only be a good thing. Any attempt to increase the information that Committee members get, to further open up or to make the budgetary process more transparent and to explain why Ministers make certain decisions can only be a good and welcome thing. It is for those reasons that I will support the amendments.

Mr Deputy Speaker (Mr Beggs): I call on the Minister for Finance, Conor Murphy, to respond to the debate on the second group of amendments.

Mr Murphy: Go raibh maith agat, a LeasCheann Comhairle. The amendments in the second group all seek to ensure that Ministers are more effectively accountable to the Assembly. That is a sentiment and principle that I absolutely adhere to and encourage. However, the question, as one of my colleagues asked, is whether this legislation is the way to do that or whether it makes any substantial improvement to it. The effort here is misplaced. Amendment Nos 10 and 11 make some small tweaks

to clause 5, which puts the investigation of ministerial standards within the remit of the Assembly Commissioner for Standards. Stewart Dickson, who has left the Chamber, asked questions relating to that. It is a matter for the Executive Office to establish the ministerial panel and to build on the remit that has already been established, and I look forward to it doing that as a matter of urgency.

The investigation function that has been agreed by the Executive provides for the involvement of the Assembly Commissioner for Standards as an ex officio member, if that were required. The ministerial standards panel is intended to be fast, reactive and efficient in dealing with complaints about breaches of the ministerial code of conduct. It is not clear that the Assembly Commissioner for Standards would be able to fulfil the same role, and that concern has been raised by others. The panel for the ministerial code of conduct will be obliged to report publicly. That arrangement is unlike anything else in our neighbouring jurisdictions — reference has been made to the ongoing difficulties in the London Government — but it will rely on the independence of the panel from the heads of government.

Mr Allister, in challenging this, said that it is hand-picked. The reality is that the people on the Finance Committee are hand-picked. Members on the Committee for the Assembly Commissioner for Standards are hand-picked as well. Members on all Committees of the Assembly are hand-picked, and, of course, there is a responsibility on the members who are appointed to report publicly, and that will bring a degree of independence to them and a responsibility to ensure that their work stands up to scrutiny. The place of the Assembly in bringing procedures against a Minister under section 30 of the Northern Ireland Act would remain. In fact, that would be enhanced, because all members will be given a panel members' report on which to act.

Amendment No 21 appears to be wholly unnecessary. The Assembly already has the power to call for witnesses and documents under section 44 of the Northern Ireland Act 1998. I have yet to hear a convincing reason why this new clause is necessary and what it adds to the existing statute. The Assembly has the capability to achieve its ends under section 44.

Amendment No 22 makes minor textual changes to clause 12, but it repeats the error of other provisions in this group by minimising the Assembly's scrutiny role. Rather than recognising the responsibility of the Assembly for reading, digesting and acting on the reports of the Civil Service Commissioners, the Comptroller and Auditor General and the Commissioner for Public Appointments, it asks the First Minister and deputy First Minister to provide the summary report: in other words, to give their filtered view to the Assembly of the reports of all those independent organisations, when the reports are readily available for Members and Committees to scrutinise as they so wish.

Amendment No 23 has been grouped with the other amendments on accountability when it might just as easily be grouped with the next set of amendments, which is concerned with matters of administration. It places into statute the administrative arrangements for Departments to brief their respective Committees. It is unclear exactly what is being proposed by the amendment. I routinely make a statement to the Assembly that sets out the changes to each Department's budget, which have been

agreed by the Executive in each monitoring round. That happens well within the seven-day timescale proposed in this amendment. The amendment has the potential to increase significantly the administrative burden on Department of Finance staff without a corresponding increase in the Assembly's ability to scrutinise Executive decisions.

Mr Allister: The Minister has just said that the Assembly Commissioner for Standards is hand-picked.

Mr Murphy: No, I said that the members of it are.

Mr Allister: I will give way if the Minister wants.

Mr Murphy: I said that the members of the Committee on Standards and Privileges are hand-picked. The members of the Finance Committee, the Member included — he happened to hand-pick himself — are hand-picked. He makes it seem almost disparaging that the members of the ministerial panel would be hand-picked. Of course, they have a public scrutiny role that is itself open to scrutiny through the reports, and my argument is that they will provide that in a professional way.

Mr Allister: Let us consider and contrast this. The Commissioner for Standards, who deals with MLAs, is appointed having been identified through a fair and open competition. Contrast that with three hand-picked commissioners. The Assembly Commissioner for Standards has the power to compel documents and witnesses. Contrast that with the three commissioners, who have to rely on the information that the head of Civil Service gives them. The Commissioner for Standards can take evidence on oath, but there is no such provision for the three commissioners. It is a criminal offence not to cooperate with and answer questions from the Commissioner for Standards. There is no such provision for the three commissioners, so there is no comparison. Yet the Minister is contending that, while ordinary MLAs should be subjected to the rigour of such a process, Ministers should be exempt from that and that, rather, they should be treated with, as I will put it, kid gloves by three hand-picked commissioners who have no powers to get to the truth about anything. That is what the Minister is offering the House: second-grade and second-rate accountability for Ministers, as opposed to Rolls Royce accountability for MLAs. That is patently inequitable.

Of course, when you look further at it, you may ask this: if the system that the Minister is proposing is so foolproof and so good, where is it? The greatest challenge to clause 5 would be to have the three commissioners in place so that he could say, "We have delivered. This is redundant and is not needed." For nine or 10 months, there has been no delivery. Is there going to be legislation to establish those three commissioners? Where is that? Really, the Minister is suggesting and saying to the House, "Even though we, the Ministers, haven't done anything about it, you shouldn't do anything about it and you certainly shouldn't put Ministers under the same scrutiny as MLAs". That is not tenable, and the passage of time has made it even more untenable.

Turning to some of the points that Mr Dickson made, he said that his party would like to get rid of the petition of concern on these issues. So would I. I was minded to table an amendment that would prohibit the petition of concern being used on any Assembly Commission report, but the advice was that the petitions of concern are excepted

matters and are outside the competence of the Bill. That is why that amendment is not there.

Mr O'Toole asked whether the commissioner would be properly resourced and who would resource them. The answer is that the Assembly Commission would, because schedule 4 to the 2011 Act is very clear. It says in paragraph 3.1:

"The Commission"

— that is, the Assembly Commission —

"shall provide the Commissioner with such administrative and other support, including staff, services and accommodation, as the Commissioner may reasonably require for the purpose of discharging the functions imposed on the Commissioner by this Act."

If we amend the Act to impose the investigation of Ministers upon the commissioner, it follows that the Assembly Commission will be under the obligation to provide extra support if he needs it. I remind the House that the last commissioner said in his annual report that he thought that that could be done without any stretch on resources, but if he was wrong about that, the provision already exists for it and he does not have to wait on the Executive or anything else, because the obligation is on the Commission.

Paragraph 4 in the schedule states:

"The Commissioner may, on such terms as the Commissioner may determine, secure the provision of such goods or services as the Commissioner considers necessary for assisting in the exercise of the Commissioner's functions."

So, the commissioner is given very strong powers to require resources to deploy services. If the commissioner finds that he needs the assistance of an expert in something, under paragraph 4 of schedule 4, he has the authority to get that. It all can be done, it all should be done and clause 5 is a very important opportunity for the House to demonstrate that there are no protected species and that Ministers are subject to scrutiny. Is that not a good place to be?

Amendment No 10 agreed to.

9.45 pm

Amendment No 11 made: In page 3, line 11, leave out from "means" to end of line 12 and insert "means Section 1 of the Ministerial Code as provided for by Section 28A of the Northern Ireland Act 1998."— *[Mr Allister.]*

Amendment No 12 made: In page 3, line 14, at end insert

"(6A) In Section 27(1) after 'Assembly' insert 'or minister'."— *[Mr Allister.]*

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Records of meetings)

Mr Deputy Speaker (Mr Beggs): We now come to the third group of amendments for debate. With amendment No 13, it will be convenient to debate amendment Nos 14 to 20, 24 and 26 and opposition to clause 7 stand part. It should be noted that amendment No 26 is consequential to

amendment No 15. I call Jim Allister to move amendment No 13 and to address the other amendments in the group.

Mr Allister: I beg to move amendment No 13: Leave out clause 6 and insert

"Records of meetings"

6. A civil servant, other than a special adviser, must make and the department must retain an accurate written record of every internal departmental meeting attended by a minister recording, in particular, those present, date and time, topics discussed, and every decision and action point."

The following amendments stood on the Marshalled List:

No 14: Leave out clause 8 and insert

"Presence of civil servants"

8.—(1) A civil servant, other than a special adviser, must be present and take an accurate written record of every meeting held by a minister or special adviser with non-departmental personnel about official business; except for liaison with the minister's political party.

(2) The department must retain the record made pursuant to subsection (1).— *[Mr Allister.]*

No 15: New Clause

After clause 8 insert

"Record of being lobbied"

8A.—(1) In the event of a minister or special adviser, other than as provided for in section 8, being lobbied, then, the minister or (as the case may be) special adviser must provide at the earliest opportunity a written record to their department of all such lobbying and the department must retain such records.

(2) In this section "being lobbied" means to receive personally a communication, either oral or written, on behalf of the person making the communication or another person or persons, relating to:

(a) the development, adoption or modification of any proposal of the department to make or amend primary or subordinate legislation;

(b) the development, adoption or modification of any other policy of the department;

(c) the making, giving or issuing by the department of, or the taking of any other steps by the department in relation to, —

(i) any contract or other agreement,

(ii) any grant or other financial assistance, or

(iii) any licence or other authorisation; or

(d) the exercise of any other function of the department.

(3) For the purposes of subsection (2), it does not matter whether the communication occurs in or outwith the United Kingdom.

(4) Nothing in this section shall apply to a communication —

(a) made in proceedings of the Northern Ireland Assembly or the Executive Committee, or

(b) arising in the course of liaison with the minister's political party."— *[Mr Allister.]*

No 16: Leave out clause 9 and insert

“Use of official systems

9.—(1) A minister, special adviser or civil servant when communicating on official business by electronic means must not use personal accounts or anything other than devices issued by the department, systems used by the department and departmental email addresses.

(2) If out of necessity it is not possible to comply with the requirements of subsection (1) the minister or (as the case may be) special adviser or civil servant must within 48 hours, or as soon thereafter as reasonably practicable,

(a) copy to the departmental system any written material generated during the use of non-departmental devices or systems; and

(b) make an accurate record on the departmental system of any verbal communications relating to departmental matters.

(3) It shall be an offence for any minister, special adviser or civil servant to fail to comply with the requirements of subsection (2).

(4) In proceedings in respect of a charge against a person (“A”) of the offence under subsection (3), it is a defence for A to show that the course of behaviour was reasonable in the particular circumstances or was in the public interest.

(5) A person is taken to have shown the fact mentioned in subsection (4) if —

(a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (4), and

(b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (4).

(6) A person guilty of an offence under this section is liable on conviction

(a) on indictment, to imprisonment for a term not exceeding 2 years;

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.”— [Mr Allister.]

No 17: In clause 10, page 4, line 10, leave out “21” and insert “28”.— [Mr Allister.]

No 18: In clause 10, page 4, line 12, leave out “close”.— [Mr Allister.]

No 19: In clause 10, page 4, line 13, leave out “21” and insert “28”.— [Mr Allister.]

No 20: Leave out clause 11 and insert

“Offence of unauthorised disclosure

11.—(1) Without prejudice to the operation of the Official Secrets Acts 1911-1989 and save in the discharge of a statutory obligation or in the lawful pursuit of official duties, it shall be an offence for any minister, civil servant or special adviser to communicate, directly or indirectly, official information to another for the financial or other improper benefit of any person or third party.

(2) In proceedings in respect of a charge against a person (“A”) of the offence under subsection (1), it is a defence for

A to show that the course of behaviour was reasonable in the particular circumstances or was in the public interest.

(3) A person is taken to have shown the fact mentioned in subsection (2) if —

(a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (2), and

(b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (2).

(4) A person guilty of an offence under this section is liable on conviction

(a) on indictment, to imprisonment for a term not exceeding 2 years;

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.”— [Mr Allister.]

No 24: In clause 14, page 5, line 10, at end insert

“‘family member’ has the same meaning as set out in Schedule 1(3) to the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011.”— [Mr Allister.]

No 26: In clause 14, page 5, line 10, at end insert

“‘The Executive Committee’ means the Executive Committee as established by section 20 of the Northern Ireland Act 1998.”— [Mr Allister.]

Mr Allister: I want to take a moment to explain the architecture of the Bill at these sections and of the amendments. Clauses 6 to 8 hang together. There is a tripartite structure here, which is anticipated when you read through the amendments to come into place. Clause 6 is to deal with the regular departmental meetings where decisions are taken and the Minister is present. Clause 6, in consequence, requires that a proper note should be kept. Old clause 7, which will now be on foot of amendment No 14, if accepted, deals with scheduled meetings with third parties by the Minister, etc. Again, under amendment No 14, proper note should be taken. Old clause 8 is now restructured through amendment No 15 and recast in terms of lobbying. That is to deal with the situation where Ministers, in respect of their own Department, find themselves lobbied about an issue, probably on an unscheduled and unsolicited basis. If it were a scheduled meeting with an interested party, it would be covered by clause 7, now amendment No 14, but you are talking about a situation unscheduled and unsolicited where a Minister or special adviser are lobbied about a matter. That is what amendment No 15 will now cover.

These are about keeping proper records of all of that. There was an interesting short report from very influential sources at the beginning of this year. Our Public Services Ombudsman, our Audit Office Comptroller and Auditor General and the Information Commissioner’s Office (ICO) produced a short little pamphlet called ‘Records Matter’. In the foreword to that, they said this:

“The importance of good record keeping cannot be overstated. This is because records provide evidence of activity. They can help to tell us why a decision was made, who made it and when. They are necessary to create confidence in any decision making process,

to promote accountability and transparency, and to enable others to verify what has been done. Good record keeping is also vital for corporate memory."

The report goes on to state —. In fact, that is the essence of it. For the sake of time, I will not read any more from it. It is clear. It is our primary scrutineers — the ombudsman, the Comptroller and Auditor General and the head of ICO regions — who are making it very clear that good record-keeping is critical. That may be obvious, but they are still making it very clear.

We know from RHI, however, how deficient record-keeping was, and why. Let me remind the House of some of the evidence. Andrew Crawford told the inquiry that, in seven years, he never saw minutes of a meeting involving a Minister. We all recall the whistle-blower, Ms Hepper. It emerged in evidence from the whistle-blower that no records had been kept. We also had the infamous evidence of Mr Sterling, who said that a conscious decision had been taken not to keep records for fear of FOI, because, he told us, the major Executive parties did not want matters to be recorded that were discoverable under FOI. On record-keeping, Mr Brimstone told the inquiry:

"That wasn't the way we worked".

We also know from the inquiry report that, whatever guidance there was, it was never followed. I take you to finding 299 in volume 3. It is one of the findings by Lord Justice Coghlin about meetings with Ofgem etc:

"Applicable departmental Private Office Guidance about the minuting of meetings was not followed. In the absence of having been withdrawn or amended, it should have been followed."

There you have it, fellow Members: a culture, as established from those who gave evidence, of patent defiance of the normal expectation that records would be kept. Hence, clause 6 imposes an obligation for the keeping of records. Some might ask why that is needed in legislation and say, "We will do it in codes". Is that like the private office guidance to which Lord Justice Coghlin referred, which required the keeping of notes but none was kept?

The fallibility of codes is beyond dispute. Their public credibility is so shot through that, frankly, it is untenable, if not unconscionable, to say that we can deal with all those things merely through codes without legislation. Codes have demonstrably failed. Why? Because they have no bite. Legislation gives bite. That is why we need to put it in legislation. Will it be a burden? Not to those who do things right. Will it be a burden to those who want to cut corners? Yes, and so it should be. If the protestation is, "We're in a new culture. All is now well. That was the past. This is the now", there is no burden in putting it in legislation. Resistance to putting it in legislation raises this obvious question: what is one afraid of? If notes are to be kept anyway, and if the codes say that they should be kept, where is the burden in putting that in legislation?

It is a public trust issue. Public trust was shot through by RHI. My goodness, I am sure that, many's a night, ordinary citizens sat in their living rooms watching TV reports and shook their head at how things were done. After hearing that notes were deliberately not taken because they might

unleash an FOI and that guidance was just ignored, I do not think that too many of those people who sat shaking their head would be satisfied if we said, "Oh, it's OK, because we're going to put it in a code". They want better than that, and they are looking to the House for something better than that. They are looking to the House to put it in legislation. The public trust issue could not be more stark, given what Mr Sterling told the inquiry. How, in light of that, could codes ever suffice? If we now intend to do things right, what do we fear?

In light of some points made to me, amendment No 13 somewhat reduces the ambit of clause 6 by taking out the requirement for noting "ministerial indication of intent". It keeps it tighter. It is about noting:

"every decision and action point."

Of course, there are the natural prerequisites of noting:

"those present, date and time, topics discussed".

I say this to the House: who could object to that? If you object to it, why? What would anyone want to hide by not having a statutory duty? If we had never had RHI, I could understand why people would say to me, "Oh, you're being unnecessarily burdensome and cumbersome, and all that's too much", but we had RHI. I am not asking for anything more in legislation than what we are told is now in the codes. The practical outworking — the work product required — of putting it in legislation is no greater, so why not do it?

Amendment No 14 deals with third-party meetings with non-departmental staff. I am sure that it is a relatively regular occurrence for a Minister to be asked to meet lobby groups and various others. Such groups will meet the Minister at Stormont, in his office or wherever. What amendment No 14 requires is that:

"A civil servant, other than a special adviser, must be present and take an accurate written record",

where official business is discussed. The only exception to that is the necessary political exception of where the Minister is meeting with his political party. It is not for the House to pry into the representations made to a Minister in his own political group, so there is an exemption for that.

10.00 pm

I move to amendment No 15. I recast that clause considerably to put the focus on lobbying. The definition of "lobbying" I have taken from the ingloriously named legislation in England, the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014. There, "lobbying" is defined, and I have used the same definition. I am saying in amendment No 15:

"In the event of a minister or special adviser, other than as provided for in section 8," —

that is to say, other than at an organised meeting with a third party —

"being lobbied, then, the minister or (as the case may be) special adviser must provide at the earliest opportunity a written record to their department of all such lobbying".

Deliberately, it does not specify the precise mechanics of that written record, but all such lobbying must be placed on record, and the Department must retain those records.

Just a word about what “lobbying” means. It does not mean Minister Murphy being lobbied about something in the Department for Communities. It restricts the lobbying to his own Department — to any Minister’s own Department. It is not a catch-all in respect of all government. In one way, it would be good to have that, but it gets a bit unwieldy. It restricts it to specifics, proposals:

“to make or amend primary or subordinate legislation;”

If someone comes along, and says, “I hope you will be able to make the following change in the law, I’d like that to happen” for whatever reason, or someone coming along, and saying, “A policy needs adopted, a policy needs modified”, or someone coming along and wanting to talk, as amendment No 15 lists, about a contract, grant or licence — if you are lobbied on those kernel things or on any other function of the Department, there should be a record retained.

We all know that in respect of RHI there was effective cover-up of lobbying. Meetings were held with Moy Park, for example, at home and abroad, of which no notes or records were kept. That is a matter of record.

Why should there not be a record? Of course there should. Now we are told, “Oh, the codes will take care of that”. So, in recent weeks, I tabled this question to every Minister:

“to ask the Minister ... what process or mechanism exists within his Department whereby a written record is kept of any lobbying of the Minister or special adviser in relation to departmental functions, policies or proposals.”

I have had no answer from the Executive Office, I have had no answer from the Department for Communities, and I have had a variety of answers from some other Departments. The Department of Agriculture, Environment and Rural Affairs said:

“All correspondence received by my Department is logged and recorded appropriately in line with NICS policies and guidance.”

Members will have noted that that was not the question. The question was about lobbying. The answer is:

“All correspondence received by my Department is logged”.

I am sure that it is, but that was not the question. Does one infer from that answer that there is no process, even yet, for the logging of lobbying?

The Departments of Education and Health gave me an identical answer:

“My Department holds records of all correspondence, lobbying or otherwise using the HP Records Management System.”

Health and Education claim that they have such records. The Minister for the Economy gave this answer:

“Information relating to all Ministerial correspondence and invitations are retained in the formal NICS electronic records management system known as

HPRM, in line with NICS Records Management policy and GDPR obligations.

Details of all of the Minister’s meetings, including those also attended by the Special :1, with external organisations and individuals are also collated and provided to the Department of Finance for publication quarterly. The Department also holds a record of meetings attended solely by the Special Adviser.”

I remind you that the question was this: “What process or mechanism exists whereby a written record is kept of any lobbying?”. I was not asking about invitations or ministerial correspondence, but that is what I was told.

This is what the Department of Finance said:

“The Department has systems and processes in place to maintain the record keeping requirements of the Ministerial and Special Adviser codes of conduct. All written communication received by the Ministerial Private Office is recorded in the Knowledge Network (KN) System.

Officials are present at all meetings concerning departmental or executive business and records of those meetings are recorded and stored on the NICS record management system, HPRM.

In accordance with the requirements of the Ministerial and Special Adviser Codes of Conduct, where the Minister or Special Adviser meets external organisations or individuals and finds themselves discussing official business without an official present they are required to advise the Private Office.”

There is a new dimension. When they answer the question, we have other Departments that tell us that things are logged on the HP records management system. However, we have the Department of Finance telling us that, if someone is lobbied, you are required to advise the private office. What I draw from that is that, in truth, there is no system; otherwise, you would not have all those disparate answers, which are telling us that they, each to their own, do different things, if they do anything.

That is why I recommend amendment No 15 to the House: make it abundantly clear that, if you are lobbied, a record of that might be kept. That might well be the Minister coming into the private office on Monday morning and saying, “At the golf club dinner on Saturday night, I was lobbied about our upcoming energy policy in order to make sure that there is more generosity for wind turbines”. As long as that is recorded in the private office and there is a record, I am not prescribing the specifics. It is really for the Department of Finance, which has all these systems with HP, KN and everything else, to give a directive as to where it should be recorded. However, at the minute, there does not seem to be a system that is consistently in place. Again, the importance of that is that the RHI inquiry threw up the evident deficiency in recording and the concealment of lobbying. That is not good for transparency or openness, nor is it a healthy situation in government. I recommend to the House that there should be a clear and consistent requirement across that. That is why we need the statutory duty. It seems that, in other places, the party most opposed to this idea — Sinn Féin — thinks that it is quite a good idea, because, tonight or tomorrow, as we heard, a Sinn Féin member is introducing a private Member’s Bill on

lobbying in the Dáil. Well, if it is good enough for the Dáil, Sinn Féin might think that it is good enough for here.

Mr O'Dowd: Will the Member give way?

Mr Murphy: Will the Member give way?

Mr Allister: Yes, I will give way to whichever one.

Mr O'Dowd: Sorry, I will give way to the Minister.

Mr Murphy: I will let my party political colleague deal with the party political point. With regard to lobbying — as a matter of interest, I speak as a former Regional Development Minister, a post currently held by Mr O'Toole's colleague, the Minister for Infrastructure — does the Member envisage that, if Minister Mallon were walking to the shops in north Belfast and was stopped and asked to get a street light fixed, she is obliged to record that? That is the exercise of "any other function" of her Department. If she were asked to get a pothole fixed, is she obliged to do that and to record it? That is lobbying, as far as I understand it and as the Member explained it to us. The lobbying that he envisages and identifies as a flaw was exposed by RHI. However, can he see where this exercise on legislation takes us and the ridiculous nature of "any function" of a Minister's Department? If, for example, a Minister were asked to get a street light or pothole fixed, that Minister would now be obliged in law to report it to her Department.

Mr Allister: The Minister is giving examples in extremis, but, if it helps, I will not die over proposed clause 8A(2) (d). If, at Further Consideration Stage, you want to remove the reference to the "exercise of any other function", I am amenable to that. The key things are the making of policy, the making of legislation, the granting of benefits, contracts, licences and all of that. If it helps Sinn Féin to support the amendment, I am happy to undertake that at Further Consideration Stage, I will move an amendment to remove the reference to:

"any other function of the department."

I do not want to diminish this to a point at which a Minister who is asked about a street light has to record that. You would like to think that a Minister would do something about it, but it is not necessary to record it. I am content to remove that difficulty for Sinn Féin by agreeing to an amendment to take out the line that appears at proposed clause 8A(2)(d). If that solves the issue and gets Sinn Féin on board, that would be a plus. I am happy to do that. However, the fundamentals here need to be addressed.

Frankly, colleagues, it is an embarrassment that so much happened with RHI. If those who had cause to be embarrassed the most have the maturity to face up to that, why are others dragging their feet? It is not just about the politics of the House; it is about the public looking to see whether we have made any credible changes. Have we put anything in place that will ensure that things like this will not happen again? We owe it to the public to do that. We heard some ridiculous lines today that this is all about me trying to undermine the structures of government. Think about it: "Transparency and openness will undermine the structures of government". I do not like these structures of government — that is no secret — but I live in this place and want things to be as good as they can be, within the limitations of those structures, for ordinary people. I have a vested interest in making things better, wholly without

prejudice to my view of the institutions. This is not about a Machiavellian way to undermine the institutions; indeed, the tempting and easy thing for me, given my political standpoint, would be to sit back and watch the Executive wallow in the disasters of their own making. That would be tempting and easy, but it is not the course that I choose to take. There is no political agenda. I said at the start of the debate that this is not about green or orange. It is not about being for or against the Executive or the Belfast Agreement. It is about trying to get better and more credible working functions in government. That is not too much to ask.

10.15 pm

I move on to clauses 9 and 11. The House will be aware of the embarrassments caused by how some spads conducted themselves. The House will remember the evidence in the RHI inquiry that, by dint of using private email accounts etc, information was hidden; indeed, only in the latter stages of the RHI inquiry did some of it come to light. The motivation was pretty obvious: if things were not on the official system, they were never going to be discovered in a departmental search and were never going to be subject to FOI. Thus, the thrust of clause 9, although I have recast its wording, is to ensure that a process that facilitated hiding information is pulled up short. I recast it in a way that means that the mischief that it now addresses is the hiding of information by failure to put it on to the official system. From the evidence given, I was readily persuaded that there are circumstances where, with the best will in the world, Ministers, spads and civil servants might have no option but to use their private systems by virtue of where they are etc. That is not a problem, provided that they put it on to the official system. That is what amendment No 16 now focuses on. It simply says:

"If out of necessity it is not possible to comply with the requirements of subsection (1)".

In other words, subsection (1) is the expectation that you use official systems. The amendment states:

"If out of necessity it is not possible ... the minister ... special adviser or civil servant must within 48 hours, or as soon thereafter as reasonably practicable" —

we are not being overprescriptive —

"(a) copy to the departmental system any written material generated during the use of non-departmental devices or systems; and

(b) make an accurate record on the departmental system of any verbal communications relating to departmental matters."

Again, that is to make sure that that which hitherto was being hidden cannot continue to be hidden. The Minister will tell us, "Oh, it's all now in the codes. Codes require you to do all this". I will say it again: the codes are a broken reed. They neither deliver on past performance nor buy the street cred that is required. Of course, where this offence is concerned, lest some hapless civil servant find himself inappropriately on the wrong side of the law, there is the reasonable excuse defence and the public interest defence; indeed, I go further in the amendment. Of course, you can never be an accused, let us remember, unless there is a prosecution brought that passes the

Public Prosecution Service tests of “reasonable prospect of conviction” and being “in the public interest” — being “in the public interest” might be very germane to a prosecution such as this — but, if it gets past that and there is a prosecution, I have cast this in such a way that, once the accused raises the reasonable excuse or public interest defences, with some evidence, it is for the prosecution to disprove that beyond all reasonable doubt. It is hedged about with many protections, so that people should not unwittingly fall victim to it.

The penalties are as specified. There was an issue from the Department of Justice on whether the penalties were proportionate. After I reduced the penalty from five years to two in clause 11 — I will come to that shortly — I received a letter from the permanent secretary of the Department dated 16 October saying that the Department of Justice would consider the revised criminal sanctions in amended clauses 9 and 11 to be consistent and proportionate. That was the point that the Human Rights Commission raised. The Department of Justice raised it, and it appears now to be properly satisfied about that matter. That is clause 9.

I will return to amendment Nos 17 to 19 in a moment. However, because we are talking about the criminal offences, I will go to clause 11, which is about creating a criminal offence. To that I have proposed amendment No 20, which begins:

“Without prejudice to the operation of the Official Secrets Acts”,

which is to say that there may be issues about national security. They fall under that; that is not what this is dealing with. The amendment continues:

“and save in the discharge of a statutory obligation”,

which might be fulfilling an FOI request,

“or in the lawful pursuit of official duties”,

which might be a spad briefing the press on the instructions of his Minister, a lawful duty. Therefore, save in those situations:

“it shall be an offence for any minister, civil servant or special adviser to communicate, directly or indirectly, official information to another for the financial or other improper benefit of any person or third party.”

The word “improper” is used on the advice of the Northern Ireland Human Rights Commission. Therefore, if, for the purpose of “financial or other improper benefit”, someone discloses official information, it becomes a criminal offence. However, again, there are the two critical defences of the public interest, which could be for a whistle-blower, or reasonable behaviour. Again, if those are raised, the prosecution has to disprove them.

Why is that offence necessary? We all know the sort of things that happened in RHI. Let me remind you of some of them. One spad, Mr Crawford, admitted that, in 2013 and 2015, he gave documents to family members. He admitted that he knew that it was confidential information. He gave information to his brother-in-law. All of that was happening at the time when the tariffs were going to change. He admitted that he gave confidential information to Gareth Robinson, son of the then First Minister, for a third party

whom he named as a Mr Green. He gave a privileged legal document to Gareth Robinson. A civil servant, Mr Wightman, acknowledged that he gave documents to Moy Park about the tariff reduction. Of course, Mr Simon Hamilton and Mr John Robinson leaked emails from their own Department back to their permanent secretary and to the ‘News Letter’ to lay a false trail and create a diversion. Were those not things done for the improper benefit of third parties? I suggest that they were, yet I have in my possession a letter from the Chief Constable saying that no investigations are arising out of RHI of any of those people. Does that not tell the House that there is a gaping hole in our criminal law that we need to plug? We need to plug it with an offence of unauthorised disclosure, and that is why amendment No 20 sets out in the terms that it does that proposition. I recommend that amendment to the House. It is essential and necessary.

We will be told that codes can cover that. Let me remind the House that the old codes required integrity, honesty and confidentiality. Did they work? Patently not. With that patent failure, why would we put our trust in codes? The real importance of this is this: if codes were not a deterrent for spads who had in their terms and conditions references to integrity, honesty and confidentiality, why would they be a deterrent in the future? That is where a criminal sanction comes into its own. A criminal sanction speaks deterrence and causes those minded to do things to stop and think, because of the knowledge that, if they do them, they are breaking the law and could go to prison. That is a far greater deterrent and compulsion than thinking, “If I break this code, so what?”. This is the real essence. Codes were not good enough in the past, and I do not believe that they will be good enough in the future. If they are good enough for the House, clauses 9 and 11 will not be supported; if we have learnt the lessons, the House will support the clauses.

I will go back to clause 10, which deals with the establishment of a register of interests for Ministers and spads. Again, we are told that the new code is adequate: it is not.

There is no register of interests in the new code. There is only a declaration of interests, which is unpublished. That is not good enough. If a register of interests is good enough for MLAs, it is good enough for Ministers and spads. That is why clause 10 puts an obligation on the Department of Finance to be the recipient of declarations and to publish them in a routine fashion.

10.30 pm

Amendment Nos 17 and 19 are merely to align the time frames with what is in the code, changing them in the Bill from 21 days to 28 days, so that there is continuity. I think that that is sensible. Amendment No 18, if it recommends itself to the House, is to better define the relationship of family members, and it draws on a definition already in Assembly legislation.

That is my run-through the amendments in this group. Clauses 6, 7 and 8, and the associated amendments, deal with record-keeping, and clauses 9 and 11 deal with the serious issue of providing real deterrents for would-be wrongdoers. Clause 10 deals with the register of interests.

Dr Aiken: Before I start, I pass on to my friend from South Belfast my regards to his wife and wish her very many happy birthdays. Apologies for keeping you here.

Mr O'Toole: I was not complaining. It is my job. Thank you.

Dr Aiken: It is above and beyond.

Ladies and gentlemen, the Bill's sponsor asked that the Committee consider clauses 6 to 8 together as they are a suite of provisions dealing with meetings involving Ministers and/or special advisers. Clause 6 deals with internal meetings, clause 7 with external and unscheduled meetings, and clause 8 with planned meetings with non-departmental personnel.

The Committee sought the views of the Department of Finance on the provisions of clause 6 as drafted. The Department highlighted that, in light of the code of ethics, which places a duty on civil servants to keep accurate records, it considers that the clause "appears to be unnecessarily specific." The Committee sought clarification on what the Department meant by that and on how the code of ethics has been revised to address the issue of maintaining accurate records. The Department responded, less than helpfully, that it does not consider it appropriate to legislate in that area.

The Bill sponsor informed the Committee that amendment No 13 reduces the burden of what must be recorded and that the amendment is in response to points made by the Department of Finance. Perhaps in his remarks the Minister can clarify whether the amendment also addresses the Department's concern that clause 6, as originally drafted, appeared to be "unnecessarily specific".

The Committee noted the intention of the Bill sponsor to oppose the question that clause 11 stand part of the Bill.

Mr Allister: Clause 7.

Dr Aiken: The Committee noted the intention of the Bill sponsor to oppose the question that clause 7 stand part of the Bill.

Mr Allister: You said clause 11.

Dr Aiken: Did I? My apologies.

No objections were voiced in the Committee to that proposal. However, as the Committee had not had the opportunity to consider the proposal in detail, or the Bill sponsor's related proposal to introduce clause 8A, members were content to support clause 7 as drafted.

The Bill sponsor informed the Committee that the intention of amendment No 14 is to make clause 8 more compatible with terms used elsewhere in the Bill. The Committee was content with the explanation and supported the amendment.

Amendment No 15, which proposes the introduction of clause 8A, is proposed by the Bill sponsor in conjunction with his opposition to clause 7 stand part. The Committee considered clause 8A only during its deliberations and received no formal evidence in relation to the clause. As was the case with clause 11A, given the trying time constraints towards the end of the Committee Stage, the Committee was unable to take evidence on clause 8A. For that reason, the Committee was only able to note the amendment.

Mr Deputy Speaker, I would like to address amendment Nos 16 and 20 together. These amendments relate to clauses 9 and 11, both of which propose the introduction of criminal offences and both of which were opposed by the Committee. The Committee devoted considerable time to taking evidence in relation to these two clauses and, indeed, a considerable part of the Committee report is devoted to the evidence received in relation to clauses 9 and 11. I cannot, however, enlighten the House on the reasons why the Committee opposed these clauses, as the opposition only became apparent at the last minute during the formal clause-by-clause decision-making stage.

The Committee had concerns in relation to the provisions in clause 9. The Bill's sponsor informed the Committee that, in bringing clause 9, the intention was to have official records to discourage people from hiding information in the event that actions may be investigated.

The Committee was concerned about the proposed requirement to always use departmental systems and email addresses and the potential for this requirement to impede good government. It was put to the Bill's sponsor that officials, acting in the interests of the Minister and the Department outside of these parameters, would have to do so in the knowledge that they would have to construct a reasonable-excuse defence. The Bill's sponsor subsequently indicated his willingness to consider an amendment to clause 9 in relation to the construction of a reasonable excuse where unavailability of official systems may impede good government. This provision is included in amendment No 16.

The Department of Finance expressed concerns that, in its view, no electronic communication is likely to take place on wholly departmentally controlled or departmentally owned systems. The Department of Finance view was that clause 9 could have the effect of potentially criminalising considerably more electronic communications by Ministers and civil servants than was intended by the legislation.

The Committee was cognisant of the fact that it may not always be possible for a Minister, civil servant or special adviser to access official systems and there could be occasions when the use of non-official systems may be required. There were concerns that, as originally drafted, clause 9 made it an offence for a Minister, civil servant or special adviser, when they were on official business, to use personal accounts or anything other than departmental systems. At an early stage, the Bill's sponsor informed the Committee of his intention to bring an amendment to change the proposed offence from being the use of non-official systems and process to the failure to record the use of non-official systems and processes back into the official system within a reasonable period of time.

The Committee also spent considerable time, during its evidence sessions on both clause 9 and clause 11, in consideration of the need for and proportionality of the criminal offences proposed in these clauses.

In relation to clause 9, the Committee heard evidence from the Northern Ireland Human Rights Commission which recommended giving consideration to:

"a specific disciplinary offence which falls short of criminal liability within Ministerial, Civil Service and Special Adviser codes of practice."

The Committee also considered evidence from the Department of Justice regarding the proportionality of sentence. The Department of Justice suggested that:

“At most, if the Committee is satisfied that an offence and penalty should remain a part of any Bill going forward, the Department would consider a maximum penalty commensurate with a summary only conviction to be proportionate.”

The Committee focused on two specific areas during its deliberations on clause 9. First, members discussed the changes proposed through the Bill's sponsor's proposed amendment No 16 and, secondly, the matter of criminal offences. Members generally welcomed the proposed amendment in that it would change the focus of the clause from the use of non-official systems per se to the failure to record the use of non-official systems within a reasonable time period.

There was discussion within the Committee on the issue of the need for criminal offences. Concern was expressed both about the principle of including a criminal offence in the clause and in relation to the two-year maximum tariff. Members discussed the value of having a hybrid offence, as provided for under the clause. Consideration was also given to the need to accept the offer from the Department of Justice to consider any revisions to the clause in relation to the proportionality of the proposed sentences. At no time were any proposals or suggestions brought forward or considered to amend clause 9 to remove or amend the proposed sanctions.

When it came to the Committee's formal clause-by-clause decision, the Committee supported amendment No 16, which would introduce a reasonable excuse defence and make the offence the failure to record the use of non-official systems rather than the actual use itself. The Committee was not, however, content to support the clause as amended. The Committee divided and agreed, by a majority of one, not to support the clause.

Similarly, during its deliberations on clause 11 and amendment No 20, the Committee considered the issue of the need for criminal offences and the extent of the sanctions proposed in both the clause as drafted and the clause as amended. There was discussion within the Committee, and concern was expressed about the principle of including a criminal offence in the clause. There was discussion in relation to the two-year maximum tariff proposed by the Bill sponsor's amendment and on whether it would be preferable to return to the proposed five-year maximum tariff proposed in the clause as drafted. However, there were no proposals or suggestions brought forward or considered to amend clause 9 to remove or further reduce the proposed sanctions. A number of members indicated support for the aspect of the proposed amendment designed to address the issue of legitimate press briefings by special advisers and the provision of information under Freedom of Information Act requirements. When it came to the formal clause-by-clause decision, the Committee divided and agreed, by a majority of one, not to support the amendment and not to support the clause as drafted.

In relation to Clause 10, the Committee was content with the Bill sponsor's explanation that amendment Nos 17 and 19 are proposed to secure alignment with the code of conduct provision in respect of the time period within

which all Ministers and special advisers must inform the permanent secretary of the Department of Finance of their registrable interests and of any changes to those registrable interests. The Committee was also content with amendment No 18, which is a refinement of the definition of “family members” in respect of the registration of interests. Finally, no issues were raised during Committee deliberations in relation to Clause 14 or amendment Nos 24 and 26. The Committee is content with these amendments.

Mr Frew: As this will probably be the last time that I speak, I take this opportunity to lay on record my thanks to the Committee Chairperson for his thorough work in relaying to the House the views and work of the Committee. It was very adequately done, and I thank him for that. It would be remiss of me if I did not thank the Committee Clerk and all his backroom staff for the work that they have done in supporting Committee members in their deliberations on the Bill.

I also take the opportunity — if I have not done it already, but I think that I have — to thank the Bill sponsor for his work, first of all, in producing a Bill. I encourage every single Member of the House to consider a private Member's Bill. It is the way to go. All sorts of weird and wonderful laws can be created with private Member's Bills. I encourage all Members to consider introducing one, as I have in the past. We are here as legislators, but it gives you a real buzz when you can change law and bring in law that will make a positive difference to people's lives. I encourage all Members who have not already done so to attempt it.

The Bill sponsor and I are from different parties. We are usually at loggerheads on all sorts of issues, policies and everything else. Of course, it is not only that; there is also the dynamic that we are constituency rivals. At election time, there is no quarter given — absolutely not — and I would not expect there to be. In a constituency setting, we always work on cases together. There are cases where people come to all five MLAs and we all work together for the common interest and good of our people. However, we have been placed on the Finance Committee together. I thoroughly enjoy my time on the Finance Committee, and I —.

Mr Deputy Speaker (Mr Beggs): I ask the Member to address the amendments before us.

Mr Frew: Yes, I will. My point, Mr Deputy Speaker, is that, having engaged with the Bill's sponsor in Committee, the great potential that could be churned from the Bill was clear to see.

10.45 pm

Hansard will not be able to record this, but you have only to look at this section in my copy of the Bill to see the black and red type, with the red type showing the amendments that the Bill's sponsor made to his Bill after listening to Committee members. That can only be a good thing and can only be welcomed. I appreciate the Member listening to Committee members when he could have turned his face away, just as I could have turned my face away from some of the things that he wanted to do and his motives.

I genuinely believe that the Bill's sponsor wants to make good legislation. It is a matter of personal pride, but it is also to make this place better. Why would you not support, look at, gauge, listen to, communicate and engage with

the Member on that? The party opposite has missed a massive opportunity by not engaging with the Bill's sponsor or interacting with the Committee on changes that it could have brought to the Bill with amendments and new clauses on things that it might have seen as being needed or fit for purpose.

Mr O'Dowd: Will the Member give way?

Mr Frew: I will.

Mr O'Dowd: I am at a loss as to know what the Member's contribution has to do with the amendments; he is talking about amendments that could have happened. I alert the Member to this: I will divide the House on six of the clauses tonight. That will be at least one hour of voting that you have to look forward to after your contribution.

Mr Deputy Speaker (Mr Beggs): I encourage the Member to reference the amendments that we are here to debate.

Mr Frew: Yes, Mr Deputy Speaker. Threats have not worked in the past, and they will not work now. *[Interruption.]* We are here to do a job; let us do it mightily. *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order.

Mr Frew: I will move on to the clauses and amendments. The Bill's sponsor is right: clause 6 — it was clause 7 — clause 8 and clause 8A is a triumvirate of clauses. They very much tidy up the clauses and the Bill and have been tabled because of our concerns, requests and everything else. In amendment No 13, the Member proposes to change the wording of clause 6 from:

“every meeting attended by a minister in departmental service”

to:

“every internal departmental meeting attended by a minister”.

That is to be applauded. What we do not want — it was a scenario that the Minister painted — is to have an unworkable situation in which Ministers, spads and civil servants feel as if they are hamstrung and tightened and in which they are frightened or scared to move. They are real people in real-life situations. They may sometimes be criticised for being in the Stormont or Executive bubble, but they are real people with real lives and they need to get out and about, and anything that would make them hamstrung should not be allowed.

Amendment No 14 deals with the presence of civil servants and refers to “non-departmental personnel”. I thank the Member for putting in place an exception for:

“liaison with the minister's political party”.

I requested that of him and he listened. That is a credit to him and an improvement to the Bill.

That brings me to new clause 8A, which is proposed in the Bill sponsor's massive amendment No 15. That creates a new clause that deals with keeping records of being lobbied. Of course, that will hopefully replace the former clause 7, which dealt with records of contacts. We will vote on that. I heard what the Bill's sponsor said about the Minister's query and concern about requests over every pothole or street light being recorded, but — thank you, Mr Chairperson — as an MLA, if I were walking through

Tesco and a constituent asked me about a pothole, if I did not write it down, it would not be done, because my mind would be on Jaffa Cakes, Frosties and everything else. My mind would not be on the pothole, so I would have to write it down. What is the problem with having logged it already in real time, either on my phone or on a notebook that I carry with me for constituency issues? What would be wrong with pulling a leaf out of that notebook and handing it to the private office, even if it is about a mundane thing like a pothole or a street light? Do you know something? In real life, that can annoy people to the highest degree. I would rather see that than see nothing recorded on lobbying, because that is the scale that we have tipped. That is through the history of what we have learnt from the inquiry, and it is what we are trying to guard against.

Mr Wells: Will the Member give way?

Mr Frew: Yes, I will give way.

Mr Wells: Mr Allister was very generous in his contribution on amendment No 15, because he offered the Members from Sinn Féin a compromise and said that he was minded to drop new clause 8A(2)(d), which states:

“the exercise of any other function of the department.”

Mr Allister, being his very reasonable self, was throwing out an olive branch to the Members on the opposite Benches. However, what I did not hear from them was their response to that offer. It would help the House enormously if they could inform us whether that is sufficient to get them on board with amendment No 15, which is new clause 8A, and that suggestion that not every pothole — I think that that is a balanced argument. We all walk through Tesco — other supermarkets are available — and we are lobbied constantly on minor issues. That happens all the time. Like Mr Frew, if it was not for me having the oldest mobile phone in Northern Ireland with a little Dictaphone in it — it will be 21 years old this week — and, say, Mrs Smith or Mrs Jones wanted their pothole fixed, it would be in one ear and out the other. Therefore, that is a balanced argument.

Mr Murphy and Mr O'Dowd, two of the big beasts in the Sinn Féin jungle, are here this evening. What is their view on what seems an eminently reasonable suggestion from Mr Allister? It is no good doing what their three Committee members did. They sat for day after day and said, “Not an inch. No surrender. We are not having any of the Bill.” In fact, Mr McHugh voted and led his team to vote against the short title of the Bill, something that I have never seen in 26 years in this Building. You just do not do that. Are they going to accept the olive branch offered by Mr Allister?

Mr Frew: I thank the Member for his intervention. I am happy to give way to an intervention from any Member because that is good dialogue and open debate, and I encourage that.

On amendment No 15, which would introduce new clause 8A, I will give the Bill's sponsor credit because, again, he listened and added the liaison with the Minister's political party. There has to be space for debate and policy development in most of these things. That should give comfort to the party on the opposite Benches about party policy development and party political activity.

All the proposed amendments to the clauses that we have gone through — those are clauses 6, 8 and new

clause 8A — offer protection from being wrongly accused of something, being somewhere, saying something or committing to something that you did not do. We all need to be protected from that from time to time. There will be times when people will be cunning and will try to entrap you just because of the job and the position that you have. All sorts of dilemmas could creep up with that, so there has to be a certain degree of protection. Recording things offers you a level of protection.

I have held office in various community things and organisations throughout my life, and if, for example, I was in a treasurer's post and thought that I was £1 out in the accounts at the end of the year, I would be horrified. I would want to keep a record of everything — I mean every expenditure and income — to ensure that I was correct. I would have to do that all year round in order to make sure that I had the confidence to know that I could truthfully tell or read a report out to a Committee or organisation and that I would be thorough, truthful and accurate. Surely the record-keeping of a Minister, a Department, a spad or an official is incredibly important. I have no problems and no issue supporting the amendments.

I then come to the offences that are created. Again, the Bill sponsor listened, because he has completely changed clause 9, where it would have been an offence even if you had made a mistake and emailed something to a private account. I know that Ministers should have their own business phones, apparatus or laptops, but in my private phone here, I have two accounts: my MLA account and my personal account. There have been many times when I have formulated an email, have hit "send" and have then realised that I have sent it from the wrong email address. It is easy to do, and it should not be a crime. The easiest thing to do is to then forward that on to your official email account so that your staff can pick it up. What would be wrong if a spad, Minister or permanent secretary had to send, or sent by mistake, an email from their personal account and then, having realised they had made that mistake — a genuine mistake — forwarded that on to their official email account? That is it logged, because you have got it through the system. It is as simple as that. You have to ask the question: why would you not then log, register or forward that email? Why would it not be reasonable to expect that official, Minister or spad to do that? That is where doubt creeps in and where transparency needs to take over. Again, it is as much about protection for that official, that Minister or that spad as anything else, and it is so that things can be retrievable and so that information can be retrieved and the public can get access to it. It is as simple and as plain as that.

The Member has also put a time limit on that, which is:

"48 hours, or as soon thereafter as reasonably practicable".

You can see that, in the formation of amendment No 16, Mr Allister has given the person every opportunity to correct the wrong. I think it was Mr Jim Wells who said earlier that "reasonable" and "Jim Allister" did not always go line to line in the same sentence, but let us give credit where credit is due. It is reasonable what the Bill sponsor has produced here, and, again, I support it, because he has also added in a defence of public interest. Again, I support that.

Clause 10 is "Register of interests", and no one should be against a register of interests. It is clear that we are in a

privileged position as MLAs. We have a tough job and we are servants to the people, but we also have privileges and access to things and to powerful people such as Ministers, permanent secretaries and all of that, so it is right that we have a public register of interests. Why should that not also apply to a Minister or a spad? To me, that is just common sense and adds to the transparency and accountability of government.

I will move on to the other offence that is created. It is completely and utterly improper for a:

"minister, civil servant or special adviser to communicate, directly or indirectly, official information to another for the financial or other improper benefit of any person or third party."

There is absolutely no leeway there. It is wrong to do that for improper benefit of any person or third party, and there needs to be a deterrent. It could be that you have completely skewed a contract to favour one company over the other. That is not fair and it should not happen, so I welcome this amendment to clause 11. Again, the Bill sponsor has listened, because he has completely changed this. He has also listened to other Members who were concerned and worried about the level of tariff, and he has reduced that from five years to two years, which I think is proportionate. Again, I will say that I do not want to see anybody convicted of any of these offences.

There is no need for that to happen, and I hope that nobody falls foul of them. Why should they? This should be a standard that is set. Everybody should know the parameters and abide by the standards that the Assembly sets. They are not unreasonable standards or draconian standards but, in many ways, common sense.

11.00 pm

I support the offences that are created in the Bill. They will add to the deterrent and, as the Bill sponsor rightly said, make people think twice about what they do in this place. There will be times when there is pressure on. There will be times when the press are hounding people for a policy development piece or the direction that a Minister has taken or that a Department is going in. That will lead to pressure from the press and MLAs and rightly so, because we must ensure that this system of democracy is as robust and transparent as possible. Do you know what? Democracy is fragile. Surely, we in the House know that, having been out of this place for three years, and for what? Let us make it better. Let us improve on what we already know and bring confidence back to the House and to all of our people. This is not about orange and green but about good government. Let us embrace it, take it on and improve it. This is the first step on a long road of reform that the Assembly must take and that the Executive must heed for the betterment of our people and our children and for their prosperity.

Mr Deputy Speaker (Mr Beggs): I call Philip McGuigan.

Mr McGuigan: Go raibh maith agat, a LeasCheann Comhairle. You called me while I was googling "opposite of the big beast" so that I would not be offended if I were interrupted by Jim Wells. Anyway, I stand, as a meek kitten, to make my contribution. Tá lá fada agus díospóireacht fhada againn inniu. Tá mé tuirseach anois, agus, mar sin de, beidh m'óráid gairid. It has been a

long day and a long debate. There have been some long contributions, and, at this stage I am tired and wary of the promise from my party colleague, so I will try to keep my contribution short.

I am not exaggerating when I say that I have heard little in the debate that has been anything other than predictable. A lot of the subject matter discussed and debated, as the Minister pointed out, is based on a different period — one that led to RHI — and not on the situation as it is now. As colleagues of mine have said, the Bill is not about good governance or improving the functioning of government, as its title benignly suggests. Mr Wells pointed out that we voted against the short title in Committee and rightly so, because, although it is an innocent-sounding title, behind it lies an intent to undermine the functioning of government in what is an already extremely difficult situation, given the challenges of mandatory coalition. The Bill is about undermining the Executive and the Assembly and making it more difficult to deliver for people. Am I surprised that that is the approach from Mr Allister? No. Despite the claims that the Bill is about better government, I am not naive enough to believe that the sponsor of the Bill, Mr Allister, has, to keep the biblical quotations from earlier going, had a road to Damascus epiphany. I do not think that he wants to see our Executive working better, and I do not believe that he is motivated by a new love of power-sharing.

Mr Allister's contribution in this institution is based on his relentless negativity about it. He is unapologetic in his opposition to the Executive, in his opposition to power-sharing and in his efforts to undermine the Good Friday Agreement and the peace process that built that historic agreement. He is unremitting in his crusade to turn back the tide of history and reassert the glory days of discrimination, sectarian domination and unionist one-party rule in this floundering political entity, itself based on a gerrymandered partition of the island.

Of course, all of this is wishful thinking. It is a fantasy that only Mr Allister and a few increasingly delusional followers and fellow travellers indulge themselves in. Unfortunately, having listened to some of the contributions today, it is clear that there are a few of those fellow travellers in this House, Members who have waxed long and lyrical about the faults of the Executive. Indeed, some had the joint position of First Minister.

Some of those Members who spoke with feigned indignation are blind to the reality that the RHI inquiry was necessitated by the actions of their own Ministers and special advisers, and the only serious wrongdoing identified by that inquiry was on the part of their party Members, whether Ministers or advisers.

I am not sure that this Bill will save New York from another late-night rendition of 'Breakfast at Tiffany's', although, if it did, it might give some purpose to this otherwise unnecessary and vexatious piece of legislation. The very sensible and necessary recommendations of the RHI inquiry are being implemented in full and in a way that Judge Coghlin suggested. The proposer of the Bill is rubbishing the reform recommendations and the new code of conduct before they have been tested and, as I said earlier, on the basis that the old code was ignored by one party in the Chamber.

The third group —

Mr Wells: Will the Member give way?

Mr McGuigan: Go ahead.

Mr Wells: The Member knows fully that it was not just one party. His party's super-spud, Mr Aidan McAteer, in Connolly House, had total control over the properly appointed spuds from his party. It is clear that Justice Coghlin produced evidence that the Member's party was not lily-white in this matter. How does he explain and justify what Mr McAteer was up to?

Mr McGuigan: I watched with close interest the proceedings of the RHI inquiry and have read the report, and, like many members of the public, I think that it is clear where the responsibility and blame lies for RHI, like Red Sky and all the other scandals that have been mentioned here today.

In the third group of amendments, clauses 9 and 11 would create two new criminal offences. Clause 9 would make it a criminal offence for a Minister or special adviser to conduct government business on non-governmental systems, such as personal email or phone. Such an offence in the Bill would warrant a criminal conviction of up to two years in jail. Clause 11 would make it —

Mr Allister: Will the Member give way?

Mr McGuigan: Go ahead.

Mr Allister: Perhaps the Member should read the amendments because he would then know that that is not the proposition.

Mr McGuigan: Clause 11 would make it an offence for a Minister or special adviser to pass confidential government information to non-governmental sources. Such an offence would warrant a criminal conviction.

There are two major issues with the Bill. The first is the severe risk, which has already been pointed out, that would result from entirely reasonable actions, which this legislation would render unlawful and open to criminal conviction: for example, using a borrowed phone, laptop or printer to conduct urgent business outside office hours. Those involved in government will know that, often, business is not confined to convenient office hours. I say that as we sit here at 11.00 pm.

Of course, genuine mistakes are easily made with ever-developing and changing technology. Ministers and advisers would be under constant threat of criminal charges for trying to do their jobs effectively in pressurised situations when they should be focused on the job in hand and not worrying about some minor, but, in the context of this Bill, criminal, error.

These are not abstract or outlandish possibilities. The Human Rights Commission raised serious concerns about them when it gave evidence at Committee Stage, and others stressed in their evidence the importance of proportionality. The proposed clause or amendment does not address the problems of proportionality, and it was clear, in the commission's view, that creating a specific set of criminal offences was neither necessary nor proportionate.

The offences and accompanying punishment are entirely unnecessary, disproportionate and betray the real intent of the Bill: to criminalise those who operate our power-sharing arrangements, whether Ministers, advisers or

civil servants. Those clauses would make the functioning of government, the difficult job of the power-sharing Executive, even more challenging. That is the very point and purpose of the Bill: to undermine power-sharing and disrupt the functioning of government. From start to end, even in its title, the legislation is wrong and should be opposed. Sinn Féin will oppose the Bill whether its clauses are amended or unamended.

Mr O'Toole: We are slowly getting there. First, it is worth saying in response to the previous Member — and I have made the point a couple of times now — that the suggestion that everything in the Bill is somehow about the Bill's sponsor is clearly an absurd proposition. In a strange way, there is a strange irony in the suggestion that by supporting the majority, part or even all of the Bill — my party will obviously not support all of it, as, although there is much that we like, there are specific provisions that we do not like — it, somehow, means that you are being co-opted into agreeing with the Bill's sponsor on every aspect of his view of the world and these institutions. That, I am afraid, is absolutely ludicrous.

In a sense, one of the principles that underlies this place is the idea of power-sharing and that, by working together, people of different divergent — sometimes, even sharply divergent — profoundly contradictory, in-tension perspectives can produce good outcomes for citizens. Believe it or not, it is even worth taking that viewpoint when it comes to a proposal that is made by the Member for North Antrim. I say that with absolutely no illusions about his views on the functioning of these institutions. He has reiterated them tonight. Throughout the process, my party has looked at the Bill, its specific measures, clauses and amendments, with, as WB Yeats would say, “a cold eye”. We will continue to do that.

I will move on specifically to the third and, thankfully, final group of amendments for discussion, which contain measures that my party welcomes and supports but also the ones that are most controversial in the Bill and those with which my party has most difficulty. Again, that gives a lie to the idea that the purpose of scrutinising the Bill is about wholesale acceptance of absolutely every clause in it. Whether one agrees with the fundamental principle of legislating in this area, the purpose, principle and practice of legislating is to debate measures and clauses, say where one has difficulty, try to get to a position that one can support, and, if one cannot do that, vote against it. That is what we are doing now. That is what my party is doing and what I am doing here.

I will go straight into the first amendment in the group. Amendment No 13 creates a new clause 6, which requires a written record to be kept of every single internal departmental meeting that is attended by a Minister, recording, in particular, those who are present, the date and time, the topics that are discussed, and every decision and action point. The SDLP will not support that clause, either in its original form or as amended. It is true, and I am happy to acknowledge it, that the Bill's sponsor has moved towards a position of slightly lessening the burden that would be created by clause 6. I would acknowledge that, in general, the Bill's sponsor has been constructive when it comes to listening to feedback. That having been said, my party will be honest about the fact that it feels that the measure is disproportionate. In explaining why, I will draw, again, from my own experience as a civil servant.

What is an internal meeting with a Minister? Is it every time that an official speaks to a Minister, or every time that they sit down at a table with an agenda in front of them? If you are a civil servant who works closely with a Minister, particularly someone like a private secretary, you will, in all probability, have dozens of interactions with the Minister every day. Indeed, you are not doing your job if you do not have dozens of those interactions. If you are a Civil Service press officer, you may need to go back and forth with the Minister and their special adviser to refine statements or clarify pieces of information. If you are a permanent secretary, the Minister will, in all probability, have your mobile number and will have been told to contact you to resolve urgent and important issues.

11.15 pm

Here is the thing: all those things are important. Everything that I have just described is critical to the functioning of government, and that is what the Bill is about. If the Bill is about the ordered functioning of government, which is what we want it to be about, and which is why we are supporting large parts of it, we need to think about how government functions. A large part of how government functions is that officials are able to be in relatively close contact with their Minister on a fairly regular basis. No doubt Ministers, including the Finance Minister, the Economy Minister and, I am sure, my colleague the Infrastructure Minister, particularly in responding to COVID-19 and an unbelievably dynamic situation, will have been in relatively constant contact with officials. Sometimes, that might even include text messages or WhatsApp messages.

Mr Allister, to his credit, presented in a very convincing barristerial way, but I am afraid that it is more complicated than he makes out. Again, I draw on my experience as a Civil Servant. Creating the burden of requiring that a record of every departmental meeting be kept is, I am afraid, a real problem for the good functioning of government, unless you are clarifying very clearly that what you mean by a “meeting” is one that has been scheduled for a specific purpose and that has an agenda, but I am not sure quite how you would do that.

I now come to a point, which I will come back to later, about how you improve the quality of our Civil Service. Last week's report from the Northern Ireland Audit Office pointed to the very real, big structural challenges that this place faces with the quality of its Civil Service. We heard a bit from the Minister earlier about Civil Service reform. It is right and necessary that we respond to the public outcry over RHI and understand exactly what went wrong, and the Coghlin report is invaluable in that. The report talks about minute-keeping. Personally, I am not convinced that legislation addressing a lacuna in record-keeping in what was DETI is fundamentally getting at the deep structural challenges talked about in Coghlin's report. I accept that minute-keeping was clearly not up to where it should have been there, but there is a broader challenge. As well as responding to RHI, we need to think about how we massively overhaul and improve our Civil Service and how it performs in this place. To be blunt about it, our Civil Service is not performing as it should. As a result of a decade of austerity and the issues with where people join in the Civil Service, its age profile is too high, and it does not attract enough of the right people. In saying that, in no

way do I denigrate the very hard-working, decent people in the Civil Service.

Let us be absolutely clear: we need our Civil Service to improve. We feel that clause 6 would create significant challenges by adding to the everyday burden of being a good-functioning Civil Service. For that reason, we will not support it. It is not because we think that minute-keeping is not an issue or that it was not touched on in the Coghlin report, but we are not convinced that that measure —

Mr Wells: Will the Member give way?

Mr O'Toole: Yes, I will give way.

Mr Wells: Does the Member accept that, in business and in local government, minute-keeping is absolutely essential? If so, why, then, is he trying to torpedo an amendment that would make that compulsory at the highest level of the Civil Service in Northern Ireland?

Mr O'Toole: First, I am not trying to torpedo the idea of minute-keeping. What I am saying to the Member is that the clause as drafted is very onerous. It is worth saying that I have worked in both the private sector and the Civil Service. You may think that the practice of minute-keeping on actions in every internal departmental meeting is much better in the private sector and the corporate world, but I am not sure that that is completely borne out by experience. Major tech companies and banks do not tend to record every face-to-face interaction with senior people, so we will not support clause 6.

Mr Allister: Will the Member give way?

Mr O'Toole: I will.

Mr Allister: If the Member had taken up my repeated invitations to sit down and discuss those issues with me, perhaps there would have been an opportunity to meet the Member's concerns. I repeat: if the Member has concerns about the width of the ambit of clause 6, I am still prepared to have that discussion before Further Consideration Stage. However, I find it rather surprising that he never took the opportunity to discuss the concerns that he is now articulating about that clause.

Mr O'Toole: I am happy to look at any further amendments that the Bill's sponsor wants to make before Further Consideration Stage. We considered this long and hard. We spoke to the Member about the Bill at several junctures, and we support large parts of it. We have thought long and hard about the burden that that measure creates, but, yes, I am happy to discuss further changes to it at Further Consideration Stage.

Mr Wells: Will the Member give way?

Mr O'Toole: Yes, I will give way again.

Mr Wells: I know that the Member is not going to like me for saying this, but I have to say it again: he sat on that Committee for many weeks and had ample opportunity to raise his concerns. This issue was discussed at length in the questioning of witnesses and in the preparation of the report. It really is disappointing that, having had that huge opportunity — we would have given him more — he now decides at this very late stage, having not taken up the opportunity to discuss it with the Bill's sponsor, to try to wreck one of the most important parts of this private Member's Bill.

Mr O'Toole: I direct the Member to the Committee report on the private Member's Bill, which makes clear that we did not support that clause when it was voted on in Committee. We had reservations, and I articulated them then.

This is not about wrecking; this is about simply setting out concerns. That is what this is about. With respect, I am not sure that it is conducive to the general tone of a Bill being developed collectively to address Members who have concerns in that way, albeit I take the points that he makes.

Clause 7 gives notice of the Bill sponsor's intention to oppose original clause 7.

Amendment No 14 — new clause 8 — requires a civil servant to take a note, which must be kept, of:

"every meeting held by a minister or special adviser with non-departmental personnel".

That is worthy of support, and we will support it. We believe that that is an area in which guidance and codes would be enhanced by legislative underpinning. Just to draw a distinction, this is what happens when you interrogate particular measures, think about how they interact, and draw in your personal experience and talk to those with experience. There is a specific burden in clause 6. New clause 8 is very much worthy of support.

Amendment No 15 introduces new clause 8A, which requires a Minister or special adviser to provide a written record to their Department of "being lobbied". It is a significant improvement on previous versions of the Bill. It creates a significant and novel burden on Ministers and special advisers to record instances of being lobbied. In other jurisdictions, in Westminster and in Dublin, in slightly different forms, it has been the practice to require those doing the lobbying to own, as it were, the burden of keeping the details or registration, but that is not necessarily a reason not to support it.

There are strong reasons for arguing that Northern Ireland, given the record of some of our Ministers, should not be afraid of being in the vanguard of transparency laws. However, that new clause did not have as much scrutiny at Committee level, as the Committee Chair said, given that it was introduced late. That is not a criticism of the Bill's sponsor. It was introduced in that way because he was responding to feedback. However, there are vital questions on which we would like to engage with the Bill's sponsor as we consider that.

That could be something for Further Consideration Stage.

Questions that we would like to engage with are about protections from vexatious complaints. Some of that was touched on by the Minister, and there are still questions on that. Those could be addressed through clarifying language, and the Bill's sponsor indicated that for clause 8A(2)(d). That is interesting. We would like to discuss that further because we think that there is real merit in what is being said here. Another question is an explanatory question about whether that is the right thing to do. It may well be, but it is worth teasing that out as we further explore why we are putting the burden of disclosure on Ministers when others have sought to place it on those who are lobbying. By the way, I am not saying that the latter is the right approach. We appreciate the strength of the rationale for this proposed new clause, but we are keen

to understand more details before we are able to commit to finally supporting it as it is drafted. However, we obviously will not oppose it tonight.

Just as we did in the Committee, we will not support clause 9, which is the new criminal offence relating to the use of non-official email systems. I am afraid that, even as a summary offence, our view is that it is disproportionate and that it would have a chilling effect on lots of civil servants. The reason is in my phone, as I would be guilty of lots of crimes. That is because in my Hotmail account I still have evidence that I used my phone for official business. The Bill's sponsor will say, in many ways, reasonably, that that is covered by the 48-hour get-out clause that he introduced in his amendment. I think that, having considered this long and hard and to be genuine and honest with the Bill's sponsor, we considered it. We considered it as a party and discussed it in Committee, but we still find that it does not meet our test of being a proportionate response to an issue. I am not saying that people should be at complete liberty to use personal systems. However, the question that we asked is a very real one — I think that he asked it in a debate on one of the justice Bills in the last few weeks — and it is about how the most serious thing that a legislature can do is create a context of depriving someone of their liberty. We have to be really careful about that. We have thought about it long and hard, and we cannot support clause 9 as it is with that offence, so we will not support the clause.

I will cover clause 11, which is one of the two criminal offence clauses. Of the two, this is the one that may have more merit. The reason for that is that, from our perspective, the offence of the disclosure of information specifically for the benefit of a third party is very clearly a more egregious offence than using unofficial systems. I think —

Dr Aiken: I thank the Member for giving way. Again, one of the things that I think we looked at but did not get any details on was investigating what the crime of insider trading would be. The tariff for the crime of insider trading was somewhere in the region of about seven years, along with some other criminal penalties for it. Obviously, if you looked at some of the issues that have been raised, particularly in reference to the RHI inquiry, you could very clearly see them as insider trading, and there is definitely a requirement in that case to look specifically at where we are with the tariff.

Mr O'Toole: That is one of the things that we discussed at Committee. We still have significant questions on clause 11 that we want to tease out at Further Consideration Stage. We will not oppose it tonight, but in order to give it our final support, we would like to tease out some more of those issues. Specifically, it would be helpful if the Bill's sponsor could clarify — it would be helpful if he could do this tonight when wrapping up — what is meant by "improper". It may be that his greater experience of the statute book and case law will lead him to a definition of "improper" that is mysterious to the rest of us and already in law. However, we want more clarity on that.

We, collectively, would like his views on whether he thinks the offence would be better restricted to senior civil servants, that is, those who are above a certain grade. Elsewhere in the Bill, the salary for special advisers is linked, I think, to those at grade 5, who are, broadly, people in the senior Civil Service.

11.30 pm

Is there an argument that this offence should be limited to people in the Senior Civil Service, given that one of the comments that I have just made was around the general issues that we have? Frankly, we have broad structural issues around our Civil Service, going everywhere from morale down to high levels of sick leave and just needing a structural overhaul of the quality of our Civil Service. Notwithstanding the very good, sincere and hard-working people who work in it and who have given their all this year, we do have significant issues. One of our worries about clause 11 is that its current breadth could act as a chill factor on not just the couple of dozen Ministers and special advisers who operate in this place or, indeed, the relatively small, but very powerful, number of senior civil servants, but the more than 20,000 members of the Northern Ireland Civil Service who will, theoretically, be captured by this potential offence. It would be helpful to get the sponsor's views on that. We welcome the fact that he has introduced a similar exemption for communications with a Minister's own political party. That is useful, and again I acknowledge the Bill sponsor's constructive approach on that.

I will just go back to clause 10, which we are supporting, so I do not need to talk about that in any more detail, which is good because I have lost my notes on it.

It may not be something for future amendment but, in clause 11, it might be helpful to get the Bill sponsor's views on when, in a sense, criminal liability ends in relation to this. For example, the way that the amended clause 11 is currently drafted subject to amendment No 20 is that:

"it shall be an offence for any minister, civil servant or special adviser to communicate, directly or indirectly, official information to another for the financial or other improper benefit of any person or third party."

It would be helpful to get an answer around where in the chain that ends. For example, if a special adviser or Minister gives that information to a business lobbyist from a representative group in good faith and that meets the test of not being improper, but the second person in that chain improperly passes the information on to a party that they know, is the special adviser, civil servant or Minister responsible? When does their liability end? It would be good to get some clarity on that. We would like some more clarity on these points before we are able to support this clause, but we will not oppose it at this stage. Let us be clear that we strongly sympathise with the intent of creating a real deterrent to serious malfeasance, and we do not have a problem with that. We think that there is a real argument for it. However, potentially capturing everyone, from an administrative officer — someone working in a benefits office — up to a permanent secretary is a high bar, so we need to understand more about that.

I have already talked about issues around the Northern Ireland Civil Service. In concluding my remarks on group 2, I want to say that we are sympathetic to many of the reforms in this Bill and several in this group of amendments. It is clear that there is real value in giving a strong statutory footing to the updated codes and procedures that are intended to deal with many of the failings of RHI. However, legislation is not necessarily appropriate in all areas. We have given an honest and rigorous appraisal of this Bill. We are debating it now and,

where we differ from the Bill sponsor or other parties, including Sinn Féin, we are open and upfront in saying so. The bar to create criminal offences is, necessarily, very high, but it is also true that the public in Northern Ireland want to see real, meaningful legislative action taken to address many of the long-standing issues that were revealed by the RHI crisis.

We will look to find the correct legislative means of addressing those issues. There are lots of them in the Bill, and we look forward to exploring them in more detail.

Mr Muir: I will speak on behalf of the Alliance Party on the amendments in group 3 on administrative reform and governance. Unfortunately, the Alliance Party is unable to support a number of amendments in the group and a number of the associated clauses.

Before I continue, it is important to recall the background to and origin of the Bill: RHI. When responding to the inquiry report in this place on 16 March, I said:

“The revelations that emerged in 2016 relating to the non-domestic renewable heat incentive scheme and the actions of certain Ministers, special advisers and some civil servants” —

and others —

“damaged public trust in these institutions, with legitimate ... outrage and anger at ... comments such as ‘Fill our boots’.” —

I went on to say:

“Now that the inquiry is over and the report has been published, we must ensure that the report and its recommendations are not allowed to gather dust.” — [Official Report (Hansard) Bound Volume 127, p96, col 2].

As we know, in the days, weeks and months since 16 March, the focus has very much been on one clear and present threat, namely COVID-19. Many lives have been lost, our health service is under immense strain and our economy is enduring the worst economic downturn in its history. Departments and public services have rightly been focused on responding to that, but they must start to realign and refocus on general priorities, as we hopefully start to follow the road out of COVID-19 following the expected introduction of vaccines. A key element of the work that must be progressed apace is all the recommendations arising from the RHI inquiry report. A number of the recommendations have already been delivered, but more needs to be done, especially on the commitments in ‘New Decade, New Approach’. That brings me to the amendments and associated clauses that are being considered this evening in the third and final group. If passed into law, they will make many elements of practice and procedure legal requirements, with significant criminal sanctions attached. Ultimately, it is for us all tonight, or perhaps tomorrow morning, to decide whether they are an appropriate and balanced response to RHI. Alliance feels that many aspects that are due to be considered in the group lean too far towards being unbalanced and will, in some instances, make the business of government more difficult, inefficient and bureaucratic, without the required level of benefit.

Clauses 6 and 8 require civil servants to attend and take notes of internal and external meetings respectively. Of course we agree that minutes should be taken of all ministerial meetings with external parties, as well as minutes of significant internal meetings where departmental decisions are agreed. That not only is a critical element of transparent government but should be common sense and good practice for any professional organisation, let alone government. Sir Patrick Coghlin’s report was rightly damning about the failure to take or retain minutes of key meetings leading up to RHI. The Alliance Party could not agree more with the inquiry’s view in that regard. Sir Patrick’s report did not propose legislation to address that issue, however. Administrative tasks in the Civil Service, such as ensuring that minutes of relevant meetings are taken, should not be dealt with via legislation. It is not the appropriate vehicle for that task. As was recently confirmed to me in response to a question for written answer from the Finance Minister, the responsibility for ensuring that minute-taking takes place, as is requested in the Bill, already formally rests with private secretaries and permanent secretaries, with the revised Northern Ireland Civil Service code of ethics placing that explicitly as a requirement. Such a requirement will form part of the terms and conditions of employment. For those reasons, Alliance is unable to support the legal changes proposed as a result of the clauses. For those who disagree — I accept that other Members disagree — please consider the implications of passing such legislation, the impact that it will have and the desired outcome. The real outcome will be much different from what is desired and will simply inhibit good government.

Similarly, although new clause 8A, which covers lobbying, is well intentioned, the Alliance Party cannot support it, because it misses the mark in what it is trying to achieve. We would, however, be interested to see any amendments at Further Consideration Stage that improve and clarify the proposals. Transparency around the lobbying of Ministers is absolutely essential. The RHI inquiry showed the depth of a certain firm’s influence over Ministers’ decisions, which the public were rightly disgusted by. Whom Ministers meet and what they are being lobbied on is a matter of public interest and should absolutely be a matter of public record.

We support the updates to the spad code and guidance for Ministers, which requires them to detail all their engagements on departmental matters with external organisations or persons. Furthermore, the Alliance Party supports the creation of a register of lobbyists, as has been established in the Republic of Ireland and in Scotland. More can and should be done to ensure that the influence of lobbyists in Northern Ireland is transparent, and we will continue to support that.

However, as drafted, the amendment is insufficiently defined. Ministers may have to record as lobbying any conversations through any channels, be they verbal, email, letter or social media, or anything related to their ministerial portfolio. Ministers trying to ensure that they obey the law could find themselves tangled up in bureaucracy, while those who wish to break the rules will find a way round them. On that basis, we do not believe that this amendment will solve the issue that it sets out to address, and we cannot support it.

As I said, however, we are open to clarification, improvement and betterment of the Bill at Further Consideration Stage, taking into account law already enacted in the Republic of Ireland, which clarifies what lobbying is and places the burden to record and log activity on the lobbyist rather than the lobbied.

My party will not vote for clauses 9 or 11, which attempt to cover the use of unofficial communication channels and unauthorised disclosure respectively. Sir Patrick's report emphasised that Ministers and spads are expected to use official channels when communicating on official business and should be held to account when they do not do so. As per recommendation 41 of Sir Patrick's report, the spad code has been updated to reflect that in the most unambiguous of terms. The updating of freedom of information legislation, to ensure that all correspondence via all channels is covered, is needed and is something that the UK Government ought to action. Criminal sanctions already exist for the unauthorised disclosure of information through the offence of misconduct in public office. The Information Commissioner and courts already have the right to investigate and prosecute in the most serious cases. However, the bar for doing so is necessarily high, and rightly so, in order to protect public servants from vexatious prosecution and to protect whistle-blowers. For that reason, we do not believe that the proposed clauses are an appropriate method to address the serious issues identified. Where there is evidence of misconduct in public office, we support prosecutions, but we do not feel that the legislation proposed in these clauses is appropriate. The failure to get the desired prosecution of certain persons is not a sufficient evidence base to make this law desirable.

I will talk about our opposition to amendment No 18 and our support for clause 10, provided that amendment No 18 falls. I will then make some closing remarks on behalf of my party.

Clause 10 proposes that the Minister of Finance should create a publicly available register of interests for Ministers and special advisers. We note that Ministers are already required to declare their interests when appointed and that special advisers are required to declare their interests through the revised special advisers' code. However, we have no objection to putting that requirement into legislation and giving responsibility to the Minister of Finance. The RHI inquiry exposed significant conflicts of interest held by spads in dealing with RHI, and the public was rightly appalled at what they heard. A register of interests helps to ensure transparency regarding the interests of those charged with ministerial responsibility and their advisers.

However, amendment No 18 is a mistake, as it would undermine the effectiveness of the clause as a whole. The amendment removes the word "close" from the requirement to register family members' interests. It is not reasonable, in law, to require a Minister or special adviser to register the interests of relatives whom they may not have spoken to for many years and with whom they may have no meaningful relationship. The Bill would require Members not only to register the interests of siblings, aunts, uncles, nieces and nephews but also those of their spouse or civil partner. The numbers could run into triple figures. It is not a reasonable argument that we should commit to legislation something that is a serious conflict of

interest. It is far better to keep the term "close" in the Bill, as per the original wording.

My party takes seriously the issue of transparency and good governance. On that basis, we have looked in detail at each clause and given full and due consideration to whether it will improve the functioning of government in Northern Ireland. I say that sincerely, as the Bill has taken up many days of my life.

11.45 pm

In the majority of cases, my party believes that the full implementation of the recommendations of Sir Patrick Coughlin's report is the more effective way to respond to the appalling behaviour of Ministers and special advisers throughout RHI. Furthermore, in the majority of cases, we have found that the provisions in the Bill, however well-meaning, could make the functioning of government worse, rather than better, in Northern Ireland.

Finally, at a quarter to midnight tonight, and as someone new to this place, I suggest that we need to consider how we make legislation. We have heard lots of quotes from scripture, and some of the contributions were short, brief and succinct, but others were long. In closing, I will quote from Proverbs:

"Whoever restrains his words has knowledge, and he who has a cool spirit is a man of understanding."

Mr Wells: I have found the last couple of hours extraordinarily disappointing. We have spoken at length about how the Committee has worked well together to amend and revise Mr Allister's legislation. Now we find that it has been ambushed with changes that could easily have been brought up at the Committee and dealt with. Some of the concerns are simply based on a lack of understanding of the Bill; some could have been brought up months ago. For example, I am very disappointed by what Mr O'Toole said. He asked what level of the Civil Service should be liable for the punishment if a civil servant steps out of line. Why, oh why, did he not raise that at the Committee? That could have been sorted out months ago.

It is one thing for Mr Muir, who has a defence, as he was not on the Committee, to ask questions, and maybe it was a defect that no member of his party sat on the Committee. Mr Muir can argue that he did not have the opportunity to cross examine officials and to speak at length to the Bill's sponsor. However, the SDLP does not have that excuse.

Mr O'Toole: Will the Member give way?

Mr Wells: I certainly will.

Mr O'Toole: What are we doing here? This is Consideration Stage. How dare the Member stand up and lambast me for raising legitimate questions about a Bill that I am scrutinising. To be honest, it is not a reasonable thing to do. If the Member regards himself as a watchdog for what questions are asked and when at Committee Stage, that is not a productive approach. We are entitled to ask further questions at Consideration Stage. That is what it is for.

Mr Wells: Mr Muir made the point about why we are still standing here at a quarter to twelve, still debating this. Part of the reason is that issues that could have been sorted out weeks ago, by the honourable Member and others, are now being raised at this very late hour. He has raised legitimate points —.

Mr Muir: Will the Member give way?

Mr Speaker: Mr Wells, there is no point in rehashing who said what when. Please, address the group of amendments in front of you, as that is what you are here to do. It is midnight; a lot of staff are working here as well as MLAs. Show a bit of respect, and stick to the group of amendments in front of you. You do not need to give all of the anecdotes or the cross arguments, and that goes for Mr O'Toole as well.

Mr Wells: Mr Speaker, with all due respect, I cannot accept what you are saying.

Mr Speaker: Sorry, Mr Wells. I do not want to hear that because I do not want to have a row with you. I certainly am not going to parry anything with you tonight. I am making the point that there is a group of amendments in front of us. Please, stick to the group of amendments. We will have no further discussion on the matter.

Mr Wells: Mr Speaker, what I am saying is that there is a group of amendments before us. Members have expressed concerns about the amendments. What I am saying is that the best place to deal with those concerns was during the Committee Stage of the Bill when there were hours to tease out the concerns that are being expressed tonight. I do not appreciate that, having sat through every minute of scrutiny of the amendments at the Committee Stage and the formation of the Committee's report, out of nowhere, like rabbits out of a hat, concerns are being produced here, at a very late stage, when many of them could have been dealt with. Mr Muir was not on the Committee, but, equally, Mr Allister's door was always open, as it was for other members of the Committee, to discuss these issues.

Mr Muir: Will the Member give way?

Mr Wells: I certainly will.

Mr Muir: As Mr Allister will know, we have engaged on a number of occasions, and those have been respectful engagements. Part of democracy is that a Bill is tabled at Consideration Stage, you offer your views, you debate them and you vote on them. It is democracy, and that is what we are doing. They are legitimate views. Mr Allister has views that I disagree with, but they are legitimate views that he holds. We debate them, and do you know something? We vote on them.

Mr Wells: Mr Muir cannot then complain about being stuck here at almost midnight if he is raising issues —.

Mr Muir: Will the Member give way?

Mr Wells: I certainly will.

Mr Muir: One of the reasons why we are still here is that Members are talking ad infinitum and are going on forever.

Mr Speaker: Mr Muir. Andrew Muir, please. Resume your seat, please. Can we return to the debate at hand? Thank you.

Mr Wells: The only thing that I agree with Andrew Muir on tonight is his wearing of an orange tie, and that is about the only redeeming factor to what he has said.

Mr Muir: And orange socks.

Mr Wells: Orange socks. That is good. That is as close as the Alliance Party will ever come to anything orange.

It is frustrating that here we are, at this late hour, raising issues very late on in the day, particularly when Mr Allister has moved so far to try to accommodate the legitimate concerns that have been raised. How much further could he have gone to meet those concerns? Yet, still we are here at this unearthly hour of the night.

I was going to use this opportunity to dig deep into my experience of dealing with spads, but I am conscious of the fact that it is now nearly five minutes to 12. I could keep Members here until two in the morning giving my views on how the system of special advisers works in the Assembly. I am concerned when I hear people such as Mr Muir say that we do not need the legislation and the amendments because we have codes. He is a new boy to the Assembly. He has been here for less than a year. He will know just how effective those codes have been since 1998. If those codes had worked, we would not need this debate tonight. We would not need Mr Allister's legislation. What the RHI report showed very clearly was that special advisers from all parties ran a coach and horses through the codes and totally ignored them. That is why we need the underpinning of legislation. Really, the meat of this Bill and its important aspects is the legislative underpinning. If we do not have that ultimate sanction, I am afraid that the Bill will be greatly weakened.

There is still a last opportunity — the opportunity of Further Consideration Stage — and I say to the DUP and the Ulster Unionists that you have behaved entirely honourably. Strangely, I also say that Sinn Féin has too, because Sinn Féin made it absolutely clear at every stage of this Bill that it would oppose every line, jot and tittle of it. It would oppose the short title, the long title and even the colour of the cover of this Bill. It was not having any of it, so we knew exactly where we stood with Sinn Féin from the word go.

Unfortunately, we thought that we had other parties on board and that we had dealt with all the questions that they had, and now we find, at midnight, that concerns have suddenly been produced like a rabbit out of a hat. I urge those parties to take advantage of the Further Consideration Stage and to speak to Mr Allister to try to find whether there are ways to meet their concerns. That is the whole process and the procedure that is adopted. I think that it is that lack of dialogue with various Members that has been the problem here. What I am hearing is based on a lack of understanding of what the Bill's intent is, and, in some cases, there is a lack of understanding of the actual content of the Bill. That is very unfortunate at this late stage.

I had many notes prepared, but, as I said, I would like to get home before two in the morning, so I will not take this any further. I do leave this Building tonight with an intense sense of disappointment.

Mr Carroll: I rise to support much of what is being proposed in clauses 6, 7 and 12, which, undoubtedly, will strengthen the process of scrutiny and accountability and will help to rein in the flagrantly undemocratic nature of government operations here. Obviously, there are a few technical amendments too, but I will keep my comments to the main legislative changes that are being proposed.

The RHI scandal exposed the shocking practice at the heart of the functioning of government in this Building. One thing that was obvious was the complete lack of

democratic accountability among politicians and their untouchable spads, who, at times, seemed to regard public funds as play money to be handed out among friends and relatives.

Shocking and sickening as that was, it did not even get to the heart of the matter.

At least part of the reason that they got away with so much during RHI was the lack of basic checks and balances in place for Ministers and their officials. That allowed them, essentially, to do what they wanted. Stormont Ministers and their advisers are continually held to a different standard from others. Clear evidence indicated a close relationship between Ministers, spads and elements of the big agribusiness sector, with huge companies such as Moy Park lobbying their way towards unfair and indefensible handouts of public money to further line their pockets, including, as others have suggested, undocumented trips to Brazil and relationships that led to hundreds of millions of pounds of public money being wasted, without minutes of meetings even being taken and no paper trail or accountability. Scandalous stuff indeed.

Clause 6 requires a Civil Service note to be kept of all ministerial meetings. Clause 7 requires all ministerial and special adviser meetings outside their respective Departments to be logged in future. Amendment Nos 14 and 21 relate further to that and mandate Ministers to report to Committees in more detail about their work efforts. Clause 8 requires ministerial and special adviser meetings with non-departmental personnel to be attended by a civil servant and a note taken. That, again, would help in scrutinising the actions of the Stormont elite.

Those moves will, hopefully, help to militate against instances involving the misappropriation of public funds, which we have seen too often in this place, and prevent the massive disparity of treatment between working-class people and self-appointed political elites in Stormont.

I will quickly give one example that accurately draws out the hypocrisy. It is worth mentioning in the light of clause 9 and amendment No 20. In July 2018, a 59-year-old mother of four, Anne Smith, from my constituency of West Belfast, was sentenced to six days in prison for failure to pay a TV licence. It shone a spotlight on the obscene disparity in the state's punitive approach towards people like Anne Smith, who struggle to get by, and the casual impunity that is extended towards those responsible for misappropriating up to £800 million in public funds through RHI. To date, not one individual among those in government or in the private sector who gloated about "filling their boots" in the RHI scandal has spent one hour in jail, nor are we likely to see that. Arlene Foster, who presided over the scandal as the Enterprise, Trade and Investment Minister in charge of RHI, walks free in the confidence that she will likely never face jail time. She is held up by some as a successful stateswoman instead of as somebody whose Ministry presided over the looting, effectively, of public funds.

As was mentioned, the First Minister famously used Post-its to go back and forth with her spad, Andrew Crawford, who was extremely close to Moy Park and the main culprit at the heart of the RHI scandal. Crawford served seven years as Arlene Foster's spad at DETI and could not recall ever seeing a formal note of a meeting — not ever. It is unbelievable and unacceptable. It is also unacceptable

to think that some in the Chamber suggest that we do not need legislation to change that kind of arrangement.

Children are asked to show their working-out when they do their homework and their maths, but it appeared to have been OK for Ministers and spads not to take records of meetings about the serious business that they were undertaking. Part of the reason for such disparity is that the legal system generally is stacked against ordinary and working-class people. We support the clauses and amendments that force political elites in the Chamber to document and, therefore, justify their actions.

Mr O'Dowd: Will the Member give way?

Mr Carroll: Yes, I will give way.

Mr O'Dowd: The Member has to understand that some of the legislation will not send the elites to jail; it will send the working class to jail — the civil servants. Surely, civil servants are working-class. Some of the amendments that you are about to support will send civil servants to jail.

Mr Speaker: Mr Carroll, your microphone is not always picking up. You might need to make sure that you speak into the mic.

Mr Carroll: Yes. I find it remarkable that, despite all the stuff being outlined by me and others about the scale of RHI, Mr O'Dowd and his colleagues cannot support changes to document the actions of spads and Ministers.

It is remarkable stuff indeed. I do not know how that punishes the working class at all; it is obviously designed to target spads and Ministers.

Like I say, if it is good enough for working-class people to be hauled in front of courts over TV licences, it is good enough for Stormont Ministers for potentially facilitating much bigger crimes.

12.00 midnight

Clause 12 would establish a process whereby the First Minister and deputy First Minister would report every two years on the functioning of government and initiate improvements. As a Member who sits on the opposition Benches, I would particularly welcome that. We have long criticised the lack of information and the way that information is relayed by the Executive in a limited sense to us, other smaller parties, independents and so forth. That would be a welcome change from our perspective.

Finally, I want to say something briefly about clause 11, which makes it a specific criminal offence for a Minister or special adviser, not the working class, to communicate confidential government information to a third party. I had an issue with how that was originally worded because it was broad-sweeping and unqualified. I can imagine situations, albeit they are way outside scandals like RHI, where Ministers should be in a position to disclose information; for example, when there is a public duty to disclose information that could be harmful to people in this city or beyond. I am not for a closed house on releasing information. Clearly, though, there should be repercussions for Ministers or spads who are in the business of leaking financial documents for the benefit of their business-owning wealthy friends. One should not shy away from acknowledging that that has happened.

We are, therefore, glad to see amendment No 20. We cannot back clause 11 in its original form because it does not create room for, for example, whistle-blowing or releasing information in the public interest, nor can we ignore the related human rights concerns that were raised by the Human Rights Commission. For that reason, amendment No 20 is worthy of support. We will support it because it qualifies the matter by stating that Ministers and spads cannot release information to third parties that results in financial or similar gain. It also qualifies it to take account of defending matters that are in the public interest. I leave my comments there.

Ms Sugden: I will not go into detail on any amendments on the Marshalled List other than the ones that give me some issues or cause for concern; in most cases, that is probably quite minor.

I will start with amendment No 13, which relates to the records of internal departmental meetings. I have sympathy with Members who expressed concern about the burden that that may put on civil servants and Ministers in respect of their meetings. Even from a constituency office perspective, I am quite obsessive about keeping a record of any meetings that I have, whether those be via telephone, via video call, face to face or via social media. I must admit that that creates an awful burden for me, and, in some cases, I am not getting back to people for a month because of the level of correspondence that I receive. I caution Mr Allister that maybe something could be put into the amendment about substantive meetings, which may be more valuable to make a record of.

There is another question that I will ask about the amendment. The Bill sponsor is quite clear in this and other amendments that he is talking about departmental meetings. In this new world of Zoom calls and video calls, are those included? Are we looking at virtual calls? Are we recording telephone calls? I can say from my own experience that it is very lonely being a Minister. If there is a sense that someone is always looking over your shoulder, whether it is with every good intention or even with bad intentions — it happens — that would leave me vulnerable in the sense that I would not want to talk to anyone. Where does that go where policymaking is concerned? I understand the purpose of the amendment, and I have no difficulty in keeping records of meetings. However, it perhaps goes a bit further than is necessary, and, as others said, it is perhaps disproportionate in that respect. I would be keen to see how to make it more workable in the practical day-to-day workings of running Departments. I appreciate that all those things seem like a good idea in theory. They support the ideas of accountability and transparency, and that is what we all should strive towards. However, their workability gives me some cause for concern and may lead some Ministers to, if you like, go underground, whereby they will not speak to their civil servants or express their concerns. I would not want it to have that unintended consequence, because I appreciate its intention and where it comes from.

I am keen to understand the Member's rationale for making an exception for a Minister's political party in amendment No 14. I understand that, but I stand here as the independent Member for East Londonderry, and I appreciate the engagement that I have with other political parties away from civil servants. I ask the Member, rather than making it specific to Ministers' political parties, to

consider potentially making an exception for other peer-elected representatives. The political conversations and relationships that we have as Members are better served away from civil servants.

I always maintain that a Minister's role is not necessarily to be the head of a Department; I see it almost as a politician holding the Department to account from within. That cannot happen if civil servants are present at meetings. I ask the Member for North Antrim to consider extending that exception to other politicians on the same level, rather than restricting it exclusively to a Minister's political party. I understand why that is the case, but I work alone and it is about those relationships and conversations that I have. If anyone remembers my time in the Department of Justice, it was important for me to have that engagement with Members without there being civil servants in the room. That dynamic could cause some issues with the conversations and the relationships that are necessary away from the gaze of civil servants. Politicians are the buffer, if you like, between civil servants and the people.

Mr Frew: Will the Member give way?

Ms Sugden: Yes. Please go ahead.

Mr Frew: It could actually also pick up the scenario of a Minister standing here at the box at Question Time and then, with their head fried, walking down the corridor to their office. Bold Jim or Paul could bounce up on them and say, "Minister, can you do A, B and C for me?", and then they walk into their office with their head fried after Question Time.

Ms Sugden: Absolutely. Even from my experience this past weekend, I was in conversations with Ministers about the COVID-19 restrictions. It is not that I would feel uncomfortable that they would go back to the Department and say that they were speaking to me over the weekend, but I think that there is something about being able to engage or lobby. The two corridors either side of us are called Lobbies for a reason: they give Members the opportunity to lobby Ministers in that space. We are overstepping a little when we start to bring civil servants into holding Ministers and politicians to account. As a Back-Bench Member of the Northern Ireland Assembly, I certainly would not want to be held to account by a civil servant. I do not think that that is appropriate, and potentially it is what the amendment suggests.

"Record of being lobbied" — I do find this one interesting. Andrew Muir raised the point that, in other jurisdictions, the emphasis is on the person who is doing the lobbying rather than the person who is being lobbied. I am studying for a master's degree in communication and political lobbying at Ulster University, and, for me, communication and lobbying are a two-way street. How do we draw a line over the potentially hundreds or thousands of people who contact us daily? Do we have to make a record of those, even if they were unsolicited? I appreciate that the Member has considered potentially limiting that, but it is unreasonable to expect that every time someone contacts you. Again, what does "contact" mean? Is it face-to-face contact? Do we include direct messages on Twitter or private messaging on Facebook or other forms of social media? I cannot begin to tell you, Mr Speaker; I have received hundreds of messages today. That puts a significant burden on me and my constituency office, and I am a representative of only one of 18 constituencies in

Northern Ireland. I appreciate that there are Departments that are full of civil servants who could assist with that, but I do not think that it is as simple as saying that I can forward something on to the Minister. I spend hours daily forwarding my messages and capturing a record of that, probably for my own protection. Other Members have talked about that. If we are going to have a record of being lobbied, we need to be careful about what that looks like in practice and what it means. Is it just communication coming one way, or is it something that a Minister has responded to?

It is difficult to do what the amendment suggests, and it does put a real burden on the Minister. We as politicians are, after all, human and may aspire to ministerial office. I feel uncomfortable that, where the constraints and limitations placed on the job are envisaged in the legislation in order to have the perfect Minister, they are not practical, and perhaps the intent is not that.

The Bill came from a specific place: to address a lot of the issues that arose out of the scandal of a couple of years ago. That is not a bad intent by any means, but we have to be careful to remember that most people do not have those intentions. Are we going to throw the baby out with the bathwater by limiting some people in their job and applying sanctions to them, when perhaps theirs was just an error in judgement? To be fair to Mr Allister, there may be an opportunity with the amendment or in the process itself to determine what the intent was, but perhaps that is just process.

I will now talk about the use of official systems, and I will again speak specifically about the Department of Justice. The official system there is much more obstructive, if you like, than any of the other systems in government. The email addresses for the Department contain "x.gsi.gov.uk", and there is a firewall there. To be honest, it is a really antiquated system. If we compare it with other systems and security Departments in jurisdictions in the United Kingdom, it is outdated. If I am to support Mr Allister's amendment about systems, for a start, we need to upgrade those systems and make them workable. It would not have been possible for me to forward or cc such messages in the Department of Justice, because it is just not possible. My special adviser at the time had to go home with an additional box attached to her laptop, which was clunky and awful, in order to be able to do her job. She was not able to access things if she was not going through that laptop.

I do not disagree with the point. We should try as far as possible to use official systems, not least for the protection of the information. If we are to do that, however, we need to put the technology in place so that the official systems are accessible. As a younger MLA, I want my diary on my phone. I want my papers, which used to come in two big briefcases, to be available on my tablet. I want those things to be accessible to me, because, when you are driving an hour and a half down the road to East Londonderry, it is those things that make the job much easier. I recognise the intent behind the amendment, but let us be realistic about what is needed in order to put that into place. Perhaps it is something that we will just have to put in place if it finds its way into law.

Mr Muir: Will the Member give way?

Ms Sugden: Yes.

Mr Muir: Does the Member accept that, although the drafting is well intentioned, the amendment does not reflect the new technology that exists, such as cloud computing, bring your own device (BYOD) and all the rest of it. It is framed from an understanding of email, but, frankly, email is yesterday's technology. The importance is for the legislation to be correctly drafted to ensure that, as has been outlined, civil servants are not unduly captured by it when they do something that is perfectly legitimate but could be considered a criminal offence.

Ms Sugden: Yes, and I think that that is where the limitation of this law lies. In my experience, the systems that we use today and tomorrow will not be the systems that we will be using in five to 10 years, yet we might enshrine something in law that potentially has an expiry date because of technological developments. I appreciate the:

"48 hours, or as soon thereafter as reasonably practicable"

window, but is it reasonably practical? I will be the first to admit that, with the level of correspondence that I receive, it takes up to a month to get back to constituents. That is how busy I am, and that is how heavy my workload is. Forty-eight hours may seem reasonable and, perhaps, if you are in a Department, you prioritise those things, but, my goodness, I prioritise everything at the minute but am still not getting back to people as soon as I would like. We need to be mindful that, in practice, these things may not necessarily work out. Are we really going to criminalise people for that? I probably would never become a Minister again if that became the case, because I would be held to account for something that it was not my intent to do. Perhaps the amendment will help to explore those things if Ministers are ever held to account.

Amendment No 17 deals with the register of interests. I have no difficulty with that. I would have assumed that to become a Minister you already have to be an MLA and, as such, that register of interests would already be in place. Certainly, when I register my interests, I look across the wide remit of every Department. If I were to find myself in, say, the Department of Justice or the Department of Agriculture, Environment and Rural Affairs, those interests would already have been disclosed in some way.

I am not against it. We should absolutely extend it to special advisers, particularly if it is a political appointment. If anything, that keeps everyone right and ensures that your pursuit is within the confines of what anyone thinks it is for.

12.15 am

Mr Muir talked about the issue with close family members. I thought that that was a technical point, although maybe Mr Allister will correct me. I had assumed that the Register of Members' Interests had confined it to more immediate family members and that removing "close" was just to tidy up the wording because it was already covered. I am not sure whether that is the case, Mr Allister.

Mr Allister: As I sit here, I think that I have been persuaded by Mr Muir that amendment No 18 may not be as appropriate as I thought, so I am minded, in winding up on the group, to indicate that I will not move amendment No 18, at least until I give it further consideration. However,

I think that we still have to have some definition of a close family member.

Ms Sugden: Yes, I concur with Mr Muir and with Mr Allister on that point: we live in Northern Ireland, and everyone is related to everyone [*Laughter.*] If we were to include records of extended family members, we would be here all day and would get no business done. We need to limit what it means. I felt that it was already expressed in the standards for MLAs, particularly in relation to financial interests, but we may want to consider that before making it a necessity.

On the criminal offence of improper benefit to any person or third party, I do not think that there is anything more to say on that. If it is improper and intentional, people need to be held to account, particularly when dealing with the disclosure of government information. That is not appropriate. We cannot, on the one hand, say that we cannot take records of meetings because of the development of policy and then find ourselves, on the other hand, disclosing that information for other purposes. I am happy to support that.

I am generally supportive of everything else, and I look forward to Mr Allister's responses to some of my points. There is an interesting point about record-keeping. As MLAs, we are already, to a degree, governed by law, such as the general data protection regulation (GDPR). I would be interested to hear whether what Mr Allister has drafted is compliant with the laws that are in place. For example, there is an amendment in relation to lobbying. If you are taking a record of people's details, do you have to let them know that you have done that? Do you have to dispose of it within a certain time frame? Is it even appropriate to keep that information if you are not going to use it because, for example, the lobbying intent might not have had any value? Those are a couple of areas where I have concerns, and I look forward to hearing Mr Allister address them.

Mr Murphy: I rise to finish my contribution to a long and detailed debate. Much of the time, the discussion has been framed on the premise that all of this bad behaviour, which we are all very aware of — RHI, Red Sky, NAMA and other scandals and issues that came to public attention — happened because procedures and processes were inadequate. I think that the inquiry found that the observance of some of the procedures was inadequate as well. It has been said that nothing has happened since, that all of this could happen today because nothing has happened in between times to protect against it and that, therefore, the only thing that really gives, as Mr Allister would say, the teeth or the bite — the ability to inflict punishment as a consequence of those things not being met — is legislation such as he has drafted.

Since getting to the meat of the debate — the latter end — we have spent a lot of time talking about the law of unintended consequences. The last number of Members, in particular, talked about that. That brings us to Mr Allister's central question: the House has to decide whether the Bill is necessary and can do what is needed to address the deficit that he sees in the approach that the Executive and the five parties that make up the Executive have agreed. The question is whether that approach is correct and appropriate or whether it is deficient and can be enhanced only by the teeth of Mr Allister's legislation.

The law of unintended consequences was summed up best for me by Mr Carroll, who said that he harsh bits of this — the bite part of this; the bits that are going to punish people — are intended only for the elites. I have been called many things in the Assembly, but "part of the elite" is not one of them. He said that it does not affect the working classes and described the offence as being for any Minister or special adviser. However, he left out the middle bit about civil servants in amendment No 20, which he lauded in his contribution:

"it shall be an offence for any minister, civil servant" —

it does not specify the grade of civil servant; it could be an administrative officer (AO), the head of the service or anything in between; for them, it will be an offence punishable by jail —

"to communicate, directly or indirectly, official information to another for the financial or other improper benefit of any person or third party."

That law of unintended consequences is probably best summed up by his contribution because, clearly, he thinks that it will hit the people whom, he thinks, should be punished. It is a natural instinct for people to say, post RHI, "We want to see heads hanging on the gate at Stormont. We to see the people who are responsible punished." Then you bring forward a blunt instrument like this, and the people whom, Mr Carroll thinks, he is protecting, namely ordinary civil servants, are suddenly in the frame for all of that. Then, the hand-wringing would happen if someone were caught up in it who was not really the person we wanted to see caught. We have to be sure, if we are going to pass legislation that involves penalties such as imprisonment. As Mr O'Toole said, that is the one area of legislation where you have to be ultra careful, because you are depriving people, potentially working-class people, of their liberty. You have to be sure that what you are supporting does exactly what you want it to do. From listening to the debate, particularly that on the third group of amendments, it is clear to me that Members have different outlooks on what the Bill will achieve.

It is not that I do not see any value in enhanced scrutiny: I absolutely do. It is valuable at any time in any legislature, but, building on the experiences of RHI and the inquiry and its recommendations, it is not only valuable but essential — absolutely essential — that there is increased scrutiny, accountability and responsibility to ensure that those practices cannot happen again. I absolutely and utterly support that. That is why I have taken the lead, on behalf of the Executive, to improve these matters with the support of other Ministers, but I see no virtue or value in legislating in the way that is proposed in this Bill. Good administrative practices are better set out in guidance and codes that can be updated and adjusted as necessary.

The amendments that the Bill sponsor has tabled make significant improvements to some unfortunate drafting. Without those amendments, the Bill could have had a profoundly damaging impact on good government. However, I am still determined to oppose the clauses, even as amended, as they cut across good practice.

The Chair of the Finance Committee asked whether it was the Department's view that clause 6 was still too specific: the answer is yes. Specifying the contents of the minute of a meeting does not appear to be an appropriate matter

for primary legislation and does not take account of the appropriate application of judgement. Amendment No 13 clarifies who is responsible for minuting ministerial meetings and what those minutes must include. To illustrate the mistake of legislating for such a matter, I pointed out that the provisions, as drafted, did not define what a "meeting" was, and a number of contributors referred to that. A meeting might include a conversation in a corridor, as Members have alluded to, or it might include a conversation with a taxi driver when you are travelling to a meeting. It might include, for instance, the Education Minister addressing an assembly hall full of students about education policy matters that affect their life. The amendment would render unlawful any record of a meeting that failed to include every decision taken, without any reference to and regardless of the relevance of that decision. The amendment would also render unlawful any minute that did not record the name of every person present. Does the secretary have to compile a list of all 500 schoolchildren who attended that meeting with the Education Minister in an assembly hall, listened to him talking about education policy and had the opportunity to question him or lobby him on education policy and how it affected their lives? How does recording that information square with the data protection consequences of the Department storing the details of 500 children for no other reason than the law says that it must?

Amendment No 14 looks equally unwieldy. Logically, it would require a civil servant to be present and take a note wherever a Minister might happen to meet a person other than another Minister or official just in case they began to discuss official business. That might be in a constituency office or in the canteen of this Building. For all we know, it could be a chance meeting in a supermarket or after church. That issue should not be in legislation. The good practice guide is where it belongs, so officials can apply their judgement and take the context into account.

Mr Wells asked about the suggestion that Mr Allister made when I asked him about it. I was illustrating the absurdity of the idea of what constituted a lobby, and he accepted that it was an absurdity to have to record it if somebody stopped you on the street and asked you to get a street light fixed. Of course, I could expand that slightly. If somebody stopped you on the street and asked you to get six street lights fixed, you might think that that is reasonable, but that might be the thing, as the Member will know, that makes a development an adopted development or not an adopted development. Where does one draw the line? Is it one street light or two street lights? Is it one pothole or two potholes or the resurfacing of an estate that allows a contractor to get his bond back? Where does the definition end?

Mr Wells: Will the Minister give way?

Mr Murphy: I give way to Mr Wells.

Mr Wells: The Minister makes a valid point. If Mr Allister were to come up with a form of wording that would deal with that, would he support that amendment?

Mr Murphy: That is the point that I am getting to. Even should he remove:

"the exercise of any other function of the department"

above that, it states:

- "(i) any contract or other agreement,*
- (ii) any grant or other financial assistance, or*
- (iii) any licence or other authorisation,".*

That is so expansive as to include any one of those issues that I mentioned. I would not support that. It is obviously ludicrous, and I have used an example of how ludicrous it could get when trying to define what lobbying is and where it is constituted. Clearly, I would not support that. The whole clause as drafted brings us into all that territory at any stage.

Amendment Nos 16 and 20 attempt to narrow down the effects of clauses 9 and 11. Those clauses, as originally drafted, would, as the Bill sponsor clearly now knows, have a devastating impact on government, but the amendments do not detract from the fact that the Bill would criminalise activity in such a way as to do serious damage to the effectiveness of government. Why should any official or Minister have the threat of criminal proceedings hanging over their communication using their own telephone or using a home printer after the office has closed? Why should an official or Minister be threatened with legal action to determine whether their briefing to the press or talking to a constituent was for anyone's improper benefit? Of course, the clauses as amended set out all sorts of protections to defensible breaches, but I cannot see why the courts should have the final say on whether an official is guilty of poor practice. I cannot allow for the possibility that a junior colleague might one day be in the middle of a test case where the margins of this imprecise law are explored.

Finally, amendment Nos 6, 17, 18 and 19 all relate to clause 10, which is a good example of unnecessary provision. The Register of Ministers' Interests and the register of special advisers' interests are already required. The latter register of special advisers was published, I think, in July this year. The guidance for Ministers requires publication of a statement of relevant interests twice yearly. The intention of that is to ensure that that is published, but, of course, each Minister is an MLA, and our interests are published in the Register of Members' Interests of all 90 MLAs, so that is clear. If there is some discrepancy between what I declare as an MLA and what I declare as a Minister, that should be a matter for public concern and investigation. Legislating for those things is superfluous and adds no value.

As I have said throughout the debate, I am absolutely for proper and improved scrutiny and accountability. I have invested significant work in leading the Executive's response in that regard, and my Department has invested significant work in preparing, drafting and having approved codes for spads and Ministers and on Civil Service conduct. We are about to embark on a significant review of the Civil Service here as well. All of that is intended to lead to much greater effectiveness, responsibility, accountability and transparency. That is its purpose. That is entirely proper for any democratic institution, particularly one such as this, which has gone through financial scandals and has seen scandalous practices exposed.

The Bill has a series of unintended and, perhaps, from the sponsor's point of view, intended consequences that some Members who support it have not clearly thought through. Opposition to the Bill is not opposition to greater scrutiny,

accountability or transparency, but it is saying that that can be done in a much better way. That is the course that the Executive and the parties to the Executive designed over the summer of 2019 and have followed through ever since.

12.30 am

Mr Speaker: I call Jim Allister to make his winding-up speech on the third group of amendments.

Mr Allister: One will always find reasons not to do something. Of course, that is the fundamental approach of the Department and the Minister. You would nearly think that RHI had never happened or that we did not have the scandals to which I referred, because such are the little things that have happened that they can all be dealt with by codes — codes that the Minister, in his own words, wants to keep as flexible as possible and “amenable to interpretation”. What does it say about an intent to address those issues seriously to say that the answer lies in flexible codes that are amenable to the Minister’s interpretation?

That is the choice that remains. It was the choice at the beginning of the debate, and it is the choice at the end of the debate. Do we want cosy codes that we can change, tweak and amend to suit purposes, or do we want the bite of legislation? That is the fundamental and abiding choice. That is a choice to be made in the context of one of the worst illustrations of bad government, which the RHI inquiry exposed. If the response of the House is that we do not really need to do anything and we certainly do not need to do anything that we cannot tweak, change and interpret as we go along, I say to the House that it is living in a bubble. People in the Province were rightly scandalised by what emerged. If the response of the institutions is to say that we will do nothing that is binding or lasting and that we will create no deterrents, the House will further diminish its public standing because it will have failed to tune in to the expectation that more than a few transitory, amendable, amenable codes is the answer. That, I say again, is the fundamental choice.

I remind Members of what I read to you from Lord Bingham, when he outlined that codes are just codes:

“It is in my view plain that the Code does not have the binding effect which a statutory provision or a statutory instrument would have.”

That is the choice that each one of us is making: do we want the changes to be binding? Do we want to address the issue of people giving official information to the benefit of family and friends? Do we want to make a binding deterrent to that, or do we want to comfort ourselves by saying that, because we have drafted amenable codes, it will not happen again? Really? That is the fundamental choice. We must ask ourselves why it is that people want amenable codes and interpretation and do not want anything binding. That is the Minister’s position. Why is that? The essential voice on that is coming from Sinn Féin, which, of course, as I pointed out, never wanted codes in the first place. It voted against them. Now it wants to make sure that, if we must have codes, they will not have the teeth of legislation. That is a poor position for the House to be in.

I listened carefully to the debate. There are points that I am amenable to taking on board, but no point can be taken on board if the relevant clause falls at Consideration Stage,

because, at Further Consideration Stage, you cannot reinsert something that has been decided on in principle at Consideration Stage. If Members are interested in ensuring that we could better some clauses — we probably could — we can do that at Further Consideration Stage only if they are still here. If they are gone, they can never be bettered. I say this to those with concerns: if your concerns are about improving those clauses, I am up for addressing them. I have always been up for talking to Members who have concerns about those issues, and I am certainly up for that going forward.

Ms Sugden, for example, raised some interesting points. She talked about amendment No 13 being too restrictive, and I think that Mr O’Toole also talked about that. She asked what “every internal departmental meeting” means and whether we are talking about substantive meetings. I must say that my inclination is to say that, yes, we are talking about substantive meetings. It is about finding the wording that embraces that without creating loopholes, which is always the challenge. I do not think that it is about the whispered meeting down the hall. Clause 6 and amendment No 13 are talking about a departmental meeting where a Minister and a special adviser are gathered together inside a Department and are settling and making decisions and deciding actions. That is the thrust of amendment No 13 and clause 6.

Ms Sugden: Will the Member give way?

Mr Allister: Yes.

Ms Sugden: I suppose, but we need to clarify that, because, from my experience, those conversations and agreements on the actions to be taken forward did not happen just in Castle Buildings. For example, I was receiving phone calls at all hours of the evening about departmental policy that was immediate and required. Any intention behind that needs to be consistent, and such conversations do not happen just in a government building.

Mr Allister: I appreciate that point, but you have to have a baseline. The baseline surely is the decisions that are taken between a Minister and his civil servants and special adviser on an identifiable occasion, and, if such a decision is taken, that decision should be recorded. Otherwise, we will get to the ludicrous situation of Andrew Crawford saying that, “In seven years, I never saw a minute of a meeting involving Ministers”. It is that mischief that needs to be addressed. Yes, we could find reasons to do nothing, but doing nothing is open season and an open invitation for things to carry on as they were.

Mr O’Dowd: I thank the Member for giving way. There is a difference between the minutes of a meeting not being taken and decisions not being recorded. Any ministerial decision has to be recorded in a submission that is sent to the Minister by the Civil Service and is available under a freedom of information request; indeed, civil servants cannot action spends or take any action without a submission signed by their Minister.

Mr Allister: Then, there would have been no RHI, would there? That is the reality. The ex-Minister says, “This is how things are done”: we would not have had RHI if that was how things were done. It was the very absence of those things that lay of the heart of all of that.

Mr O’Dowd: Will the Member give way?

Mr Allister: Yes.

Mr O'Dowd: The Member needs to understand this: RHI came about because the House passed bad legislation. The Minister brought legislation to the House that she had not even read.

Mr Speaker: John O'Dowd, your microphone is not picking you up. You are not being recorded.

Mr O'Dowd: Thank you. The reason RHI came about was that the House passed bad legislation. The Minister brought legislation to the House that she had not even read, and Members voted for it. There is a danger tonight of Members voting for bad legislation again. It proves the point that legislation does not cure all ills, but it can cause a few of them.

Mr Allister: It was not the legislation that caused the then head of the Civil Service, Mr Sterling, to say that there was a conscious decision not to record, lest it provoke freedom of information requests. That was not legislation; that was a culture. That was a conscious decision by Ministers in the Office of the First Minister and deputy First Minister that matters should not be recorded lest it give rise to FOI.

We cannot just push away the idea that we need to do anything with the straw men that are being set up in this debate. You have to face them with the realities of some of the evidence in RHI, and, in facing them with some of those realities, you have to make a decision. Are we going to do something about it, or are we going to shrug our shoulders? If we are not going to shrug our shoulders, we need to do something about it, and it starts with the recording of decisions. That might require some finessing of which decisions, where and when, but the principle that those who urge rejection of amendment No 13 and clause 6 want to reject is the principle of keeping any record about anything significant. That is the invitation that is being issued to the House. On the other hand, I issue an invitation to make sure that we craft legislation that will forever make sure that the head of the Civil Service cannot say that there was a policy decision not to take notes, because such a decision would be in breach of the law. That is the basis of the invitation to do something about these matters.

Ms Sugden raised the point about whether the political exemption should be wider. The one danger with that is the public perception of creating a cocoon for the political elite: "If you are a politician, this does not catch you". There is a logic to saying that a Minister must have the freedom to discuss with his party policy options and policy ways forward. I am not saying it is impossible, but it is more difficult to frame that in a way that it captures every political representation made to a Minister, because some of those representations will be in the category of lobbying. If they are in that category and if you come to another RHI, should it be concealed that party A lobbied party B to do something? That should not be concealed, but I hear what the Member says.

Ms Sugden: I appreciate the Member's giving way. I understand what he says, but I see my role as an MLA to lobby Ministers on policy. I am held to account by the people whom I represent to ensure that I do that. I have great difficulty here, where it feels like a civil servant is holding me to account. That is not the right dynamic or direction of travel. I am held to account by the people of East Londonderry, not by a record kept by a civil servant. I would not support it if it stayed limited to a Minister's

political party, but I would offer that we could extend that to political peers in the sense that it is Ministers and MLAs, if that is appropriate.

I think that because that political dynamic is something that is expected, and it is not necessarily appropriate that a civil servant almost takes on that role of holding me to account as a Member of the House. By all means, he has a direct relationship with the Minister, but he does not have that relationship with Members of the legislature.

12.45 am

Mr Allister: I am not sure that I entirely follow. I do not think that it is the civil servant who would be holding you to account. I do not get the essence of how it is the civil servant who is holding you to account. If you are the Minister, you are being held to account, as is the civil servant, as is the special adviser, to keep a proper record. That is where the holding to account comes in.

Mr Wells: Will the Member give way?

Mr Allister: Mr Wells.

Mr Wells: The honourable Member for East Londonderry Ms Sugden has raised legitimate concerns that she has with various amendments and clauses, as have Mr Muir and Mr O'Toole. Surely the best way forward is for those individuals to allow the amendments to pass at this stage and then table amendments for Further Consideration Stage to meet their concerns, rather than vote against the amendments tonight. If they vote against them, the amendments will fall completely and there will be no opportunity whatever to amend them. Voting for them can be done tonight without prejudice, and they can make it clear that they are voting for them but reserving the right to amend or oppose them at a later stage. The danger is that the concerns that are being raised by those three individuals could lead to their parties voting against the amendments and there being no opportunity to improve them at a later stage.

Mr Allister: I think, in part, that I have indicated that. Of course, there were opportunities before today to table amendments. Until last Wednesday, there were opportunities for all of us to table amendments. If those concerns had manifested themselves in amendments, we might have had an even more constructive debate on the issues.

I started the winding-up speech on the group by saying that you will always find a reason to do nothing. By not tabling amendments and then criticising the amendments that are tabled, you can easily find a reason to vote things down. I say, however, to those who are concerned that I have indicated a willingness to be amenable to sound suggestions, but I can do that only if the clauses survive this stage. There is room to move forward. I think that Ms Sugden and Mr O'Toole have made points that require being addressed, and I am certainly more than willing to try to do that. Some of those points I can almost answer here and now, but, if we are going to have a discussion, I am happy to wait. I am not so sure that Mr Muir has indicated that he is that persuadable, but my door is open on the issues. The thrust of Mr Muir's argument was pretty much like the Sinn Féin thrust, in that codes are enough, so he does not seem to me to be willing to consider more than codes.

Mr O'Toole: Will the Member give way?

Mr Allister: I will in a moment.

If I am wrong about that, I will be delighted to have that discussion.

Mr O'Toole: I thank the Member for giving way. To be fair to him, he has been amenable throughout to conversations and feedback. If I did not make it clear enough in my speech, I say that we are certainly amenable to amendments, specifically to new clause 8A and the replacement clause 11. We find it difficult to see how clause 6 can be amended in a way that makes it, frankly, workable, so that is different. To be absolutely clear, however, our position is that we are not opposing the other two amendments but are looking to have discussions about improving them.

Mr Allister: I made the point that they hang together. There is a triumvirate connection between the recording of an internal meeting of the Department, a meeting with externals in the Department and the lobbying of Ministers etc. However, I am in the hands of the House; I cannot dictate the outcome of any of these votes.

Mr Wells: Will the Member take an intervention?

Mr Allister: Yes.

Mr Wells: Mr O'Toole seems to be trying to meet us halfway. I can do the maths here this evening. He could adopt the purist position of voting against the Bill and the amendments tonight, but, the de facto situation is that the clause that he wishes to amend will, therefore, fall. If it falls, he has no opportunity to meet Mr Allister to obtain the amendments and changes that he requires. That is the difficulty that we face if he takes a purist stance.

Mr Muir is in a much more difficult situation. He is, basically, in the Sinn Féin camp of opposing the entire Bill. From what I can see, he did not seem to support any of it. Equally, if he has concerns, he can abstain tonight to enable the Bill to go through, although he would be perfectly within his rights to vote against clauses at Further Consideration Stage. He is not going beyond the point of no return this evening. The same applies to Ms Sugden. If they wish to achieve the changes that they require, it is in their hands, because it is clear that Sinn Féin will not even vote for the colour of the cover of this legislation. They are not going to have it. Therefore, it rests with Ms Sugden, Mr O'Toole and Mr Muir whether they can obtain the changes that they want; they will not be held to it at the Further Consideration Stage. We are not going to say that, because you support it tonight, you are duty-bound to support it at Further Consideration Stage if you do not get the changes that you require.

Mr Allister: The Minister said, in respect of amendment No 15, that I had tentatively offered, at an earlier stage, to drop 8A (2)(d) in relation to the function of the Department. The Minister then said that all the rest of it is far too wide. Sorry, that is the definition of lobbying in the UK Parliament's legislation. The essence of it is being lobbied about key components, about legislation, policy and things that the Department can do, such as issuing grants and contracts. Surely, if someone is lobbied about those things, that should not remain a secret. If it turns out that a Minister makes a volte-face or suddenly announces a very generous grant to a particular interest, there will be no

record, ever, of how his mind was shaped and changed by the lobbying interest.

That is why it is important that, if a significant influence is brought to bear on a subject, there should be a record of it in the Department. To deny a record of that gives a Minister carte blanche to have his mind changed by vested interests, and no one will ever be the wiser about it. It is clear from RHI that Moy Park was a very active lobbyist on tariffs, when they should be increased and when they should not be decreased, among other things. Yet, not a word of it is recorded in that Department. Was that right? I say that it was not, and I am trying to remedy that situation by requiring that, if Moy Park comes lobbying again on those issues, there has to be a record. The choice is between keeping a record or having no record and leaving yourself open to the same scenario again.

Mr Murphy: Will the Member give way?

Mr Allister: Yes, I will give way.

Mr Murphy: Of course, it is not the choice, and we have made that clear. There a requirement for records to be kept, minutes to be kept of meetings, interests to be declared and interests to be published. All of that is there. It is not a straight choice at all. The Member is going back to the premise that nothing has happened since RHI, and that is clearly not the case.

I have been struck by the past number of exchanges with his trusty sidekick Mr Wells, who has been riding wingman. The Bill has been through a Second Stage debate and a lengthy Committee Stage, during which all of the issues were talked about, and here we are, at almost 1.00 am during Consideration Stage, and there is a frantic attempt to put a sticking plaster over all of the obvious holes that have become apparent in the Bill over the course of the debate. If that is what people have to offer, I am glad that we are not biting on it.

Mr O'Dowd: On a point of order, Mr Speaker. It is now 12.55 am. The debate has been going on for approximately nine hours. The issues have been well debated. The proposer of the amendments has had ample opportunity to propose and respond. I propose that the Question now be put.

Mr Speaker: The last Member who is down to speak is on his feet. If we have no more interruptions, we may be able to get to the end of the contribution of the person who is winding up the debate. I will not move any further on that.

Mr Allister: Thank you, Mr Speaker. I am drawing to a close. I have reiterated the point that there is a fundamental choice to be made about whether you want legislation or not. If you do not, you have to explain why. That raises a number of questions. Each of the clauses, with the amendments that improve them, is worthy of support. I trust that they will receive that support. If they do, I am pledged that I will seek to address the issues that some people have with them. For some, there is no addressing them. It would not matter what I did; I could stand on my head, and it would not make any difference. However, there are Members who have genuine concerns, and I am quite prepared to deal with those, if I have the opportunity to do so.

Question put, That amendment No 13 be made.

Mr Speaker: I remind Members that they should continue to uphold social distancing. Members who have proxy voting arrangements in place should not come to the Chamber.

Before I put the Question again, I remind Members that, if possible, it would be preferable if we could avoid a Division.

Question put a second time.

Mr Speaker: Before the Assembly divides, I remind you that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I also remind you, once again, to ensure that social distancing continues to be observed.

The Assembly divided:

Ayes 42; Noes 44.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Dr Aiken and Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan and Mr McGuigan.

The following Members' votes were cast by their notified proxy in this Division:

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan [Teller, Noes], Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan [Teller, Noes],

Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin, and Mr McNulty.

Question accordingly negated.

Question put, That the clause stand part of the Bill.

Mr Speaker: I have been advised by the party Whips, in accordance with Standing Order 113(5)(b), that there is agreement that we can dispense with the three minutes and move straight to the Division.

The Assembly divided:

Ayes 42; Noes 33.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Dr Aiken and Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan and Mr McGuigan.

The following Members voted in both Lobbies and are therefore not counted in the result: Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr O'Toole

The following Members' votes were cast by their notified proxy in this Division:

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan [Teller, Noes], Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan [Teller, Noes],

Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin, and Mr McNulty.

Question accordingly agreed to.

Clause 6 ordered to stand part of the Bill.

1.30 am

Mr Speaker: I will pause for a moment or two to make sure that everybody who wishes to return to the Chamber before the next vote can do so.

Clause 7 (Records of contacts)

Mr Speaker: Before I put the Question, I remind Members that we have already debated Mr Allister's opposition to clause 7 stand part of the Bill. The Question will be put in the positive, as usual.

Clause 7 disagreed to.

Clause 8 (Presence of civil servants)

Amendment No 14 proposed: Leave out clause 8 and insert

"Presence of civil servants

8.—(1) A civil servant, other than a special adviser, must be present and take an accurate written record of every meeting held by a minister or special adviser with non-departmental personnel about official business; except for liaison with the minister's political party.

(2) The department must retain the record made pursuant to subsection (1).— *[Mr Allister.]*

Question put.

The Assembly divided:

Ayes 53; Noes 33.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Ms S Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Durkan, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mr Lyons, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Nesbitt, Mr Newton, Mr O'Toole, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister and Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Mr Muir, Ms Mullan,

Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan and Mr McGuigan.

The following Members' votes were cast by their notified proxy in this Division:

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan [Teller, Noes], Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan [Teller, Noes], Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin, and Mr McNulty.

Question accordingly agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 15 proposed: After clause 8 insert

"Record of being lobbied

8A.—(1) In the event of a minister or special adviser, other than as provided for in section 8, being lobbied, then, the minister or (as the case may be) special adviser must provide at the earliest opportunity a written record to their department of all such lobbying and the department must retain such records.

(2) In this section "being lobbied" means to receive personally a communication, either oral or written, on behalf of the person making the communication or another person or persons, relating to:

- (a)** the development, adoption or modification of any proposal of the department to make or amend primary or subordinate legislation;
- (b)** the development, adoption or modification of any other policy of the department;
- (c)** the making, giving or issuing by the department of, or the taking of any other steps by the department in relation to, —

- (i)** any contract or other agreement,
- (ii)** any grant or other financial assistance, or
- (iii)** any licence or other authorisation; or
- (d)** the exercise of any other function of the department.

(3) For the purposes of subsection (2), it does not matter whether the communication occurs in or outwith the United Kingdom.

(4) Nothing in this section shall apply to a communication

(a) made in proceedings of the Northern Ireland Assembly or the Executive Committee, or

(b) arising in the course of liaison with the minister's political party."— [Mr Allister.]

Question put.

The Assembly divided:

Ayes 42; Noes 33.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister and Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan and Mr McGuigan.

The following Members voted in both Lobbies and are therefore not counted in the result: Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr O'Toole

The following Members' votes were cast by their notified proxy in this Division:

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Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan [Teller, Noes], Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan [Teller, Noes], Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin, and Mr McNulty.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

Clause 9 (Use of official systems)

Amendment No 16 proposed: Leave out clause 9 and insert

"Use of official systems

9.—(1) A minister, special adviser or civil servant when communicating on official business by electronic means must not use personal accounts or anything other than devices issued by the department, systems used by the department and departmental email addresses.

(2) If out of necessity it is not possible to comply with the requirements of subsection (1) the minister or (as the case may be) special adviser or civil servant must within 48 hours, or as soon thereafter as reasonably practicable,

(a) copy to the departmental system any written material generated during the use of non-departmental devices or systems; and

(b) make an accurate record on the departmental system of any verbal communications relating to departmental matters.

(3) It shall be an offence for any minister, special adviser or civil servant to fail to comply with the requirements of subsection (2).

(4) In proceedings in respect of a charge against a person ("A") of the offence under subsection (3), it is a defence for A to show that the course of behaviour was reasonable in the particular circumstances or was in the public interest.

(5) A person is taken to have shown the fact mentioned in subsection (4) if —

(a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (4), and

(b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (4).

(6) A person guilty of an offence under this section is liable on conviction

(a) on indictment, to imprisonment for a term not exceeding 2 years;

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both."— [Mr Allister.]

Question put.

The Assembly divided:

Ayes 42; Noes 44.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford,

Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister and Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan and Mr McGuigan.

The following Members' votes were cast by their notified proxy in this Division:

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan [Teller, Noes], Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan [Teller, Noes], Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin, and Mr McNulty.

Question accordingly negatived.

Clause 9 disagreed to.

Clause 10 (Register of interests)

Amendment No 17 made: No 17: In page 4, line 10, leave out "21" and insert "28".— [Mr Allister.]

Amendment No 18 not moved.

Amendment No 19 made: In page 4, line 13, leave out "21" and insert "28"— [Mr Allister.]

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 (Offence of unauthorised disclosure)

Amendment No 20 proposed: Leave out clause 11 and insert

"Offence of unauthorised disclosure

11.—(1) Without prejudice to the operation of the Official Secrets Acts 1911-1989 and save in the discharge of a statutory obligation or in the lawful pursuit of official duties, it shall be an offence for any minister, civil servant

or special adviser to communicate, directly or indirectly, official information to another for the financial or other improper benefit of any person or third party.

(2) In proceedings in respect of a charge against a person ("A") of the offence under subsection (1), it is a defence for A to show that the course of behaviour was reasonable in the particular circumstances or was in the public interest.

(3) A person is taken to have shown the fact mentioned in subsection (2) if —

(a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (2), and

(b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (2).

(4) A person guilty of an offence under this section is liable on conviction

(a) on indictment, to imprisonment for a term not exceeding 2 years;

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both."— [Mr Allister.]

Question put.

The Assembly divided:

Ayes 42; Noes 32.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Dr Aiken and Mr Allister.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Ms Bradshaw, Ms Brogan, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan and Mr McGuigan.

The following Members voted in both Lobbies and are therefore not counted in the result: Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr O'Toole

The following Members' votes were cast by their notified proxy in this Division:

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton,

*Mr Newton, Mr Poots, Mr Robinson, Mr Stalford,
Mr Storey and Mr Weir.*

*Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie,
Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.*

*Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw,
Mr Dickson, Mrs Long and Mr Lyttle.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald,
Ms Brogan, Ms Dillon, Ms Dolan [Teller, Noes], Ms Ennis,
Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney,
Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer,
Mr McCann, Mr McGuigan [Teller, Noes], Mr McHugh,
Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill,
Ms Rogan, Mr Sheehan and Ms Sheerin.*

*Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan,
Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan,
Mr McGrath, Ms McLaughlin, and Mr McNulty.*

Question accordingly agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 21 made: After clause 11 insert

"Accountability to the Assembly; provision of information

11A. Ministers and their departments have a duty to report to an Assembly committee such information as that committee may reasonably require in order to discharge its functions, being information which —

- (a) has been requested in writing; and
- (b) relates to the statutory functions exercisable by the Minister or their department."— *[Mr Allister.]*

New clause ordered to stand part of the Bill.

Clause 12 (Biennial report)

*Amendment No 22 made: In page 4, line 30, leave out from "relevant" to "actions" on line 31 and insert "judgements of the courts relevant to the functioning of government,"— *[Mr Allister.]**

Clause 12, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 23 made: After clause 12 insert

"Assembly scrutiny of the Executive's in-year monitoring process

12A.—(1) Ministers and their officials must provide the relevant Assembly Committee with a written or oral briefing on the department's submission to each monitoring round in advance of it being submitted to the Department of Finance.

(2) The Department of Finance shall publish the outcome of each monitoring round within 7 days of Ministerial approval being granted.

(3) Within 14 days of the publication of the outcome of the monitoring round provided for in subsection (1), the Minister of Finance must lay before the Northern Ireland Assembly a statement specifying the changes to each

department's net budget allocation as a result of this exercise."— *[Mr Frew.]*

New clause ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

Clause 14 (Interpretation)

The following amendment stood on the Marshalled List:

No 24: In page 5, line 10, at end insert

"'family member' has the same meaning as set out in Schedule 1(3) to the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011."— *[Mr Allister.]*

Mr Allister: On a point of order, Mr Speaker. I thought that amendment No 24 was dependent on amendment No 18, which was not moved. I should not move amendment No 24, I think.

Mr Speaker: Let us just check that, Jim.

I am advised that the amendments are not mutually exclusive, if that helps.

Mr Allister: Can I revisit the matter and say, "Not moved"?

Mr Speaker: You can not move amendment No 24.

Amendment No 24 not moved.

Amendment No 25 made: In page 5, line 10, at end insert

"'department' means a Northern Ireland department as set out in Schedule 1, Departments Act (Northern Ireland) 2016."— *[Mr Allister.]*

Amendment No 26 made: In page 5, line 10, at end insert

"'The Executive Committee' means the Executive Committee as established by section 20 of the Northern Ireland Act 1998."— *[Mr Allister.]*

Clause 14, as amended, ordered to stand part of the Bill.

Clause 15 ordered to stand part of the Bill.

Schedule agreed to.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Functioning of Government (Miscellaneous Provisions) Bill. The Bill stands referred to the Speaker.

Adjournment

Mr Speaker: The Question is that the Assembly do now adjourn.

Some Members: No.

Mr Speaker: If you do not agree, I will suspend the sitting.
Good night.

Adjourned at 2.29 am.

Northern Ireland Assembly

Monday 30 November 2020

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Budget (No. 3) Bill: Royal Assent

Mr Speaker: I wish to inform the Assembly that the Budget (No. 3) Bill has received Royal Assent. The Budget (No. 3) Act (NI) 2020 became law on 25 November 2020. It is chapter 6.

Committee Membership

Mr Speaker: The first item of business in the Order Paper is a motion regarding Committee membership. As with similar motions, it will be treated as a business motion and there will be no debate.

Resolved:

That Ms Nicola Brogan be appointed as a member of the Committee for Education and as a member of the Committee on Procedures. — [Ms Ennis.]

Mr Speaker: I welcome Ms Brogan to the Committees.

Ministerial Statement

NSMC: Languages Sectoral Format

Mr Speaker: I have received notice from the Minister for Communities that she wishes to make a statement. Before I call the Minister, I remind Members that, in light of social distancing being observed by the parties, the Speaker's ruling that Members must be in the Chamber to hear the statement if they wish to ask a question has been relaxed. Members still need to make sure that their name is on the speaking list if they wish to be called, but they can do that by rising in their place as well as notifying the Business Office or the Speaker's Table directly. I remind Members to be concise in asking their questions.

Ms Ni Chuilín (The Minister for Communities): With your permission, Mr Speaker, I wish to make a statement regarding the North/South Ministerial Council (NSMC) Language Body meeting.

The meeting was held virtually on 27 November 2020. The Executive were represented by me, as Minister for Communities, and by Minister Lyons. The Irish Government were represented by Jack Chambers TD, Minister of State with responsibility for Gaeltacht Affairs and Sport, who also chaired the meeting. This statement has been agreed with Minister Lyons, and I am making it on behalf of both of us.

The meeting dealt with issues relating to the North/South Language Body and its two constituent agencies, the Ulster-Scots Agency and Foras na Gaeilge. The following topics were discussed and decisions were taken where appropriate. As part of their opening remarks, Ministers acknowledged that it would have been preferable for the first NSMC sectoral meeting since June 2016 to have been held in the NSMC secretariat offices in Armagh. However, it was recognised that the meeting was being held remotely in support of the current public health efforts.

Following the opening remarks, Minister Chambers introduced the remaining items for discussion at the meeting. I will begin with the response to COVID-19. Ministers welcomed the continued commitment of all staff and organisations in both jurisdictions who have worked to promote and provide support to the Irish language and Ulster-Scots sectors during the COVID-19 pandemic. Ministers noted the impact of the pandemic on the sector and the measures put in place by both Administrations to prevent the closure of key organisations, stabilise the sector and support longer-term recovery, renewal and change. Ministers noted the productive, ongoing cooperation between both Administrations and the North/

South Language Body in relation to supports for Irish language and Ulster-Scots communities facing challenges arising from the COVID-19 pandemic.

Ministers noted that the agencies that comprise the North/South Language Body will continue to work together with both sponsor Departments to consider the impact of withdrawal from the EU. Ministers noted that the body does not anticipate significant impacts on the sector and that the matter will be kept under review at future NSMC meetings in the sector.

The Council noted the progress reports for 2017-2020 that were received from the chief executive officers of the Ulster-Scots Agency and Foras na Gaeilge, and the key achievements of the North/South Language Body since the last sectoral meeting. Those achievements include the distribution of more than £4 million in grant aid to support Ulster-Scots cultural activities across Ulster; the development of the Discover Ulster-Scots centre in east Donegal and refurbishment of the Monreagh Ulster-Scots Heritage Centre, Carrigans; the publication by Foras na Gaeilge of the online English-Irish dictionary and subsequent launch of the print version, which is being distributed to bookshops; the support provided by Foras na Gaeilge to some 400 organisations annually, through 23 schemes and funding provided to approximately 170 groups under the schemes for young people, some 50 groups supporting festivals and 18 drama companies.

The Council approved the appointment of Daithí Mac Cárthaigh, Dr Neasa Ní Chiaráin and Ola Majekodunmi as board members of the North/South Language Body. The Council agreed to hold its next language body meeting in early 2021.

Ms P Bradley (The Chairperson of the Committee for Communities): I thank the Minister for her statement to the House. The statement talked about the response to COVID-19 for the various sectors. That was very welcome. We know that the £660,000 to the Ulster Scots resilience fund and the £1.2 million to the Irish language fund — I stand corrected if either figure or the date is wrong — is due to close on Wednesday. Has the Minister had any indication of whether those have been oversubscribed? I hope that they have. If so, will she look at putting more money towards both organisations to help anybody who did not receive any?

Ms Ní Chuilín: I thank the Member for her question. The COVID pandemic has been a challenging time for the Ulster-Scots Agency and Foras na Gaeilge. The figure for the Ulster-Scots Agency is slightly higher — it is £850,000 — and everything is on track. I will be talking to the Ulster-Scots Agency, Conradh na Gaeilge and Ciste na hInfheistíochta. Foras na Gaeilge did not administer the Irish language funding because it said that it could not deliver on time, which would have meant a bigger delay between Ulster Scots getting funds and the Irish language getting its funds. The other two groups were therefore supported by Foras na Gaeilge to deliver. I look forward to getting a report when the applications have closed to see what additional support, if any, they need.

Mr Speaker: I thank the Minister and the Chairperson of the Committee for Communities.

Mr Lynch: Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for her statement. What impact has the COVID-19 pandemic had on the operation of the North/

South Language Body and its ability to continue to support its lead organisation?

Ms Ni Chuilín: That relates to the question that was asked by the Chair of the Committee, which I have responded to. The numbers that both bodies had in through their premises and, indeed, in some of their groups have obviously decreased. A lot of online and virtual events have taken place, including Irish language classes, musical tuition for the Ulster-Scots Agency and lots more. It has been very challenging, and fair play to both bodies, which have done their best throughout the pandemic and worked very hard to support the groups and the sectors within each body throughout the pandemic. All the feedback that I have received, from groups on the ground during the pandemic, about the work of the Ulster-Scots Agency and Foras na Gaeilge has been positive. They were heartened to hear that at the meeting on Friday.

Mr Durkan: Go raibh maith agat, a Cheann Comhairle agus gabhaim buíochas leis an Aire as an ráiteas. What consultation has there been with the Irish Government around developing a legislative programme on language development of an Gaeilge?

Ms Ni Chuilín: That was not discussed at the meeting on Friday. As the Member will appreciate, a lot of the items for discussion were retrospective and related to the recent absence of the Assembly. The Irish and British Governments are sponsors of New Decade, New Approach agreement. We will be bringing forward legislation very soon.

The Member also knows that my Department has responsibility for the Irish language strategy and the strategy for Ulster-Scots culture and heritage. Those panels have been appointed, and they will be brought forward soon.

Mrs Barton: I thank the Minister for her answers so far. Minister, in your statement regarding the language body progress reports, you talk about the distribution of £4 million in grant aid to support Ulster-Scots cultural activities across Ulster. You go on to talk about the support provided by Foras na Gaeilge to 400 organisations in 23 separate schemes, but I see nothing in relation to the finance there. Can you give me some idea of how much that has cost?

Ms Ni Chuilín: Sorry, I am not clear.

Mrs Barton: How much are you are putting towards that? You talk about the £4 million that went towards the Ulster-Scots culture. How much did the support to the 400 organisations annually through 23 separate schemes etc cost?

Ms Ni Chuilín: I do not have all those details to hand, but I will write to the Member. Just to be clear: the Member asks what each of the groups in Ulster Scots got under that funding. I do not have that information, but I will certainly provide it to the Member.

Mrs Barton: Sorry, but I wanted to know about the other one — Foras na Gaeilge; those are the groups that I asked about.

Ms Ni Chuilín: No bother. I will get the Member that as well.

Mrs Barton: Thank you.

Ms Armstrong: Thank you very much, Minister. You are right to pay tribute to Foras na Gaeilge and the Ulster-Scots Agency for all their work during COVID and beyond.

You said that the North/South Ministerial Council wants to provide for and promote the Irish language and Ulster Scots. We know that legislation needs to be brought forward for the commissioners for both. Will the Minister confirm how soon that legislation will come forward? Will it be under accelerated passage, or will it just come through as normal?

Ms Ní Chuilín: I thank the Member for her question, but that was not covered as part of the NSMC meeting. The NSMC, last Friday, took a retrospective look at the work of both bodies from 2017 to 2020. Perhaps the Member should ask TEO to answer her question. In my response to Mark Durkan's question about the legislation, I said that I am responsible for the strategies for both. I am working on those and trying to make as much progress as possible, because it is quite clear that legislation is needed to protect both.

Mr Newton: I thank the Minister for her statement and answers so far. Was the Northern Ireland centenary and the positive role that both organisations might play discussed? If not, will the Minister place it on the agenda for next meeting?

12.15 pm

Ms Ní Chuilín: I thank the Member for his question. It was not discussed. Had it been discussed, it would have been in my statement. I know that Foras na Gaeilge and the Ulster-Scots Agency are working on a programme for 2021 and beyond, and I have absolutely no doubt that it will be included in their forward work programme.

Ms Ennis: I thank the Minister for her statement. What measures are in place to ensure public accountability for the funds allocated to the North/South Language Body's agencies to deal with the COVID pandemic?

Ms Ní Chuilín: I thank the Member for her question. There were places that needed to be filled on some of the bodies, and that has been done. They are filling the rest of the places, so that is the accountability. While Foras na Gaeilge and the Ulster-Scots Agency's chief executive officers report directly to the NSMC sectoral meeting, they are held to account by their board. Once their board membership is completed, that will ensure full scrutiny.

Mr Easton: I thank the Minister for her statement so far. Minister, in your statement you mentioned that:

"Ministers noted the impact of the pandemic on the sector".

Will you outline some of the impacts that were discussed?

Ms Ní Chuilín: I thank the Member for his question. He probably knows from work in his constituency that there were festivals, face-to-face classes, dance and music tuition, work on historical documents, heritage classes, events and seminars that all had to be cancelled as a result of the pandemic. The face-to-face work at least had to be cancelled. As far as was possible, the Ulster-Scots Agency and Foras na Gaeilge did a lot of virtual stuff with groups. An Cultúrlann in west Belfast has lost a lot of money as a result of the restrictions, and other events have been hit financially. I felt that it was important

that the Ulster-Scots Agency and the Irish language were supported out of the money for arts, culture and heritage because their financial loss as a result of COVID needed to be reflected in the overall arts, culture and heritage package.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a ráitis inniu. I thank the Minister for her statement today. Will the Minister tell us when we can expect to see a business plan for 2021 and a corporate plan for the 2020-22 period?

Ms Ní Chuilín: I thank the Member for his question. Early in the new year, if not sooner, corporate and business plans will be brought forward by the bodies. The next sectoral meeting is in the new year, and we will have a full NSMC, so outstanding documents such as those can maybe be brought forth. My information is that, because we had to clear a lot of the retrospective documents, both agencies have been working on their business and corporate plans. I anticipate that those will be almost good to go.

Mr McGlone: Gabhaim buíochas leis an Aire as an ráiteas fosta. An féidir leis an Aire a insint dúinn cén cineál malartaithe tuairimí agus malartaithe taitní atá tosaithe le Rialtas na hÉireann i dtaobh fhorbairt na Gaeilge? Will the Minister tell us what sort of exchanges of information, views and experiences on the development of Irish language legislation there has been with the Irish Government?

Ms Ní Chuilín: I thank the Member for his question. Had the development of the Irish language been part of the NSMC, it would have been in the statement. In response to another question, I know that the Irish and British Governments are, as we speak, fulfilling their NDNA commitments with regard to the funds that are coming forward. My Department has responsibility for the Irish language and Ulster-Scots culture and heritage strategies, and I assure the Member that I am making good progress on them. That is a question that the Member needs to ask TEO. Had it been discussed at the sectoral meeting, it would have been in the statement.

Mr Beggs: I thank the Minister for her statement. It refers to Foras na Gaeilge supporting some 400 organisations annually; 23 separate schemes; 170 groups under the schemes for young people; 50 groups supporting festivals; and 18 drama companies. Can the Minister provide a detailed breakdown showing how all that funding is used and indicate the numbers of organisations, schemes, groups supporting young people, groups supporting festivals and drama companies in the Ulster-Scots community as well those in the Irish language community?

Ms Ní Chuilín: I thank the Member for his question. As it is almost identical to his colleague's, I will give both sets of breakdowns to both Members from the Ulster Unionist Party.

Mr Frew: I thank the Minister for her statement. Have the Ministers in either country conducted any detailed impact assessment of how cultural activity and sport have been impacted by lockdowns? Has the Minister identified the long-term damage involved, and has she been able to adapt her strategies to suit?

Ms Ní Chuilín: I thank the Member for his question. Each of us will have looked at the overall impact of COVID-19. That is why I brought forward money for the Ulster-Scots

Agency and, indeed, for Conradh na Gaeilge and the Ciste Infheistíochta Gaeilge. A lot of the work that those groups do, particularly with youth groups, normally happens in halls, so the halls have lost money, the caterers have lost money and the freelancers involved in those events have lost money. They are all part of the fabric that makes up Ulster Scots and, indeed, the Irish language. That is why it was critical that, when we were investing money in arts, culture and heritage across the board, those two were not left behind. There has been substantial financial loss, but I want to put it on record that both agencies have gone above and beyond to try to keep, as much as possible, the links to the groups that they have worked with for years and have done their best to keep communication going in very difficult circumstances.

Ms Bradshaw: Thank you, Minister, for your statement. There appear to be four vacant positions on the board of the Ulster-Scots Agency. I think that you touched on it previously, but could you give us some details and timescales for the appointment process to fill those vacancies?

Ms Ní Chuilín: I thank the Member for her question. I expect all those positions to be filled early in the new year and those people to have had their governance training, orientation and everything else before the next NSMC sectoral meeting.

Mr Allister: Can the Minister clarify this: is there still an active board in respect of Foras na Gaeilge? I ask that because, according to its website, there has been no board meeting for which minutes have been produced since January 2019 and, indeed, no minutes have been produced in English since 2018. Why is that?

In respect of the assistance given to the Irish language groups to disburse COVID-19 money, can that money be spent outside the jurisdiction of Northern Ireland?

Ms Ní Chuilín: I thank the Member for his questions. They are good questions — not that the Member ever asks questions that are not wonderful. It is a matter of public record, so we need to know why the minutes have not been on the website. I will certainly ask about that.

The COVID-19 money that the Assembly and Executive have given to groups is spent in the North. If the Member is suggesting differently, he needs to bring examples to me.

Mr Speaker: That concludes questions on the statement. Members should take their ease for a moment or two before we move to the next item on the Order Paper.

Executive Committee Business

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020

Mr Speaker: Members, the next items of business are motions to approve three statutory rules (SRs), all of which relate to the health protection (coronavirus) regulations. There will be a single debate on all three motions. I will ask the Clerk to read the first motion and then call on the Minister to move it. The Minister will then commence the debate on all of the motions that are listed on the Order Paper. When all Members who wish to speak have done so, I shall put the Question on the first motion. The second motion will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion, and that process will be repeated for the remaining statutory rule. If that is clear, I shall proceed.

Mr Swann (The Minister of Health): I beg to move

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020 be approved.

The following motions stood in the Order Paper:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]

Mr Speaker: The Business Committee has agreed that there should be no time limit on this debate.

Mr Swann: The three sets of regulations before the Assembly make specific amendments to the Health Protection (Coronavirus, Restrictions) Regulations and the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations, but, before I move to the detail of each of the SRs, I must place on record my disappointment that neither the Minister for the Economy nor the Minister of Education agreed to my request for either or both of them to lead on the Assembly's scrutiny of the changes — changes, I might add, that were primarily made only following direct requests from those Ministers on specific and detailed amendments.

Were I not to move the regulations today, they would have fallen, yet, despite their not being my Department's amendments, I suspect that Members will agree that it was important that such an outcome should be avoided. Whilst, in their virtually identical responses to me, both felt that they were not accountable for the regulations, I have already expressed my belief that, during an unprecedented global public health crisis, there should be no space for Ministers or Departments to work in silos. That is why I especially welcomed the previous commitment from the First Minister and deputy First Minister that regulations would be tabled and led in the Assembly by the relevant Minister. Although that was, regrettably, not the case today, I thank the Ministers who have shown or are shortly to show generosity with their time and support, namely

the two junior Ministers, the Communities Minister and the Justice Minister.

I will move on to the issues at hand. SRs 232 and 239 amend the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations in a specific and narrow way. The amendments achieve the following. The amendment No. 11 regulations ensure, first, that the categorisation of tourist accommodation within the restrictions regulations follows the existing formulations in the Tourism (Northern Ireland) Order 1992. That will simply ensure clarity around types of accommodation that were not explicitly set out in the original drafting, such as hostels. Secondly, they ensure that people who rely on a carer are not prevented from taking individual exercise. We have made sure that, where a person needs assistance in entering a swimming pool, for instance, that is not inadvertently restricted. Thirdly, they ensure that the restrictions on the close-contact sector do not extend so far as to prevent make-up and hairdressing for film and television production that is under way during the period of the restrictions.

My Department was made aware of the impact that the restriction would have had on ongoing productions and responded by making the exception on the condition that extensive protective measures were in place. The industry standards are high, and I understand that this has allowed those productions to continue. Fourthly, they ensure that motorhomes are categorised with touring caravans in the regulations, so that, where sites for touring caravans are closed, the same restriction is placed on the sites for motorhomes.

12.30 pm

The amendment No 12 regulations ensure that there is no restriction on school physical education as a consequence of the restriction on sports events. That would, clearly, be an inappropriate restriction on children's education and a barrier to schools delivering the curriculum. They ensure that, where tables are set up outside a bar or café, they are treated as part of the premises and are subject to restrictions as much as where there is outside seating. We were made aware of instances of businesses seeking to subvert the intention of the original restrictions by having stand-up tables that would have allowed customers to loiter around the premises as much as if there had been seating and, thereby, undermining the effectiveness of the original restriction.

These may be small matters in themselves, but they are intended to ensure the integrity of the Executive's restrictions and reflect our understanding of the impact that they are having on people. Some of the amendments tighten the restrictions slightly, and others loosen them slightly. In anything that we have done, we have sought to assess the risk — the risk of increased infection associated with loosening restrictions and the risk of serious negative consequences for individuals and the community if legitimate and valuable aspects of life are restricted.

SR 233 amends the wearing of face coverings regulations. The amended regulations were made on 29 October and came into force immediately. Their purpose is to mandate the use of face coverings by post-primary pupils on home-to-school transport and public transport. Previous amendments to face coverings legislation had extended the requirement to use a face covering on all

buses, coaches and taxis but not school transport. An exemption existed for children under 13 years of age. The amendments to the regulations has been made so that only children who are not yet at secondary school are now exempt from wearing a face covering on school transport or public transport. The term "junior pupil not yet receiving secondary education" exempts children under 11 years and six months old who are not yet at secondary school from wearing a face covering. The exemptions from medical and other requirements remain unchanged. The regulations were put in place before school resumed on 2 November 2020.

Mr Gildernew (The Chairperson of the Committee for Health): Go raibh maith agat, a Cheann Comhairle agus gabhaim buíochas leis an Aire. Thank you, Mr Speaker and my thanks to the Minister for his statement.

The Health Committee was briefed by departmental officials on the three statutory rules on 12 November and agreed to recommend that they be confirmed by the Assembly. With regard to amendments No. 11 and No. 12, to the No. 2 regulations, members raised issues of process, inquired about consultation and alignment between Departments and asked about equality considerations.

On process, the Committee asked officials about the potential, moving forward, for the Department to resume its engagement with the Committee at the stage of policy development, although, clearly, that would be subject to a degree of uncertainty, given the circumstances. No assurance was offered on facilitating better scrutiny, something that remains of concern to the Committee. The number of sets of amendments and the volume of technical amendments were also raised. Officials explained that that results from working at speed to respond to rapidly changing circumstances. We were informed that a cross-departmental working group meets weekly to consider the policy detail resulting from Executive decisions but, given the time constraints, gaps are hard to avoid, although they can be plugged quickly via amending regulations such as we have today. It was suggested to officials that further consideration be given to cross-departmental considerations of policy alignment in the current context. One member cited an example of street furniture being installed during a period of restrictions on hospitality.

The Committee also probed consideration of equality issues in the absence of formal equality impact assessments. Officials advised that the human rights context and the proportionality of restrictions were considered in respect of each statutory rule and that the Department sought to strike a balance between the impact on rights generally and the impact of not imposing restrictions, given the nature of the pandemic. Pressed on the adequacy of the current approach, officials conceded that there was recognition of the need for more granular consideration of equality issues and that how that might be approached was under consideration.

I now turn to the face coverings amendment. Members were advised that the percentage of passengers wearing face coverings on public transport had gone up from 10% to 85% as a result of them becoming mandatory in that setting. On that basis, it was hoped that the rule would also prove effective in extending the requirements to post-primary school children on home-to-school transport and public transport. It was suggested that officials consider

the inconsistent messaging in continuing to exempt children from wearing face coverings in retail settings. The rationale offered was that social distancing is more feasible in many retail settings, unlike public transport, but the director of population health undertook to consider the messaging point further with the face coverings working group chaired by the Executive Office.

Officials were also asked about any potential harm deriving from unhygienic practices in the use of face coverings. They advised that, on balance, research showed that there remained a net benefit from the wearing of face coverings.

Agreeing on the evidence in favour of face coverings, members enquired about plans to widen requirements to use face coverings in indoor settings generally and the extent of the Department's research on international experience and best practice, particularly that of south-east Asian countries that have successfully reduced transmission of the disease and where face coverings have been routinely used for some time. The Committee intends to seek a wider briefing on the evidence in the new year.

On foot of questions about the links between sets of regulations, officials confirmed that almost all regulations on face coverings are now separate and will not fall with temporary additional restrictions.

If I may, a Cheann Comhairle, I will say a few words as Sinn Féin spokesperson on health. The statutory rules were made and came into force in late October and early November, with much of the content relating to clarifications, for example, on close-contact services working in TV and film production. The House must take the measures and restrictions seriously, as they impact in many ways on the lives and livelihoods of the public, even if those restrictions are time-limited and subject to change in a few weeks' time.

Two things are vital: communicating a plan, purpose and strategy; and, importantly, putting in place the means to achieve that strategy. I welcome any clarifications that can be made. It is better that they are not needed, but, when they are needed, it is right to get them made and put through.

On achieving the desired outcome, I raise the issue of compliance. We have heard how, with face coverings on public transport, we saw compliance increase to an estimated 85%. I would like that to be further increased where possible, which means enforcement. It also means — this is a crucial point — that we need to ensure that everyone is aware of what is required and, importantly, that there are no barriers to compliance. That, for example, means supporting business with grants, providing workers with statutory sick pay and ensuring that people have masks or something to cover their nose and mouth where needed. When people are struggling financially, we need to consider the cost of masks.

As we enter the winter months, those remain some of the challenges and tests that will not go away. We must work together effectively to meet the challenges in the weeks and months ahead.

Mrs Cameron: I intend to be fairly brief. At the outset of yet another coronavirus health restrictions debate, I put it on record that my thoughts are with those families who

have been bereaved — the number is nearing the 1,000 mark — and very much affected by the pandemic.

Obviously, the restrictions and regulations put barriers in the way of normal everyday life, of the right to work, the right to family life and, indeed, even the right to public worship. The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020 set out the changes to the places where restrictions will apply and gives additional clarity, including some exemptions, to the restrictions, with the biggest restriction, obviously, to business. It is worth remembering that businesses have bills to pay and food to provide. In recent weeks, many businessespeople across South Antrim have contacted me in utter despair at not being able to pay the bills and feed their families. That is a reality, not an exaggeration. While we can produce restrictions, it appears that we cannot produce money in a timely manner to support those people, of whom we ask so much at this time. It is right that we put on record the sacrifice that they are making. In my book, it certainly is not good enough, and I appeal to the Finance Minister to do more and do it faster.

Ms S Bradley: Will the Member give way?

Mrs Cameron: I will indeed.

Ms S Bradley: I appreciate the Member's words. As an MLA, I am inundated with calls from businesses that genuinely do not know whether they can keep their doors open. Will she be fair and make that call to the Department for the Economy and her party colleague, who absolutely needs to step up quickly?

Mrs Cameron: I thank the Member for the intervention. Certainly, I welcome the cross-Executive work that is going on, and we ask all Ministers who have responsibility in areas of support to put their shoulder to the wheel.

Once again, there is a great deal of confusion, which has not been helped by the ambiguity in the regulations and their late publication. Businesses that have multiple facets are unsure whether they can open at this time and whether they can sell non-essential goods. On the other hand, businesses that sell entirely so-called non-essential goods are watching their high-street competition selling the same products as they are forbidden to sell.

I welcome the fact that the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations provide for physical education to take place in schools and other educational settings. We know how important that is as part of a child's school day, given that exercise brings physical and mental benefits.

Mr Buckley: I thank the Member for giving way. I totally agree with her about the need to focus on children's physical activity to ensure their mental and physical well-being. Does the Member for South Antrim concur with me that it is also important that we look at the adult population's mental and physical well-being in relation to the restrictions? I think particularly of the many thousands of gym attendees across the Province at the moment. For many of them, their only form of exercise is in a gym setting. With the onset of winter, dark nights and, indeed, adverse weather, sometimes, that gym setting is the only way in which they can get physical exercise. Does the Member agree with my call and, indeed, the Committee's call for dialogue between the Minister and the Department

and gym businesses and attendees to ensure that we can find physical and mental well-being in the winter months?

Mr Speaker: I remind Members to stick to the scope of the regulations in hand this afternoon.

Mrs Cameron: Thank you, Mr Speaker. I thank the Member for his intervention. I see his point completely. Certainly, from my view, even while out walking the dogs yesterday, I was very aware that the fairly small path that I took through a forest and down to the lough was very crowded. That is the knock-on impact that the closure of the likes of gyms has created, with cyclists, runners and entire families out doing their best to do something healthy, to get out there and to look after their physical and mental well-being. The closures are certainly having a knock-on impact as well.

We have had these debates on many, many occasions. To be honest, much of this is repetition. Maybe that is because we as a society are in a cyclical crisis. We make progress, and then we regress, but we want to break this cycle and the current lockdown. The restrictions, albeit that they are flawed in many ways, are rightly aimed at driving down the number of cases, saving lives and protecting our health service from being overwhelmed. I very much welcome it that our clinicians are doing their utmost to keep as much of our health service as possible going throughout the second wave of coronavirus. We all must look on the restrictions as an opportunity to do the little bit that we can to support our NHS staff in keeping as much of the health service open and operational as possible. We can all help by restricting our movements. This is another chance for us to do the right thing now. Otherwise, we will be back in that cycle once more.

Amendment No. 3, which refers to the wearing of face coverings, extends the requirement to wear a face covering to post-primary school children on school transport and on other public transport.

I finish, yet again, with an appeal to all to wash your hands, wear a mask, keep your distance from others, including family who do not live in your house, and cut down on your contacts to protect your friends, your family and your colleagues. That is what we ask of everyone. If we all do that, we can indeed break the cycle.

12.45 pm

Mr McGrath: I welcome the opportunity to participate in the debate. I acknowledge the Minister of Health's insight into the DUP's ministerial version of teamwork, but we all know that a team is only as strong as everybody playing their part. I hope that all Ministers will do what they can to try to help with the workload of responding to COVID.

The three regulations that we are being asked to ratify are those that were laid before the Assembly on Thursday 29 October. I pay tribute to our healthcare staff who continue to fight the invisible enemy in the wards and corridors of our hospitals, in care homes and in houses. I extend my deepest sympathies to families impacted by the passing of loved ones.

Members will be all too familiar with the process by which regulations and amendments are laid in the Assembly. Some of the regulations that we give consideration to today, as we try to wrestle with the decision of whether to agree with them, have actually lapsed. Surely, there

must be a better way for us to carry out this business. A better approach would be that, when the amendments are drafted, they are brought to the Chamber for debate and discussion, so that we can interrogate the decisions taken and ask questions about their various impacts, in order that we understand the process and can go back to our constituents with the details of those decisions.

Mr Buckley: Will the Member give way on that point?

Mr McGrath: That is not surprising from the Member.

Mr Buckley: I thank the Member for giving way. He has passionately articulated that point at the Committee. Does the Member agree that one of the increasingly difficult parts to justify in relation to the delay in regulations coming to the Committee and the House is the fact that, for example, on a Thursday when the Health Committee meets, we have a situation where new regulations will come in on the Friday morning? That results in a communication breakdown as to what should apply and what has previously applied.

Mr McGrath: I thank the Member for his intervention. To simplify it, I think that there is a better way of doing it. It would not take much to sit down with a blank page and to work out the best process for making sure that we can participate in the decision-making and understand it. If we understand it, we can articulate that to our constituents. How often have Members had a phone call or email about a regulation from a constituent and said, "I do not know the answer to that" and then set about the difficult process of trying to find out that information?

On the regulations themselves, the first of the issues clarifies what was lacking, specifically in regard to self-catering accommodation, indoor exercise, closure of hostels, caravans, clarity on where close-contact services can operate and some restrictions on outdoor seating. The second provides clarity for physical education to take place in an educational setting and clarity on facilities adjacent to hospitality premises. The third legislates that post-primary schoolchildren must wear a face covering on school and public transport.

I place this on the record: what does it say about us that we are legislating for children to wear face coverings, when an MP who sat in this House and was a Minister in the Executive, once upon a time, continues to throw this back in the face of those children, in believing that he is above such practices, whilst taking the money from the parents of those children via their taxes to pay for the face masks that he does not wear properly? I implore his colleagues opposite to get this knocked on the head, even at this late hour, eight months into a world-wide pandemic.

Many changes have been made to the regulations from the ones that we are discussing today. We are in a period of lockdown, with non-essential retail closed and many other elements of daily life restricted. My experience of the most recent regulations is that they have been as unhelpful as past ones. What is non-essential? What is homework? How much of your produce constitutes "significant"? What about car washes? Are music lessons educational? Are Irish dance classes different —.

Mr Speaker: Sorry, could the Member get back to the scope of the regulations? You are straying well beyond those and into the new ones.

Mr McGrath: Thank you, Mr Speaker, but the regulations —.

Mr Allister: On a point of order, Mr Speaker. I am obliged. I would like clarification. We have debated a sequence of these regulations for many successive weeks. On each of those weeks, the Chair, in recognition of the reality that events have moved on, has permitted discussion that brings the matter more up to date. Are you today making a contrary ruling so as to restrict us to regulations, some of which are no longer extant or even relevant?

Mr Speaker: First of all, let me assure the Member that I am fully aware of the rulings on scope and how the Speaker or Deputy Speakers will conduct debates. I am involved in the decision-making for making the call on that, so I am fully aware of the nature of the debate and how it should be conducted.

Very often, Ministers and others have widened the scope of the regulations. That is why we have been giving Members the latitude that is necessary for them to do their best to explore the issues and to allow them robust scrutiny. I am reminding Members to stick to the scope of the regulations that are on the Order Paper today. That is not a new regulation. The Deputy Speakers have tried, on a number of occasions, to bring Members back to the debate at hand.

We give latitude and we will always give latitude to allow Members to do their job of exercising full scrutiny and accountability. By the same token, it is reasonable to keep people within the scope of the regulations, and the Deputy Speakers and I frequently and routinely do that. I hope that that assures the Member.

Mr McGrath: Thank you very much, Mr Speaker, and I will, of course, comply with your ruling, but it shows once again the farcical nature of the debate that we must curtail ourselves when the public are suffering from the regulations that have been enacted over last number of weeks. They have questions and concerns about regulations, but we cannot discuss them here in a timely manner.

That is quite sad, because it raises question after question. We are sent an email on regulations to seek out that information, but sometimes it takes days if not weeks before you get an answer. The communication from the Executive Office about restrictions lacks detail and information, and it creates more questions than answers.

The only thing that is certain about the Executive Office's communications on regulations is the eye-watering budget that it has to spend on that communication. The businesses that are impacted make an application for help, and, for some, that application falls into a big, dark hole and they do not see or hear anything about it for weeks, not knowing if they will or will not get financial assistance so that they can comply with the regulations.

People are hurting. The Executive supply financial help, but it appears that not everyone is getting it in a timely manner. The Department for the Economy and its Minister need to pull up their socks and get their part of the COVID response right. People's livelihoods are depending on it.

I continue to accept the need for these regulations and their amendments, even if they have lapsed. The health and well-being of the public at this time remain my number-one priority. While I support the motion, I continue

to implore the Health Minister to examine whether there is a different way that we can do these regulations.

Ms Bradshaw: I do not intend to speak for long. All that needs to be said about the regulations that we are talking about today was said at the Committee in a very long, interesting session with departmental officials about the challenges of developing such regulations at speed.

I very much appreciate that what we are discussing today are, in some ways, technical amendments in order to give clarity. I want to pick up and go into greater detail on the point that the Chair of the Committee raised when he talked about a need for greater cooperation across Departments. In my constituency of South Belfast, the Department for Infrastructure introduced what are called parklets outside a coffee shop, where people have seating that they manage and are now using. It is not businesses providing the seating but the Department.

That issue was raised with me in the context that coffee shops down the road that are doing take-away coffees feel a wee bit aggrieved. That initiative speaks to the need for Departments to work together so that anything that is taken forward is about trying to achieve compliance with the public health regulations. I also place on record my appreciation of the fact that the wearing of face coverings has now been extended to all post-primary pupils. It was confusing and difficult for people on trains to decipher who should be wearing them and who should not.

That brings us to the wider chaos that has surrounded the development of the regulations. At the Committee session, it was pointed out that a period is required between the Executive agreeing and announcing new restrictions and the regulations being drafted to put them into effect, and that there is a further period while they are ironed out by further amendments such as Nos. 11 and 12, which we are nominally debating.

I will not say much more, but I want to pick up on a point made by Jonathan Buckley, who joined the Health Committee recently. I am one of those gym goers who try to go every morning, although I probably only make it about four or five mornings a week. Maybe it was just at the gym that I go to, but, last Thursday morning, there was a strong sense that we are closing for only two weeks. They understand, given the capacity of our health service, the need to get this right so that we do not have a lot of infections over the Christmas period. I have a great deal of sympathy for people who run independent gyms, whose salaries may be affected. However, I think that, amongst gym goers —.

Mr McGrath: Will the Member give way?

Ms Bradshaw: Sure.

Mr McGrath: The Member's point is very relevant. I am another one of those gym goers, although it may not show. I have heard from one-on-one trainers and from gym owners that, if they can get financial help in a timely manner, they will comply. It is not an issue of closing; they understand what they have to do. It is about getting the financial help in a timely manner that would help them to do it.

Ms Bradshaw: Absolutely. That goes to the heart of it. They do not want outbreaks in gyms; they do not want anybody who they work with to be affected. They see the benefits —.

Mr Buckley: Will the Member give way?

Ms Bradshaw: Go ahead.

Mr Buckley: I do not want to stray, but I have spoken to many gym users. I had correspondence from a nurse who finds that the gym is the only place that she can take care of her mental and physical well-being. I understand where some are coming from, but there are many gym users and gym owners across Northern Ireland —

Mr Speaker: The Member is now straying.

Mr Buckley: — for whom it is not financial; it is mental and physical well-being that is the concern.

Ms Bradshaw: I will bring it to a close. I was walking along Loughshore at 6.45 am today and nearly got the head blown off me, so I do understand why it does not suit everybody to go out walking early in the morning.

Lastly, I urge the public to stick to the regulations that have just been brought in. I understand the frustration at the situation and at our politics, but there is no reason for us to introduce such tough measures other than to protect public health and our Health and Social Care system. Instead of seeking loopholes, let us understand one thing: the more closely we stick to the regulations, the sooner we can ease them.

Mr Middleton: Like others, I pay tribute to our health staff, and to all our front-line workers, for the tireless work that they have been doing, and my thoughts and prayers are with all those who are affected by COVID-19. As others have said, it feels repetitive to be speaking on these issues, given that the restrictions have already been implemented. Nonetheless, it is important that we say a few words on them.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

The Health Minister made a point in his opening remarks about silo mentalities. We need to be mindful that working in silos is not helpful. I have said in the Chamber before that, given how the Executive work, when the Executive take decisions, uncomfortable as those decisions may be for individual Members, including me, it is important that we show a united front when we deliver those messages. However, that also applies to the schemes. I see Members across the Chamber who will trip over themselves to welcome initiatives from the likes of the Economy Minister and then trip over themselves to be the first to criticise. We need to work collectively to ensure that we can deliver the outcomes that we want to see.

Mr McCrossan: I thank the Member for giving way. The Member will appreciate that this is not about anyone tripping over anything. This is about ensuring that those who are most in need receive financial intervention in a timely way to ensure that they can make the best decisions in the interests of the public and of their own businesses.

That is why we are “tripping over” things: to ensure that they get the necessary financial intervention.

1.00 pm

Mr Middleton: I thank the Member for that. I do not disagree, in that what we do —.

Mr Clarke: Will the Member give way?

Mr Middleton: Go ahead.

Mr Clarke: The Member will note that, when the previous Member who spoke was on his feet, he was not tripping over himself to defend Belfast International Airport. Until last week, his Minister had not made any intervention there but had rushed to get money to the City of Derry Airport.

Mr Middleton: I thank the Member for that. The point that we are all trying to get to is that we all want to get the best for our constituents and businesses. We do not want to see the continuing politicisation of a lot of the issues. Point-scoring, Facebook posts, Twitter videos and all that — the public can cut through that stuff. It is important that we support the Ministers, who are trying hard, and particularly the officials, who are doing their best to support those who need to be supported.

Amendment No. 11 brings some welcome clarity to the issues and the regulations. It is fairly self-explanatory.

Amendment No. 12 relates to physical education in educational settings. It was vital that that be rectified, and I welcome the fact that that was pushed forward by the Minister of Education. We know that physical education goes beyond physical exercise and good health: it has a mental health impact for young people.

I want to come on to indoor exercise, which is relevant and has been mentioned. I take issue with the fact that gyms have not been able to operate for that indoor exercise piece for adults. Despite what some Members have said, it is not a financial issue for gym owners. They place the well-being of their customers above the financial incentive that they would have gained from the two weeks. That is a frustration that I have, and the many gym owners who have contacted me are deeply frustrated and very concerned about their customers. Many of them are assisting their customers with recovery from various issues. That is a point that I wanted to —.

Mr Buckley: I thank the Member for giving way. I will not labour the point, but many gym users and owners would like to have a conversation about whether there is a way forward that could allow gyms to reopen in a safe and compliant manner to ensure physical and mental well-being.

Mr Middleton: I agree completely with the Member. As the Minister stated at the outset, the regulations deal with cross-cutting issues. They go across Departments, so it is important that all Departments have a say. It goes back to the restrictions themselves: we need to ensure that the views of all Ministers are taken on board. We know that the Economy Minister has been fighting hard for businesses and to get them reopened in a safe and timely manner, but that is a cross-cutting issue. We need all Executive Ministers to be heard on it.

I go back to the amendment on face coverings. It was important to give clarity, particularly to post-primary pupils, and I know that many principals welcomed that. Concerns were raised at the time about the enforcement of that on buses, for example, and on their way, but there seems to be a level of compliance around that.

It is important that we try to have a consistent approach. As I said, if we allow physical education to take place in schools, which is the right thing to do, we also need to allow for that exercise to take place in indoor and safe settings. I urge that that be allowed to happen. I remind Members that it is important to get out of this endless cycle

during the next number of weeks. The way to do that is to adhere to the guidelines and ensure that we keep one another safe.

Mr Sheehan: I welcome the opportunity to speak in the debate. We have been here before and have covered a lot of ground.

I always think that it is important to contextualise why the restrictions are needed. The simple reason is that we need to protect our health and social care system. We cannot allow it to be overwhelmed in the face of the pandemic. Years of underinvestment in the health system have meant that we do not have the capacity that we might like to have to deal with the upsurge in the number of people who become ill as a result of the pandemic. It should never be the case that groups of people with one illness are pitted against groups of people with another illness. The fact is that there are people who are ill and they have to be treated. Unfortunately, clinicians have to make ethical decisions on who should be treated first. However, basically, the restrictions are in place to protect life, to try to reduce the rate of transmission, to protect our front-line workers and to protect society in general.

Drafting legislation is not easy at the best of times, but it is all the more difficult when all this legislation comes at us in haste and we do not have time for the usual scrutiny that would take place. It is inevitable that anomalies will sometimes appear, mistakes will be made and clarification will be needed. However, it is disappointing when some prominent people speak out angrily and, sometimes their language is, maybe, not as diplomatic as it ought to be. If we were using similar language, we would be castigated from the high heavens. Some of those people may be brilliant musicians, fantastic chefs or people who can run great hospitality businesses, but I would love to see their credentials on public health and dealing with pandemics. I say to everyone that we have a difficult job. Some people are more concerned about their own narrow interests, but political leaders have to take account of society in general, the needs of all of our citizens, the need to protect our health service, the need to save people's lives and the need to stop people becoming ill. Those are issues in the context of the restrictions, even today's restrictions, that we need to be cognisant of.

One of the amendments that we are dealing with today is around the issue of masks. I say to the Minister that I have been banging on about the necessity of wearing masks from as far back as late March and early April. The evidence that was mounting, particularly in other countries, and the science that was coming to the fore told us that the wearing of masks reduced transmission, and I am glad to see that we implemented legislation to make it mandatory to wear face masks in certain circumstances. That is good, but there is an issue — my colleague raised it earlier — about the cost of face masks. We have seen that, in many other countries, face masks are free for the population. The Minister should consider making face masks available free of charge, at least in some circumstances.

Another issue that we should all welcome — it has been welcomed by a number of Members — is the clarification around physical education in schools. We came in for some ridicule around the issue of PE in schools when the legislation was first mooted. Clarification was absolutely necessary, and I welcome that. We had a ridiculous situation where fewer students could take part

in outdoor physical education than were allowed indoors in the classroom. That issue needed to be rectified, and, thankfully, it was.

I do not intend to go on for much longer today, a Phríomh-LeasCheann Comhairle, you will be glad to hear.

However, there are compliance and enforcement issues about these restrictions and restrictions in general. Without wishing to stray off the focus of the amendments, a good example of "compliance" and "enforcement" issues was shown on last week's 'Spotlight' programme about the contact-tracing system in Wales. When contacts were traced by the contact tracers, they were followed up with phone calls. If they did not answer the phone during their period of isolation, contact tracers called to their homes. Essentially, the rationale for calling to their homes was to see whether the person who was isolating needed support. However, I am sure that everyone can easily imagine that there is an element of enforcement there too, because, if the person who was supposed to be isolating was not there, that raised further issues. That is an issue with contact tracing. The Minister knows my views well on that. I will just leave it there rather than drift off further on the issue.

I have one final question for the Minister, to which many people out there need to know the answer: when will the Executive announce what the situation will look like post 11 December? I advise the Executive that, rather than leave it to the last minute, and us all end up on the cliff edge as we did during the past number of weeks, an announcement should be made here today about what the situation will look like after 11 December.

Ms Anderson: Before I talk about the amendments and restrictions, I, like others, want to send my heartfelt sympathy to the loved ones of all those who have died of COVID on the island of Ireland and, indeed, across the world, and also to the many more people who have ended up in hospital. We know that people are struggling with what is now called "long COVID". We also know of young people in particular who had COVID and thought that they had come through it OK, but now we hear that a pattern may be emerging with some young people ending up with pneumonia and other illnesses.

It is in that context that we all remember that the five parties in the Executive have to make difficult, challenging decisions that impact on our daily lives. They all agreed that more interventions were necessary before the end of November in order to curb the spread of coronavirus and prevent hospitals from becoming overwhelmed. Before COVID, hospitals like Altnagelvin Area Hospital in Derry were already struggling with awful waiting lists and, at times, people being left on trolleys or being taken home by their families rather than having them left there waiting to be seen. It is without doubt that COVID has made a bad situation worse.

The journey to the restrictions in amendment Nos. 11, 12 and 3 was somewhat unedifying. We witnessed the DUP, the largest party in the Executive, use a veto to hinder the majority of the power-sharing Executive, who represent the overwhelming majority of people in the North, from taking that decision forward sooner.

People to whom I have spoken in Derry oscillate when they talk about further restrictions coming in. I am sure that many Members have found the same. There are people who are absolutely fed up after nine months of restrictions

after restrictions coming in. When they think that things are moving on, they have to be rolled back. At the other end, I meet people who just say, "I want a total lockdown. Lock us down for three or four months, try to sort this out and see if we can get back to some kind of near normal". They do not want to see any more of their loved ones ending up in hospital. Thousands and thousands more people have ended up in hospital, and, as we said, unfortunately — tragically — many of them ended up in the morgue.

1.15 pm

Mr McCrossan: I thank the Member for giving way. Will the Member agree with me that there needs to be a strong, unified message coming from the Assembly and the Executive on the importance of these restrictions? Behind every single number is the death of a loved one. Family members — wives, husbands, children, grandchildren, brothers and sisters — have been left heartbroken by this virus. They could not see their loved ones from the time that they entered hospital until they were carried out.

Ms Anderson: I thank the Member for that intervention. I am very conscious of Mr and Mrs Ward from Strabane. That family has been left devastated by the parents' deaths within 12 hours of each other. It is a very sobering thought for us all. How could anyone not come together and have a unified position on these kinds of restrictions? The hope is that the vaccines that have been or are being clinically trialled will receive authorisation and soon become available for us to use safely.

As other Members have said, once again, we find ourselves in the Assembly talking about regulations that are already in place. There is not one Member in the Chamber who is not frustrated at that kind of process, because it is not how we want to do scrutiny. That all goes without saying, but we recognise that we are in the middle of a global pandemic, and things do not move in the way that they should.

Yesterday, 351 people tested positive for COVID-19. Unfortunately, some of them will end up in hospital beds and in intensive care. NISRA confirmed that, within a one-week period, 100 people died, and we all heard that last week. However, some people have questioned the COVID-19 death rate. I mentioned Mr and Mrs Ward in Strabane, and other family members have died within hours of one another. We all should challenge those kinds of questions. Of course, people have the right to question, but the evidence on the number of people who have tragically lost their life is there for us all to use.

We also know from the COVID-19 inequality report that the infection rate in the 10% most deprived areas has been one fifth higher than the rate in the 10% least deprived areas and that the hospital admission rate of patients with COVID-19 in the 10% most deprived areas was almost double the rate in the 10% least deprived areas.

Mr Buckley: Will the Member give way?

Ms Anderson: Yes.

Mr Buckley: On that very point, the Member will understand that there is a lot of scepticism. Indeed, there is anger about the side effects of lockdown. Professor Jack Lambert, the leading infectious diseases expert in the Republic, who leads an Irish doctors' group, presented a "white paper" to the Government. It states:

"It is concerning that a single-minded fixation on lockdowns and Covid-19 persists ... to the exclusion of too many of the other crucial facets of population health and wellbeing."

Another doctor in the group stated:

"Lockdowns as we have seen from the analyses severe [sic] nothing other than to punish the most vulnerable in society".

While we have learnt a lot about COVID-19, its effects and how to treat it, we must move on in how we respond to that. Lockdowns are not always the simple answer. The House must take their significant side effects into account.

Ms Anderson: Of course, we must take all of that into account. We all have people in our family settings who are struggling with lockdown, but poverty is not new, inequality is not new and vulnerable people are not new. We know that we have to have greater interventions. When we look at the inequality report, we can see how the 10% most deprived areas have been affected. Why do we have to tackle regional inequalities? Why do we need an anti-poverty strategy? Why do we need collective agreement to tackle all of that? So that people can cope a bit better. No one is making a decision to try to keep people away from their civil liberties. I find it quite challenging that we have removed people's civil liberties, but we are doing it because we are in a global pandemic. Of course, it is about getting a balance, and we have to try to get it right.

When we talk about poverty killing people, we know that those on low incomes who work in the high-exposure facilities do not feel like, "We are all in this together", and some of them feel quite offended when they hear some of us say it. If you are a key worker on a low wage who is living in poverty or you are a porter in a hospital or a domiciliary care worker and, thus, are more exposed to catching the virus, you do not feel like we are all in this together.

The chair of the BMA, Dr Black, told us that some hospitals are hanging together by a thread. It is hoped that the amendments and restrictions that we are dealing with today will take the pressures off Altnagelvin Area Hospital in Derry and other hospitals across the North, where we know that hundreds of staff members are off sick or self-isolating, which is putting further pressure on the health service. So, whilst some of the amendments before us, including the amendment No. 3 and No. 11 regulations, are tough, staff in hospitals, who have been on the front line for nine months, are demanding that they be supported.

During debates like this, as MLAs, we raise impacts that COVID and the restrictions have had on people's lives and livelihoods, and we have heard some of that today. The amendment No. 11 regulations clarify what businesses can and cannot open and is already in place. This is not about singling out a Minister, but I want to add my voice to those who have been calling for the Economy Minister to get schemes in place for the newly self-employed and sole traders. Regardless of what constituency you come from, you must all be being lobbied by people who fit into those categories and want to work but are prevented from doing so by restrictions like these. The delays in devising a scheme are unacceptable.

Mr Buckley: I thank the Member for giving way. She strikes the right tone when she says that we are all being

lobbied about getting grants out to those who in the most need as quickly as possible. However, does she accept that the actions of some in her party in terms of the misuse of public money, when we saw COVID grant money going to non-elected and elected officials within Sinn Féin's constituency offices, have meant that significant checks and balances have had to be applied, which has sadly meant a slowing down in the time to get grants out?

Ms Anderson: I am very conscious of what the Audit Office said in relation to the schemes and the kind of mistakes that were made. We know what happened, and we know that apologies were given for the three Sinn Féin offices that received those grants. I do not know what has happened with the other 450 or so people who received grants by mistake; I assume that all of them have returned the money. The Audit Office says that the percentage of risk was small. There are thousands of businesses and people out there who are desperately looking for and need some help. As we stand here talking about the restrictions, representatives from Excluded NI, which is one campaign of many that I could name, feel like they are howling at the moon, because — this might be uncomfortable for you — almost daily they are calling on Minister Dodds to introduce new schemes for businesses that have been left out and that the Minister herself said have fallen through the cracks, yet they see nothing coming forward.

Given that the Minister has received substantive funding for such schemes from the Finance Minister to implement the amendments that are before us today —

Mr Principal Deputy Speaker: To be fair to her, I appreciate that the Member is responding to a point. However, I am afraid that the debate is now veering away from the regulations. We should try to return to the regulations.

Ms Anderson: Amendment No. 11 closed down an awful lot of the hospitality and other sectors. That is why those people are desperately trying to get access to a scheme. They feel that there has been a protracted delay in getting money into the pockets of their workers and their workers' family. Those are the people who are calling on us, as we come forward with restrictions like those in amendment No. 11 and others, to take account of the fact that there are people who have not received a single penny in nine months.

When we are talking about trying to get collective support in the Chamber, we need support for amendment No. 11, amendment No. 12 and amendment No. 3 on face masks from the people outside who are listening to us. We need to demonstrate competence and ability and to show that we can act fast and smart, all within due diligence, and get financial support into the pockets and purses of those who need it the most.

If any Minister is struggling with trying to do that, the Executive should look at giving that Minister a helping hand to see whether that can be brought forward. Life is challenging enough, so in order for the five parties in the Executive to ensure that people get support to live with this deadly virus and these terrible restrictions on people's civil liberties and their life, we need to make sure that the labels of effectiveness and efficiency are the by-products that are worn by all Ministers.

Take amendment No. 11, for instance. The Committee for Infrastructure this morning had an informal meeting

with taxi drivers. Once again, taxi drivers lost work overnight, and just as they thought that they were getting things together, along comes amendment No. 11. Further restrictions were put in place, and their customer base is no more. Once again, bars, restaurants and hotels are closed, and that is having a knock-on effect on taxi drivers, who, like other people, want to work, but these necessary restrictions and the public health message are preventing them doing so.

Even though the restrictions mean that they have no income, they play their part. Many of us know taxi drivers who, throughout the pandemic, especially when people were shielding and even now when we are dealing with closures under amendment No. 11, have taken workers to hospitals and people to care homes. They have delivered food parcels and medicines, and they have done their best. We all know how they are valued, yet they asked us whether we valued them at all. Some drivers downgraded their insurance but still have a taxi policy. Yet, before the restrictions in amendment No. 11 were introduced, taxi drivers were promised that they would be included in the Department for the Economy's COVID restrictions business support scheme. However, just as amendment No. 11 was announced, they were told that they were excluded from that scheme too. They have been excluded from a scheme that was put in place because of decisions that they had to make because of their insurance, and now they have been excluded again.

We need to make a call and let taxi drivers know that while amendment No. 11 is going to have an impact on their businesses — we have asked people to stay at home, and, as a result, there is no one on the streets or to take to and from the pubs, restaurants and hotels — we are aware that they need support.

Generally, people are fed up and frustrated with two more weeks of these amendments.

People have listened to the chair of the BMA, Tom Black, say that reopening the hospitality industry would be:

“an act of careless vandalism”.

Mr Allister: Will the Member give way?

1.30 pm

Ms Anderson: That is hard for —.

Mr Allister: I have listened patiently to the Member, but the thought that keeps occurring to me is that she is lecturing us through the surrogacy of Dr Tom Black about doing the right thing. Did she think of any of that when she was leading the colour party at a funeral that was attended by thousands of people? Did she ever think of doing the right thing? Or is what she says for everyone else but not her and her cronies?

Ms Anderson: We have all listened to Tom Black and heard what he said. Bobby Storey has been dead for five months. As other Members would, we send our thoughts and sympathy to his family, because what happened is something on which there has been an ongoing, daily exchange of views. Sinn Féin has made it clear that we are aware of the impact that it had on the public health message and has apologised for it.

Tom Black is an eminent doctor; of course, we would listen to him. It was hard for people in the hospitality industry,

for instance, when they heard about more restrictions and amendment No 11 coming into place. They had hoped that they were going to open, only to be told that they were not. They had spent thousands on putting measures in place. When they opened in the summer, they tried their best to keep people safe by putting those measures in place. I assume that other Members have heard from people in the hospitality sector, and many others, who, when they heard about amendment No 11, further restrictions and the fact that they were not going to be allowed to open as they had hoped, question why schools are open. There is no doubt that children in school —

Mr Allister: On a point of order, Mr Principal Deputy Speaker. Will you advise the House if amendment No. 11 says any of the things that the Member says it does?

Mr Principal Deputy Speaker: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020:

“clarifies the meaning of self-catering accommodation.

... provides for a person to take part in indoor exercise or sport with a carer or carers.

... requires the closure of hostels and similar establishments, with certain exemptions.

... provides that an exemption in relation to caravans also relates to motorhomes.

... provides that hairdressing, makeup and other close contact services may operate

in film and television production, and defines certain terms.”

Amendment No. 12:

“provides for physical education to take place in schools and other educational settings.”

and:

“provides that tables or other facilities in an area adjacent to hospitality premises are to be treated as part of the premises.”

Amendment No. 3 extends:

“the requirement to wear a face covering to post primary school children on school transport and on other public transport.”

It has been read into the record, and everybody knows what we should be talking about.

Ms Anderson: Thank you. It is in that vein that I talk about amendment No. 12 and children at school, because that has provoked some conversations. We need to ensure that children have playtime at breaks and lunch rather than having to remain in one small room for up to six hours. That relates to amendment No. 12.

There is no doubt that children’s education is paramount, but the point that I want to make about playtime and amendment No. 12 is that it can be challenging, because staff absences are placing a huge strain on schools. That is what is happening in Derry and across the North. The staff who are left in schools are trying to cater for blended

learning, or making sure that children get outside for exercise and all that amendment No. 12 deals with.

During the two weeks of restrictions, when other places are closed, anxiety is fuelled among staff members by that. The staff feel somewhat isolated and a bit at risk. That is something that we need to acknowledge, because we are talking about mental health and the levels of anxiety, which are not good for staff or pupils. If, as the Deputy Chair of the Health Committee has said, we do what amendment No. 3 encourages us all to do — wear a face covering, coupled with washing our hands and keeping social distance — hopefully, businesses will see the opening of their premises on 11 December.

However, I echo the question that Pat Sheehan asked as to whether the Health Minister will bring forward recommendations to the Executive about further restrictions post 11 December. The industry needs to know that now, not on 10 December, and not at lastminute.com. We all want to be able to have some form of “new normal” exchanges with each other as we continue to practise these measures. No one wants these restrictions that we are discussing to be in place. No one wants to catch the virus, either. However, given the death toll that we have all mentioned, the pressure on hospitality settings and the real pressures on hospitals, those extra two weeks offer us the chance of pushing the community transmission as low as possible to allow, hopefully, for a safer Christmas for everyone.

I support the amendments.

Ms S Bradley: On behalf of the SDLP, I acknowledge what are, ultimately, clarifying amendments that have come to the House. I recognise that we are in a global pandemic and that we are working a system that is far from perfect or ideal. Decisions are being made at Executive level, announcements are being made and I — like every Member of the House, regardless of party — will be inundated, almost instantaneously, by text messages and emails asking, “What exactly do these regulations mean for me, my business, my school or the organisation that I represent?” I appreciate that the piece of work in front of us is almost the latter end of that process. Today we are looking at the amendments that were required to bring in to check the regulations that were quite hastily, in many cases, put on paper and brought through the House.

That said, many amendments that come to the House in this form are a result of those phone calls, texts and messages that we get from people on the ground who are going to be affected by the announcements that have been made. Therefore, I get frustrated, as I am sure many Members do, that, when the announcements are made, the clarity is often not there. As a Member of this House, I have yet to find the correct, quick, swift way of getting that clarity. The goalposts keep moving as to what emails I should be using and what websites I should be visiting. It is a movable feast. There is a huge piece of work — a problem that has to be ironed out — as to how we communicate better, from the point when the announcement is made right through the process to this point, where we have clarifying amendments before the House. I say, and I know, and I have heard — and I would like the Minister, as a Member of the Executive, to clarify for me — that money was set aside for that purpose. Money has been set aside purely for communication. I

have yet to see the outworkings of that. I would appreciate it if the Minister were to enlighten me on that.

I will speak about the process that brought these amendments to the House. On this occasion, it happens to be the Departments of the Economy and Education that are the foundation Departments behind these amendments. It would be a helpful part of that communication tool, regardless of who the Minister is or which amendment is in front of us, to use the House as the place to speak directly to not just Members but the media and public who are watching and give the rationale behind the amendments, the voices or stories that they heard that brought the Executive to a consensus and explain that for people to understand.

I have noted that, while there have been very harsh regulations imposed on almost everyone in some form, when the logic behind the regulations is communicated, people are very understanding because business people are also mothers and fathers. No one stands alone in any part of their life. COVID-19 rippled through every part of our economy and community, and it touches every house, household and individual. We are definitely failing in our communications and the way in which we explain the rationale behind a lot of the amendments and, indeed, the original regulations.

Mr McCrossan: I thank the Member for giving way. The Member has hit on a key point. As has been rightly pointed out, a lot of us have been inundated with questions from businesses every day. Does the Member agree that a helpline should be established for MLAs to get the information quickly and in one place? Does the Member also agree that communication is not rocket science? Communication should be very clear. This is a relatively small region of six counties, 11 council areas and 18 constituencies, and communication should be very manageable and doable very quickly.

Ms S Bradley: I thank the Member for his contribution. It is a very clear ask, and a helpline would help every Member, as they will, ultimately, spread that information very quickly to those who need to know it.

I appreciate that sometimes the logic or the nuance behind some of the amendments is quite complex, and it is not black and white or simple to relay. However, when we take the time to do that, people do understand it. They do get it. Ultimately, we have these clarifying amendments in front of us, and there is detail against each of them. However, I have to admit that, while the last Member was speaking, I revised whether I was looking at the right amendments. While I would love to be speaking about the high-street voucher scheme, I see that it is not part of the No. 11 amendments; nor is the scheme for taxi drivers, which is a very important cause. However, I would be swerving far from the amendments in front of me if I were to bring that to the Floor. I will not confuse matters further.

I thank the Minister for Health for coming forward with these amendments today. However, I am not sure that his doing so is good practice, to be quite honest. I would have liked an opportunity to have the Minister behind the amendments in front of us. We know we missed a lot of the scrutiny and that had to happen due to the speed that was required. That being said, this was an opportunity to put on the public record —

Dr Aiken: Thank you for giving way. Today, the Education Minister was on a Zoom call that he was pushing out on Twitter. Do you think it would be more appropriate if the Education Minister were to take the time to be here to explain the regulations to Members?

Ms S Bradley: I take the Member's point. I am not privy to where the Education Minister is today. I do not say that to get at the Education Minister or the Economy Minister. I genuinely say, across the House, that it would be best practice to have the thinking and the logic delivered by whichever Minister is behind the amendments. I appreciate that, even had the Ministers been here today, they would be speaking retrospectively. The Ministers will be bringing something that has already happened, and that is difficult to iron out of the system, but a Minister's being here would have had great value.

Based on that, I do recognise and note the clarifying detail in these amendments. Like other Members, I urge the public to remember that this is about you. It is about you, your family, your neighbourhoods and your community. While there is no denying that the credibility of some of the people in this place who have to step forward and deliver this has been shaken, ultimately, the people of Northern Ireland know better. They know that this is about them standing up for their communities, their loved ones and the people around them, and they ultimately know how thankful we genuinely all are to those healthcare workers who are stepping up day and daily and putting themselves at risk for the safety of others.

1.45 pm

I will close my remarks by offering my condolences to all those families who have been affected by the loss of loved ones during the COVID-19 pandemic to date.

Mr Chambers: I was disappointed to learn from the Minister's opening remarks that two Ministers in the Executive declined to accede to his request for one or both of them to lead on the Assembly's scrutiny of amendments — those in front of us today — that they had specifically requested. I understood that the Executive had pledged to move away from the ministerial silo mentality and to take collective decisions and, more importantly, collective responsibility. It did not work before, and, to echo the words of Mr Middleton, it is not helpful now. Surely, if ever there was a time for such a united and collective approach, it must be in the middle of a second surge of a worldwide deadly pandemic, and that should include the House and not just the Executive.

Tomorrow, the House will discuss a private Member's motion on the roll-out of the COVID vaccine. That enormous and unprecedented exercise will require the full support of the Executive. It will not benefit from any Minister going on a solo run to sow seeds of doubt, nor the intervention of elected Members from outside this House voicing bizarre opinions.

The failure of Ministers to take a degree of responsibility for regulations that they have called for is at odds with the previous commitment of the First Minister and deputy First Minister that regulations would be tabled and laid in the Assembly by the relevant Minister. There also seems to be confusion among some Members that all the regulations and guidance issued during the pandemic have been other than decisions taken by and on behalf of the Executive.

It is very noticeable that some Members appear to target the Minister of Health when demanding answers on various elements of regulations, and it seems to me to be a classic case of shooting the messenger. Minister Swann is normally the conduit to the Executive for the current medical and scientific advice, but the decision on whether to accept or ignore that advice lies with the democratic vote in the Executive or, as happened recently, can be rejected by use of the cross-community vote veto. That decision may still have negative consequences for the health of the people of Northern Ireland.

The regulations before us have been in operation for a few weeks. They were scrutinised by the Health Committee a few weeks ago, and, as such, it is a bit of an academic exercise coming before the House today, but protocol has to be followed and satisfied. As we, hopefully, move into the phase of beginning to vaccinate, we must congratulate the scientists who have brought the vaccine forward in such a timely manner. All of us in the House need to commit to supporting the efforts to vaccinate our entire community and the efforts to restore all other services offered by our NHS.

Maybe those who hurl from the ditches will stop trying to outdo each other in sniping at the Minister and his Department and will accept the fact that the DUP and Sinn Féin had two opportunities to take the Health portfolio. That was before we fully understood the implications of the pandemic that was coming towards us at that time. Tackling growing waiting lists was the major challenge back then. I am grateful that my colleague Robin Swann had the courage to take up the challenges when others ran away from them, and I think that the work that he has done to date has been recognised by the vast majority of the public.

We know that other hospital services have been curtailed.

That is a regrettable consequence of this virus. It is also the stark reality of the price that we are having to pay because of this virus. That reality seems to present difficulties for some Members to accept or to understand. I am sure that the Minister, in his winding-up speech, will have no difficulty in confirming that no urgent or immediate life-saving medical intervention has been or will be denied to anyone. If these regulations, along with others, are followed and a reduction in the rate of COVID transmission is reflected in a reduction in the number of hospital admissions, normal services can be fully restored across all medical disciplines.

I listened today, and on Thursday at the Health Committee, to Mr Buckley passionately making the case for gyms to reopen. I wonder whether he has taken advice from Professor Gabriel Scally on this issue. I know that he holds the professor in quite high regard. The professor advocates total lockdown. I take Ms Bradshaw's point that it is only for two weeks. Lockdown is only until 11 December, and it will be reviewed.

Mr Buckley: Will the Member give way?

Mr Chambers: No, I am just finishing.

In the meantime, my party and I fully support the regulations that are before us today.

Mr McCrossan: Minister, first I wish to put on record my sincere appreciation and thanks to you and your private office for your helpful intervention last week in relation to a

constituent of mine. It came as a great comfort and support to Frank Tracey and his family. It is with much regret that I say that Frank lost his battle with this virus in the early hours of Saturday morning, leaving behind his lovely wife, Jude, his daughter, Anita, and his two sons, Matthew and Darren. I can safely say, Minister, before discussing these regulations, that the journey that I have been through with the Tracey family in the past 10 days has brought this virus home hard. I heard a wife on the other end of a phone cry and plead. A daughter and two sons knew, as their father's condition worsened in Altnagelvin Hospital, that they would never see him again. In the early hours of Saturday morning, the nurses in that hospital held Frank's hand and sung to him to comfort and calm him in the final minutes of his life. It came as a great comfort, Minister, to Frank's family to know that those nurses went the extra mile to support their father and husband in the final hours of his life.

Frank called me last Tuesday when I was on my way to the Assembly, knowing that his battle with the virus was coming to an end. He had this to say:

"Please get the message out there loud and clear. I have done everything, as have my family, to ensure that we followed the regulations and kept safe."

He admitted that he could not beat the virus. He was a man who was very fit, healthy and able. He was energetic, loved life and loved his family. He asked that people take this seriously and said that it could end a life very quickly. In Frank's case, it was just over one week.

I put on record my sincerest appreciation of the healthcare staff who have to comfort people in their final hours and who ensure that they are at peace and not alone, which is very difficult indeed. Minister, I thank you, because I know the difficult job that you have and the burden that is on you to try to help and support people throughout this pandemic.

The message is simple: wear masks, wash hands and keep your distance. I was a personal friend of Frank, and he was very much loved in the community of Strabane. This is the third death in just over a week. Ms Anderson, rightly, mentioned the Ward family who lost their mother and father. Nothing halts complacency like a sudden and painful death, and that family have suffered incredibly. That is why these regulations, which clarify measures that are in place, are so important and essential. We all tend to forget that our actions and our complacency can have dire consequences for another person or their life. Society needs to hear these stories about the journeys that families are on and the coldness of the process and the journey. When a person is taken, quite ill, into the care of the hospital, the family may not see that person again. That is a very harsh and very painful reality. They were not allowed a wake and no wider family or friends can attend the funeral. I can tell you, Minister, that I have been helping people throughout this pandemic and that opened my eyes this week. I have never had a phone call like it.

In Frank's honour and memory, it is important to put on record just how important our healthcare staff are and to offer the condolence of the House to his family — his wife, Jude, daughter, Anita, and two sons, Matthew and Darren. I urge the Assembly to work, as strongly together as we can, to protect human life. Nobody wants these regulations; nobody wants businesses closed; but nobody

wants to lose a father, a mother, a daughter, a son or a grandparent. That is what is most important. They are irreplaceable. Thank you.

Mr Principal Deputy Speaker: Question Time begins at 2.00 pm. I suggest that the House takes its ease until then. This debate will continue after Question Time, when the next Member to speak will be Dr Steve Aiken.

Members, please take your ease. Do not forget to clean the surfaces if you are leaving the Chamber. Thank you.

The debate stood suspended.

2.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

The Executive Office

NDNA: Rights, Language and Identity Update

1. **Mr Muir** asked the First Minister and deputy First Minister for an update on the introduction of legislation on commitments related to the rights, language and identity section of New Decade, New Approach (NDNA). (AQO 1201/17-22)

Mrs O'Neill (The deputy First Minister): We are committed to the development and implementation of the rights, language and identity proposals in the 'New Decade, New Approach' document. The delivery of those priorities will be important in building our shared future based on mutual respect and parity of esteem.

While the COVID-19 pandemic has undoubtedly delayed the speed at which we would have liked to see these issues progressed, it has certainly not deterred us from delivering them as quickly as possible. Officials are undertaking the necessary preparatory work to legislate for the core elements of the Bills, and we intend to progress legislation during 2020-21 and to create the relevant bodies as quickly as possible thereafter.

Mr Muir: Thank you, Mr Speaker, and I thank the deputy First Minister for her response. On 3 September I tabled a question for oral answer to the Executive Office that asked:

"in light of delays encountered to date, whether they intend to publish revised timescales for the implementation of New Decade, New Approach."

It is now the end of November, and I still have not received a response. Will the deputy First Minister give a commitment that new, clear and firm timescales will be given for the implementation of the rights, language, identity and all other aspects of 'New Decade, New Approach'?

Mrs O'Neill: I thank the Member for the question. I am sorry; I do not understand why you have not had a response, but I am happy to give you the commitment that, when we introduce the Bills, they will be laid out with a very clear time frame for delivery and you will be able to chart their way through the rest of the mandate. It is my intention that we deliver on the New Decade, New Approach issues, which, obviously, brought us all back together and brought about the restoration of the Executive. This is a really important piece of work that needs to be brought to the House in the imminent future.

Mr Lynch: Do the joint Ministers agree with me that all 'New Deal, New Approach' commitments, not just those on language and rights, need to be delivered? However, critically, is she concerned that the British Government have failed to implement their commitments on legacy, including a public inquiry into the murder of the human rights solicitor Pat Finucane, which is a decision that we await today?

Mrs O'Neill: Thanks to the Member for his question. As he and everybody in the House know, 'NDNA' committed all the parties to working together and to doing everything possible to heal wounds and eliminate the issues that always divide us. Core to NDNA was that the British Government would:

"within 100 days, publish and introduce legislation ... to implement the Stormont House Agreement, to address Northern Ireland legacy issues."

They would also "start an intensive process". Clearly, to date the British Government have failed to bring forward any meaningful proposals on legacy, and there has not been any intensive process. To my mind, the failure to progress the commitments that were made demonstrates shocking levels of bad faith, particularly as those commitments have been outstanding since the Stormont House Agreement back in December 2014.

I spoke today to the Finucane family, who will this afternoon receive next steps from the British Government. It is their view, which I certainly share, that all state agencies must be accountable to the law. It is my clear view that the British Government have no alternative but to direct a public inquiry into the murder of the human rights lawyer Patrick Finucane. I believe that it is also in the public interest to do so.

The failure to honour political commitments and to uphold legal obligations in legacy matters will have far-reaching implications that affect victims and public confidence in the rule of law and the administration of justice. If we are going to continue to build the peace that we all must work very hard for every day, however difficult and challenging, in order to collectively heal all the wounds of the past we must continue to do that together.

Mrs Barton: Deputy First Minister, you will know that the Ulster Unionist Party is against this aspect of the New Decade, New Approach deal given that language and culture were already catered for as part of the Belfast Agreement. Minister, will you outline the overall cost of implementing this section of the agreement?

Mrs O'Neill: I am aware that the Ulster Unionist Party is against introducing legislation that delivers parity of esteem for those who have an Irish national identity. That is regrettable, and I ask you to reconsider that position. No one has anything to fear from legislating for the language or from allowing children who are educated through the medium of Irish to live their life through Irish. I again ask the Ulster Unionist Party to perhaps rethink its position and perhaps join everybody else who is trying to deliver this legislation, because I believe that it is in society's wider interests.

When we bring forward the proposal and the time frame for the delivery of the legislation, we will also bring forward costs for the various elements, including those for the office of identity, as well as details on what that will look like. I am very happy to provide that information to the Member.

Mr McGlone: Will the role of the commissioners for languages be clearly defined in the legislation governing languages?

Mrs O'Neill: The Member will be aware that the legislation has been published as part of New Decade, New

Approach, so he will be aware of what has been legislated for. Obviously, there are provisions in the Bill on the office of identity, and more meat has been put on the bones of that. Again, I hope to bring forward the legislation very soon and have a comprehensive conversation about the shaping of it.

Border Checks

2. Mr Robinson asked the First Minister and deputy First Minister for their assessment of whether the change in approach in relation to border checks as previously intimated by the Minister for Foreign Affairs will be beneficial to the working relationship between Northern Ireland and Dublin. (AQO 1202/17-22)

Mrs O'Neill: The protocol commits to avoiding the need for any customs and regulatory checks or controls and related physical infrastructure North/South. As such, there is no change in the position of the Irish Government. The recent statement from Minister Simon Coveney clarifies that that will remain the case, even if, notwithstanding, the controversial clauses in the Internal Market Bill are reinstated when it returns to the House of Commons. I welcome that clarification.

Mr Robinson: Does the deputy First Minister agree that, compared with previous statements, the more cooperative tone from the Republic's Minister for Foreign Affairs is welcome, particularly for Northern Ireland businesses?

Mrs O'Neill: We have to continue to work together. It is in everybody's interest that we work together North/South and, indeed, east-west, on the taxing issue of Brexit. As I said, the clarification from Minister Coveney is welcome.

Mr Allister: How does the deputy First Minister feel about the guarded border that is being provided by the Republic of Ireland in respect of COVID-19? Does that not illustrate the faux anger and farce of opposition, both from Dublin and politicians such as herself, to as much as an extra camera on the border when it came to Brexit? Is she so wedded to an ideology that she does not care whether restrictions on imports into Northern Ireland cripple the Northern Ireland economy, or, in fact, is that what she is looking for?

Mrs O'Neill: I remind the Member that the majority of the House reject Brexit. The majority of the parties and the majority of MLAs reject Brexit; it is being foisted upon us against our wishes. We set ourselves a task at the very start of the Brexit debacle to try to afford ourselves some protections, and those were achieved in the form of the protocol and the withdrawal agreement. Albeit far from perfect, they at least provide us with some guarantees and assurances, particularly in relation to there being no return to a hard border and protecting the all-island economy.

Whilst there is no meeting of minds in the Executive on Brexit, there is a joined-up approach insofar as we want to minimise disruption and minimise costs being pushed on to the consumer. We have worked very hard to make sure that that is front and centre of the debate.

I say clearly to the Member that I have worked very hard to protect the interests of the people who live here. I have looked to Dublin to afford some protections to people in this jurisdiction, and we need to continue to do that.

Mr Sheehan: I want to pick up on the issue of borders and border checks. Does the joint First Minister share my concern about the uncertainty facing cross-border workers in the context of Brexit?

Mrs O'Neill: Yes, I certainly do. There are an estimated 30,000 cross-border workers in Ireland, many of whom cross the border, back and forth, every day as part of their daily routine. The loss of protections at the end of the transition period in just over one month's time — that is fast coming towards us — will have a huge impact on people's everyday lives.

I am concerned about the flaws and shortcomings in the British Government's frontier workers' regulations. I note that several trades unions, the Committee on the Administration of Justice (CAJ), the Centre for Cross-Border Studies and various migrant welfare associations have also recently raised those concerns with the British Government. As the Brexit negotiations enter the endgame, it is not an acceptable nor a tenable position that cross-border workers are still in limbo at this stage of the discussions.

Any frontier schemes must be accessible for, and cognisant of the special needs of, cross-border workers in Ireland. The British Government must fulfil their legal obligations as contained in the Good Friday Agreement and the EU withdrawal agreement.

Mr Blair: Can the deputy First Minister confirm that all Departments have been working collectively to ensure that they are ready for the post-transition period and to deal with all possible outcomes of the negotiations?

Mrs O'Neill: A cross-departmental group has been set up. It looked at the areas of concern and what we need to address. Six high-level impact risks have been identified and will need to be addressed: food supply; highly regulated goods, such as medicines; business preparedness; data flows; sanitary and phytosanitary checks; and transport. Everyone is working together on a cross-departmental basis to try to address those. I can assure you that there is a long list beyond those six things that also needs to be resolved. There are significant challenges, and significant preparation is under way. As we come to the crunch period — we have been told it is a crunch for a number of weeks now — we are now in the realm of the endgame for where Brexit is going to land. These are big challenges for the Executive and the Assembly, and we are going to have to embrace them and take them on.

Mr Stalford: The contents of the Internal Market Bill represent a "backstop to the backstop", to use a phrase. Given the reaction that there has been to the content of the Internal Market Bill, does it not expose just how false the claim that "best endeavours would be used" has proven to be? By what torturous logic does the deputy First Minister of Northern Ireland say that a proposal that cuts Northern Ireland business off from its largest market represents a good outcome for us?

Mrs O'Neill: The Member will know my views on the Internal Market Bill — they are very clear. This is the British Government trying to rewrite a deal which they had previously made and reneging on a commitment which they made to the EU, only to then legislate and to breach international law. That does not bode well for anybody looking for a future trade relationship. When it comes to

the interests of businesses here, there will not be very many opportunities if the British Government continually breach their own obligations that they themselves signed up to.

COVID-19 Recovery Plan

3. **Ms McLaughlin** asked the First Minister and deputy First Minister to outline the work their Department has undertaken in preparing an Executive-wide COVID-19 recovery plan. (AQO 1203/17-22)

COVID-19: Task Force

14. **Mr Butler** asked the First Minister and deputy First Minister what discussions have taken place with Executive colleagues and other relevant agencies in relation to establishing a monitoring, compliance and enforcement task force to address COVID-19. (AQO 1214/17-22)

Mrs O'Neill: Mr Speaker, it is my understanding that question 12 has been withdrawn. With your permission, I will answer questions 3 and 14 together.

The Executive's response to, and recovery from, COVID-19 continues to be focused on the health and well-being of our citizens, our economic well-being, revitalising the economy and our societal and community well-being. A large amount of public health evidence is considered, much of which is publicly available. Papers from the Scientific Advisory Group for Emergencies (SAGE) are published on a publicly available data repository, and reports of independent SAGE and original scientific publications are considered, along with other evidence. The Executive are placing a particular emphasis on people and families, and we know how important this is to everyone. Any decisions on the Executive's next steps, therefore, will be informed by the impact that they may have on us as individuals, on families and on the wider communities within which we live. We are committed to ensuring that support packages meet the needs of those who need our help.

Looking towards 2021, the Executive have approved a recovery framework which is aimed at progressing a cohesive approach across the whole of Government that will deliver an economic, health and societal recovery, with citizens at its core. This work will complement the longer-term Programme for Government which is currently being developed and which we are aiming to have in place by April 2021. The junior Ministers currently lead a strategic enforcement group comprising local government and PSNI representation, as well as TEO, Justice, Economy and Communities officials. We are also looking at additional ways in which we can encourage all citizens and sectors to adhere to regulations and public health advice.

Ms McLaughlin: Thank you, Minister, for your answer so far. We are 10 months into this pandemic, Minister. Can you give a guarantee that, following the current lockdown, we will get a very clear recovery plan? The Republic of Ireland, England and Scotland have plans, and the people of Northern Ireland deserve one.

Mrs O'Neill: As I set out in my original answer, we are very much looking towards recovery. We are still in the midst of the pandemic, and we have to work our way through the latest phase that we are in.

We are really hopeful that the measures that have been brought in will bring us to the other side of Christmas. Most people will have noted over the past number of days that the figures for positive cases are going in the right direction, and that is welcome.

2.15 pm

We have to look towards recovery. We have, as you know, appointed an interim head of the Civil Service, which will help us in our recovery. We want Jenny Pyper to focus on COVID, Brexit and recovery: those are the three things at the top of her in-tray, working with us.

We have to work our way out of this. The Treasury's announcement last week was disappointing for our ability to invest in recovery. The Executive are and will be focused on recovery into the new year. We will have to pick up an awful lot of broken pieces, because that is the reality. Economically, a lot of sectors are in tatters and need the Executive's support.

Ms Dolan: Minister, our priority must be to find new ways to minimise the impact of the pandemic, save lives, reduce the spread of the virus and protect the capacity of our health service. Is the joint First Minister optimistic about the potential for a mass vaccination and testing programme?

Mrs O'Neill: Thanks to the Member for that question. Most of the questions that I was asked over the weekend were about the vaccine, because everybody is looking for hope and a way out of the pandemic.

We had a good presentation at the Executive last Thursday from the head of the Department of Health COVID-19 vaccine programme. It is really heartening that plans for the roll-out of the vaccine are at an advanced stage. I hope that some of the most vulnerable will be the first to receive the vaccine. It will be laid out in five phases. The first phase includes our healthcare staff, care home residents and those over 80 years old. Early in 2021, those over 65 and vulnerable people under 65 will receive it. In spring 2021, those over 50 who have not been vaccinated should receive it. By the summer of 2021, we hope to see mass vaccination rolled out to the general public. That is a hopeful position to be in. Necessary alongside that will be the rolling-out of mass testing. That will be an important part of our management of COVID until we get to the point where we have widespread vaccination in place.

The roll-out of both of those programmes will be challenging. They present us with a huge logistical challenge, but core to our approach to all of this is the establishment of a task force, which we announced last week, to take forward this essential work. There is no doubt in any of our minds that the delivery of a mass testing programme and of the vaccine are transformative in our battle against COVID.

Mr Beattie: Thank you, Minister, for your detailed answers. Could you expand slightly and let us know what role the Department for the Economy and the Department for Communities will have in any recovery plan/framework?

Mrs O'Neill: Any recovery plan or any plan for the future will involve every Department because everyone will have a part to play. Work has been done on that over the past few months. Whether it is the Department for the Economy supporting or investing in businesses or the Department

for Communities supporting people, individuals or the community and voluntary sector, everybody has a part to play in society.

We aim to deliver a balanced and proportionate response. Dealing with the here and now is about supporting people economically and financially. However, recovery is not about just getting us back to where we were; it is about how, maybe, we can do things better. Can we have societal reforms that help us to deliver better? It is a combination of supporting individuals, workers and businesses and that wider societal approach. It is not for just the Executive to deliver that: we will very much look to wider societal input. We will not be able to do this together, because we will be recovering from such a massive shock: COVID and Brexit together — a double dunt. That will hugely shake the foundations of life as we know it, so we have a big job of work in terms of recovery.

Mr Dunne: Can the deputy First Minister elaborate on the need to support businesses — for example, those on the high street and those in the tourism and hospitality sector, such as hotels — that are hardest hit and really are in need of support through recovery? *[Interruption.]*

Mrs O'Neill: I do not know what was going on with that noise, but I will carry on.

You are absolutely right: some of the financial packages that the Executive were able to announce last week were hugely significant. We are trying to reach people who have perhaps not had funding previously. We are conscious of the fact that the tourism sector has been completely decimated. Tourism and COVID just do not go hand in hand. We know that we need to support people to stay still until we come out the other side of this and they can start to operate again. We hope that a number of the things that we brought forward last week will go some way to supporting people right now, everything from the rates holiday and the voucher scheme, which will get our high street running again, to the support that we announced for tourism, hospitality schemes and bed and breakfasts and the additional support for pubs. All those things are really important to keep people afloat until we get to the other side of this.

Brexit Negotiations: Update

4. **Ms Rogan** asked the First Minister and deputy First Minister for an update on preparations for the outcome of Brexit negotiations. *(AQO 1204/17-22)*

Mrs O'Neill: Over recent weeks, negotiations have intensified with the aim of securing an agreement. Discussions on the future relationship have continued since then. We welcome the commitment to continue discussions, but we recognise that the talks could still result in a non-negotiated outcome. We are therefore continuing our operational readiness planning to include that possibility. The key challenge for Departments in this planning process is the urgent clarity that is needed to implement the protocol and any agreed deal with the EU. Our officials have undertaken bilateral meetings with officials from other Departments in order to scrutinise readiness issues and identify possible mitigations, including where interventions would be required from the British Government, and assurances around continuity agreements or bilateral agreements.

Ms Rogan: Ministers will be aware that the lack of clarity and preparedness on the implementation of the protocol will have a real impact in economic terms. Can the joint First Minister set out the primary issues of concern at the minute?

Mrs O'Neill: Thanks for the question. I said in answer to an earlier question that this is a crunch week. It appears that we are edging closer to an outcome. As I said, we have been told for some time that this would be crunch week, but it is clear that time is running out. It appears that things are edging closer — at least, the issues are narrowed down — to reaching an agreement. There is no doubt that we and all Departments face significant challenges in undertaking all the readiness planning, including the lack of clarity on issues in relation to the protocol, which will have wider implications for operational readiness. As a result, the EU future relations programme has been refocused on readiness activities. The Executive have agreed to focus on the six high-priority, high-impact risks identified by the Departments: food supply; flow of highly regulated goods; business preparedness; data flows; sanitary and phytosanitary (SPS) checks; and transport. To ensure that those are considered concurrently, that planning is being taken forward in parallel with the COVID-19 response and recovery. We have in place a hub structure, which exists to respond to both COVID and EU exit, should it be required. All of that speaks to the need for immediate clarity and certainty and for the British Government to fulfil their legal obligations as contained in the Good Friday Agreement and the EU withdrawal agreement.

Mr Beggs: The outworkings of Brexit and the Northern Ireland protocol are slowly becoming apparent to Northern Ireland consumers and businesses. Many retailers are already indicating that checks on food products will add to costs and delays and that some products will not even be placed on shelves from 1 January. Has the deputy First Minister, along with the First Minister, vigorously lobbied the EU to minimise delays on our goods moving to GB and to minimise the bureaucracy, costs, delays and inconvenience for Northern Ireland consumers?

Mrs O'Neill: I can say to the Member — we have spoken about it in the House before — that, yes, we have. We have raised it at every opportunity. We do not have a meeting of minds on Brexit, but we have a meeting of minds in trying to limit disruption to our local businesses and in making sure that costs are not passed on to consumers. Over recent weeks, we have heard at length about the issue of food supply, and I have said that that is one of the high-risk areas that we have identified. We will continue to raise that issue until we have clarity on all of these things. It is about time that businesses here had that clarity. We have been calling for it for a considerable time.

Mr McGrath: The deputy First Minister will be aware that today begins the last three weeks before Christmas recess. Does she have any indication of the legislative timetable that will be required to deliver the Brexit legislation that is required before 31 December? As nothing is planned for this week, how will we fit that in to the two weeks that are left?

Mrs O'Neill: The Member has set out the challenge. With all the work and preparedness that is being done cross-departmentally by Departments, there is no doubt that there will be a legislative burden on us. Even if it does not

come before the end of the year, it will carry us through the rest of the mandate. We will be bringing forward legislation because, I think, there will be things that come in the aftermath as well.

We have set out the legislative programme. Once we have clarity — hopefully, we will get that one way or the other this week — we will, at least, be able to set out clearly what the legislation looks like and get a timetable for its delivery.

Ms Bunting: The deputy First Minister mentioned the importance of relationships during this crucial period. In light of that, does she concur that recent tweets from Sinn Féin TDs about a terrorist campaign have been immensely hurtful and damaging to relationships at home?

Mrs O'Neill: A Cheann Comhairle, the question is about Brexit. The Member may take the opportunity during topical questions, but this question is about Brexit.

HIA Redress Funding

5. **Mr Clarke** asked the First Minister and deputy First Minister for an update on discussions with church organisations in relation to the funding of redress for historical institutional abuse (HIA). (AQO 1205/17-22)

Mrs O'Neill: Payments of compensation to victims and survivors of historical institutional abuse began in May, and, as of 19 November, redress panels had made 219 determinations, totalling £5.9 million. A total of £4.3 million has been paid out. While redress can never fully right the wrongs of the past, it is an acknowledgement by the Executive of the harm done, harm that must never happen again.

Contributions from institutions found responsible for systemic failings by the Hart inquiry would defray some of the costs of compensation. That is a key Hart recommendation. Officials have engaged in a further round of contacts with the institutions to affirm the Executive's intentions. To proceed, we are seeking a round-table meeting with the relevant institutions to emphasise the seriousness of the negotiations and the urgency of making progress and to agree the fundamental principles that would govern the negotiations.

Mr Clarke: The latter part of the answer answered my question in the sense that no discussions have yet taken place. It is important for many in the House that the financial burden is laid on the institutions that were responsible for the hurt caused to those people. Minister, I urge you to update the House on your commitments to make sure that those institutions pay for the damage that they did to individuals who were supposed to be in their care.

Mrs O'Neill: There is no question about that. Although there have been contacts at an official level, I am quite frustrated that there has not been a further meeting. I assure the Member that I have raised with officials the need to have that meeting now. We need to progress the issue now.

Mr Nesbitt: Given that we know the institutions that will be liable to contribute to redress, will the Minister consider asking them to make substantial deposits immediately, deposits that could be refunded if they had paid excessively? Such a scheme would take much of the pressure off the public purse.

Mrs O'Neill: As I said, they have a role to play and have to contribute financially. I take on board what you said and will speak to officials to see whether it is possible. If it would help to prevent further delay, I would be more than open to looking at it.

Ms Ennis: Will the joint First Minister provide an update on the timeline for delivery of the new HIA support services?

Mrs O'Neill: I am delighted to say that we will launch the service tomorrow. It will build on what has been achieved for HIA victims and survivors and on the interim service for counselling and emotional support that was established in the early summer. This is certainly another milestone in the implementation of the Hart report.

Mr Speaker: That ends the period for listed questions. We move on to 15 minutes of topical questions.

2.30 pm

COVID-19: Vaccination Roll-out

T1. **Mr McCrossan** asked the First Minister and deputy First Minister to detail the roll-out of the COVID vaccine and to reassure those living in rural areas that they will have access to the vaccine, particularly those people who have no access to cars or public transport. (AQT 741/17-22)

Mrs O'Neill: As I set out earlier in Question Time, the vaccine programme certainly offers us the best hope in our fightback against the pandemic, and great strides forward have been made. There will be a roll-out plan over five different phases, with the first phase being nursing homes, care home staff and over-80s. That is deemed to be the most vulnerable category. It moves on to over-65s and under-65s who are vulnerable.

The roll-out of the vaccine is very positive news. I do not want anybody to get carried away, because it may take us until next summer to have it fully implemented, so we still need to be vigilant and to follow the public health advice. However, this is a brilliant step forward, great strides have been made, and I commend all those who got us to this point. We will have a range of vaccinations, with access, I think, to seven different vaccinations. We will receive our Barnett consequential for all that. A mass vaccination society offers us the best protection against COVID and the best hope for moving beyond COVID.

Mr McCrossan: I thank the deputy First Minister for the answer to the question. It is a very positive step forward, and it is very reassuring that there is light at the end of the tunnel. Hopefully, 2021 will be a much better year for our society than the one that we have all endured this year.

Can the Minister outline whether councils will have a particular role in administering the vaccine to ensure that its roll-out is done swiftly and quickly? Does the Minister foresee that the army will be required in order to get the vaccine out?

Mrs O'Neill: Last week, the First Minister and I announced the task force, and the task force is about bringing together all the Departments in looking at how they can play their role in making sure that we deliver mass testing and a vaccine right across our communities. We have excellent infrastructure here to be able to deliver both programmes. We want to bring Departments together, and councils will

certainly have a role to play. We have so many community facilities to use if required. Councils have played their role, as have communities, the whole way through the pandemic. It will take cross-departmental work and a huge lift on behalf of everybody, but that is why we announced the task force to do that very piece of work.

Brian Stanley TD: Narrow Water Tweet

T2. **Mr Robinson** asked the First Minister and deputy First Minister to outline the deputy First Minister's reaction to the comments of her Sinn Féin colleague, Brian Stanley TD, on the horrific Narrow Water atrocity. (AQT 742/17-22)

Mrs O'Neill: Brian Stanley deleted his tweet, which was inappropriate and insensitive; he has apologised, and I accept that. We all have a responsibility in this decade of centenaries to remember and commemorate the past in a respectful manner. There is an onus on all of us in positions of political leadership to do our utmost to move this society on, to avoid refighting old battles of the past and to conduct our politics in a way that is respectful and which does not threaten anyone.

During this decade of centenaries, we are marking the key seminal events that have clearly shaped the direction of Ireland and the relationship between Ireland and Britain, over the past 100 years. We must set out our analysis, experience and narrative of the past 100 years in a way that is honest, while doing so in a way that does not deepen division. As an Irish republican, I will contribute constructively by setting out, with confidence, our inclusive, positive vision for the future, where our mission is to bring all the people of this island together, not to keep us apart.

Mr Robinson: Given previous incidents, such as the gesture by Sinn Féin's Barry McElduff about Kingsmill, what action would the deputy First Minister take if a Member from her Assembly team was to make insulting remarks that were similar to those of Mr Stanley?

Mrs O'Neill: As I said, I think that all of us in political leadership have an onus to do our utmost to move society forward and to make sure that we avoid refighting battles of the past. I encourage all of us in the Chamber, as political leaders, to do so.

Santa Claus

T3. **Mr Lyttle** asked the First Minister and deputy First Minister, given that it has been a challenging year for children in Northern Ireland, with many, including two little people in his house, really looking forward to the hope and gifts of Christmas, to confirm, for younger — and some older — constituents, that the Executive guidelines will allow Santa Claus, insofar as is possible, to deliver some presents to children this Christmas. (AQT 743/17-22)

Mrs O'Neill: That is an excellent question, and I am quite sure that —

Mr Speaker: He is asking for a friend. *[Laughter.]*

Mrs O'Neill: — all the little boys and girls out there will really want to know the answer. I can confirm that the elves have confirmed to the Executive that Santa is getting ready, Dancer, Prancer and Rudolph are ready to go, the presents are packed and Santa will be here. They also said

that all the boys and girls need to be very good, because there are just 25 more sleeps before Santa is here.

Mr Speaker: I call Chris Lyttle to follow that one with a supplementary question. *[Laughter.]*

Ms Bailey: Have you been good? *[Laughter.]*

Mr Lyttle: I have tried my best this year. I thank the deputy First Minister for that confirmation that Santa Claus will be allowed to work in Northern Ireland this Christmas, and, indeed, I wish all children a really happy end of term and Christmas this year.

Will the deputy First Minister ensure that the Executive work together, as best as they possibly can, in order to make 2021 a better year for all children in Northern Ireland?

Mr Speaker: I will check Hansard to see whether I can give you a reference. *[Laughter.]* I call Kellie Armstrong.

Ms Armstrong: Thank you very much, Mr Speaker. I thank the deputy First Minister and my colleague for that —.

Mr Speaker: I am sorry, Ms Armstrong; I neglected to let the deputy First Minister respond to the previous question, if she wishes to do so.

Mrs O'Neill: I will just concur with Mr Lyttle. Absolutely, and 2020 has been a desperate year all round on many fronts for many people. We all acknowledge readily that many people are struggling right now as a result of everything that has happened this year. Let us all hope that next year will be a better year, and let us all work together to make that the case.

Mr Speaker: I now call Kellie Armstrong.

Commission on Flags, Identity, Culture and Tradition: Final Report

T4. **Ms Armstrong** asked the First Minister and deputy First Minister, given the previous question about presents, to confirm when the flags, identity, culture and tradition report will be published or brought to the Executive for discussion, particularly because she received a present at the weekend, which concerned her slightly, in that it was the image of a flag that is being designed to commemorate the 100th anniversary of Northern Ireland, which looked to be very one-sided. *(AQT 744/17-22)*

Mrs O'Neill: As the Member knows, we received the report back on 17 July. It covers a wide range of complex and challenging issues that have remained unresolved and have impacted on our society for many years. The junior Ministers met the former joint chairpersons of the commission in order to discuss the report, and we are considering the final report. We will decide on the appropriate next steps, including a decision on the publication of the commission's report, in due course.

Ms Armstrong: As I mentioned, next year brings forward the 100th anniversary celebrations and centenary, however people want to recognise it. Given that Northern Ireland has come so far in the last couple of decades, can the deputy First Minister confirm whether, moving forward into next year, any considerations will represent all the citizens who live in this place, including those of us who designate as "both" and "other", in order to ensure that, if there is any production of flags, memorabilia or anything, it is actually inclusive?

Mrs O'Neill: I am on public record as saying that the decade of centenaries opens up the debate on all the seminal events that shaped the direction of Ireland and, indeed, Britain, and the relationship between the two islands. For me, 2021 should be inclusive. It should be about how we include everybody in the conversation about the continued transformation of society and how we can make things better. For me, it certainly presents an opportunity. Whilst I will certainly never say that there is anything to celebrate about partition — it has failed everybody across the island — I do not want 2021 to be defined by rancour or division. I certainly want it to be about a forward-looking conversation, the future and how we can do that and make things better together.

Mr Speaker: I advise the House that questions 7 and 9 have been withdrawn.

Smaller Retailers: Frustrations

T5. **Mr Irwin** asked the First Minister and deputy First Minister whether they accept the frustrations of smaller retailers such as toyshops when they see large supermarkets selling the same products that they have been prevented from selling. *(AQT 745/17-22)*

Mrs O'Neill: Yes, I certainly can. It is such a frustrating time for many people. There are many contradictions and anomalies in the regulations, so I share those concerns. We tried to mitigate that somewhat by allowing click and collect in order to allow people some opportunity to be able to sell. However, I fully accept the challenges that there are for the business community right now.

Mr Irwin: I thank the deputy First Minister for her response. Can she confirm that such businesses that have to close will receive support through the Department of Finance scheme in a timely manner?

Mrs O'Neill: A number of schemes are paying out grant aid at the moment, and whilst we are asking people to close their doors, it is vital that they be financially supported. We hope that continued progress is being made on both schemes across the Department of Finance and the Department for the Economy. We need to get that money into people's pockets now. I assure the Member that those who have been affected by the recent wave of restrictions will also be included in the financial support package.

Bobby Storey Funeral: PSNI Contact

T6. **Mr Storey** asked the First Minister and deputy First Minister, given that the deputy First Minister has stated in the House that all state agencies must be accountable to the law, whether, as one of those state agents — a Minister of the Crown — the deputy First Minister will outline accurately what contact she has had with the PSNI in relation to the Bobby Storey funeral, unlike when she appeared before the Executive Office Committee on 1 July, when she stated that republicans would have come in even larger numbers from across this island and further afield to the funeral had that been possible and had Sinn Féin not actively discouraged people, given that we now know that that discouragement was not the case. *(AQT 746/17-22)*

Mrs O'Neill: I have come before this House and the Committee on many occasions and have amply dealt with

the issue. On the PSNI inquiry into the funeral, I have cooperated from the outset and will be available to the PSNI when it sets a date for a discussion.

Mr Storey: Does the deputy First Minister accept that it has been hugely frustrating for the public to see this fiasco being played out for the last number of months when, at the weekend, in north Down, people were put off the beach for going for a swim? She and her colleagues, some of whom are in this House, attended a funeral in breach of the regulations, and, months later, we are still playing out this pantomime of giving the right, accurate account to the law.

Mrs O'Neill: My position is very clear. I have stated very clearly that I am more than happy to speak to the PSNI when something is arranged. At the weekend, people were asked to leave the beach for a reason, which is that COVID-19 is rife and we need to try to get on top of it.

Christmas: Advice

T8. **Mr McHugh** asked the First Minister and deputy First Minister, as Christmas is fast approaching, what advice the joint First Minister has for families. (AQT 748/17-22)

Mrs O'Neill: It is such an important time, and I am grateful for the earlier question from Chris Lyttle. It is important that we give people hope. I am glad that, last week, we could announce that the Executive have agreed that up to three households will be able to form an exclusive bubble for five days between 23 and 27 December. For us, that is a balance, as we know that any relaxation comes with an increased risk.

Our health service is still under huge pressure, as we know, and that will be the case into the new year. Even at Christmas, we are asking people to be sensible and to please prevent the virus from spreading. So be as safe as possible if you get together. Some people will not take advantage of the relaxations, but it is for everybody to make up their own mind, based on their personal circumstances, and decide what is right for them and their families. Our message is that we are allowing some flexibility, but please think of the health service and think about the implications for what might come in January if we let our guard down too much.

Mr McHugh: I thank the joint First Minister for her answer. My question is probably very appropriate, as my mother is in a care home and was only recently diagnosed with COVID-19. Can she confirm whether decisions on Christmas arrangements have been made for care homes and for students?

Mrs O'Neill: I wish your mother the very best and hope that she comes through COVID-19. Last week, the Executive looked at a whole range of questions and answers that we can put into the public domain to help people to understand and make their own plans for Christmas. One of the areas missing last week, which the Health Minister told us he would bring a proposal on this week, is what visiting will look like for nursing homes in the Christmas period.

We hope to have that information this week, and then we will be able to collate it and put it into the public domain.

Also, the issue of students needs to be clarified again. The universities are doing great work on testing to allow

students to come home, but, again, we should put that out there in black and white so that people can see in one source exactly what the current circumstance is.

Mr Speaker: Time is up, Members. Please take your ease for a moment or two.

2.45 pm

Health

Carrickmore Health Centre

1. **Mr McAleer** asked the Minister of Health for an update on the plans to develop Carrickmore health centre. (AQO 1215/17-22)

Mr Swann (The Minister of Health): The Health and Social Care Board, through the primary care infrastructure development programme, is taking forward planned investment in primary care premises across Northern Ireland. That will be based on a hub-and-spoke model. Carrickmore health centre is a spoke of the Omagh hub, and it is recognised that, due to the growing size of the GP practice, it is now operating in a space that is well below its capacity requirements. It has, therefore, been identified as a priority for capital investment. However, due to many competing priorities across Northern Ireland, it is likely that new provision in Carrickmore will be a longer-term priority unless significant new capital funding can be provided.

In 2019, the Western Health and Social Care Trust carried out work to convert two old dental rooms to provide additional GP practice space in the Carrickmore health centre to meet the urgent and immediate needs of the practice. A requirement for funding to commence new health centre provision in Carrickmore was identified by my Department as part of a recent Department of Finance-led four-year capital budget information-gathering exercise. However, since that exercise, the Chancellor of the Exchequer's November spending review now covers the 2021-22 year only. Therefore, my ability to take the project forward is subject to the confirmation of future budget allocations. However, once a capital budget is available, the Health and Social Care Board will work with the Western Health and Social Care Trust to take forward the preparation of the business case to identify the preferred option.

Mr McAleer: I thank the Minister for his answer. I declare an interest as a registered patient at the Carrickmore health centre. I am glad that the Minister has identified this as a priority for capital investment, albeit in the longer term. Does he recognise that, given that we have an ageing population and that the Carrickmore health centre serves a very large and dispersed rural population, that has huge implications for rural isolation and ambulance response times? Given that we are amongst the furthest away from acute services, does the Minister not agree that this particular health centre should be prioritised for investment?

Mr Swann: As I said in my initial answer to the Member, I do. But, as I also said, the recent funding allocation only being for one year puts pressure on that.

A number of hubs for the Tyrone and Fermanagh area are envisaged in the strategic implementation plan, including

Omagh, Enniskillen, Lisnaskea, Dungannon, Strabane and Cookstown. The hubs in Omagh and Enniskillen are operational. The business case for the hub in Lisnaskea is under review and will be followed by a business case for the Dungannon hub. The Health and Social Care Board is also investing in the development of spokes, which will take the form of smaller health centres, and is working with the Western Health and Social Care Trust to explore the need to invest in trust-owned health centres. In addition, GP practices in GP-owned or leased premises can also apply to the Health and Social Care Board for grants to support the development of their premises.

Mr Butler: I thank the Minister for his update on those hubs. Can he update us on the activity of the GP COVID centres?

Mr Swann: I thank the Member for his question. The establishment of primary-care COVID centres was an urgent and immediate response to the challenges that were posed by the COVID-19 pandemic. They ensured that primary care services could be maintained by enabling patients who have COVID-19 symptoms to be treated separately from patients who have other conditions that require assessment or treatment in primary care. The staffing and operation of those centres is managed locally by GP federations in response to local demand.

Primary-care COVID centres have been crucial in ensuring that GP practices have been able to continue to deliver vital services and face-to-face appointments for patients and have greatly reduced the flow to emergency departments. Between 6 April and 22 November this year, there were 109,697 COVID-related queries to GP practices. Of those patients, 23,022 were triaged and referred to primary COVID centres, with 15% of patients assessed at those centres and, then, referred to secondary care. The week from Monday 19 to Sunday 25 October saw 1,045 referrals — the highest weekly number of referrals since the centres opened.

Mr McCrossan: I thank the Minister for his answers so far. First, it is important to acknowledge the important role that health centres play, right across our respective constituencies and particularly in rural constituencies such as mine and Mr McAleer's. Are there any projected costs for the necessary works at the health practice in Carrickmore?

Mr Swann: I thank the Member for his question. The answer was in the final sentence of my answer to Mr McAleer. Once a capital budget is available, the Health and Social Care Board will work with the Western Health and Social Care Trust to take forward the preparation of the business case in order to identify their preferred option. As I said, because the Chancellor of the Exchequer's spending review will now only cover 2021-22, my ability to take that project forward is subject to the confirmation of future capital budget allocations.

Baby Scan Studios: Regulation

2. **Ms Armstrong** asked the Minister of Health to identify the body with responsibility for regulating private baby scan studios operating in Northern Ireland. (AQO 1216/17-22)

Mr Swann: I thank the Member for her question. Private baby-scan studios are not included in the list

of regulated establishments and agencies as set out in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003. However, if ultrasounds are carried out in those studios by radiographers, the radiographers are regulated by the Health and Care Professions Council (HCPC). Independent hospitals and clinics may carry out private baby scans, and those establishments are regulated by the Regulation and Quality Improvement Authority (RQIA) under the 2003 Order and the Independent Health Care Regulations (Northern Ireland) 2005.

Ms Armstrong: I thank the Minister very much. As he is probably aware, the Care Quality Commission had growing concerns about failures to discover serious medical issues during private baby scans in England. While he says that some of those places are not regulated but that radiographers may be, what assurances can he give to families here that serious medical conditions will not be missed?

Mr Swann: I thank the Member; she has made a valid point, and her question gets to the heart of it. There is a risk that those private baby scan studios do not tell women about an abnormality or a serious condition. Pregnant women are offered at least two ultrasounds during pregnancy by health and social care staff through our systems, and that includes an anomaly scan at 18 to 20 weeks. All private scans are in addition to that.

When it comes to the specific regulatory framework, RQIA's regulatory activity is determined by the 2003 legislation, which reflects departmental policy at that time. Since then, the health and social care system has changed dramatically in how we access care and in the type of care that is available. That includes the rise of services that are available on the high street and online. Statutory health and social care providers such as trusts, which run our hospitals as well as some primary care services such as GP surgeries and community pharmacies, are not regulated by the RQIA. However, the professional staff who work in those services are regulated, so that carries across with regard to my initial answer.

Ms Flynn: The Minister will be aware that the paediatric pathology service here collapsed a few years ago and is currently accessible only in Liverpool. Will the Minister explore, with the Health Minister in Dublin, the provision of an accessible paediatric pathology service on the island or an in-reach service into the North?

Mr Swann: I thank the Member for the point. She has raised the issue with me previously, and I know that she works on that area continually. We have been exploring a number of options, but the biggest challenge not only across these islands but across parts of the world is the availability of paediatric pathologists. It is an acquired skills set. There is an opening call for recruitment for our Health and Social Care service in Northern Ireland, and we have explored models with the Republic of Ireland, but the model that we operate at the minute involves being able to work with colleagues in the United Kingdom. It is not satisfactory; it does not provide the emotional support that parents often need when they lose a child. We are acutely aware of that in the Department and across the health and social care sector. We are working hard to correct that, but the availability of paediatric pathologists is the biggest challenge to us all.

Ms Bailey: Is the Minister aware of any instances of women trying to access baby scans at NHS or other premises being blocked from doing so, so they have to go to a private provider? If that is the case, what can be done in such circumstances?

Mr Swann: I am not aware of that having happened. If the Member knows of any examples, I would appreciate it if she highlighted them to my office, because the Health and Social Care system — the equivalent of the National Health Service in Northern Ireland — is available for those who need it, free at point of use and point of delivery. That is something that I stand over.

Test and Trace: Update

3. **Mr O'Toole** asked the Minister of Health for an update on the test and trace programme. (AQO 1217/17-22)

Mr Swann: I thank the Member for his question. Our testing and track and trace programmes continue to evolve at pace. As part of the UK-wide programme, we are continuing with the implementation of a number of new testing interventions (NTIs) in Northern Ireland — for example, the testing of asymptomatic healthcare workers will begin this week. That NTI will enable the early identification of the SARS-CoV-2 virus in healthcare staff who do not have symptoms, which will ensure that front-line staff self-isolate early, thereby reducing the risk of the onward transmission of infection. Testing of asymptomatic students also commenced this week at Queen's University with the use of lateral flow devices, and plans are progressing to offer testing, where needed, to the wider population of students. Learning arising from those NTIs will help us to better understand how the new asymptomatic testing technologies can be implemented and extended more widely.

With regard to the contact-tracing service, in addition to a number of digital enhancements, including a new self-trace platform, the Public Health Agency commenced enhanced contact tracing on 16 November. That is a significant development in our approach to combating the virus and will ensure a strong focus on identifying the likely source of a case of infection and potential common exposures, which can lead to clusters. My staff and colleagues in the PHA are continuing to work on a range of options to ensure that our contact-tracing service is well positioned to deal with the pandemic in the coming months. That will involve the development of a hybrid model, with a focus on further digital solutions to deliver early messages to contacts and cases, while allowing the health professional staff in the contact-tracing service to risk-assess and deal with more complex cases and with clusters and outbreaks.

Mr O'Toole: I thank the Minister for his answer. May I ask a couple of very brief follow-up questions? First, students who are travelling back to Northern Ireland ahead of Christmas, particularly from England, Scotland and Wales, have thus far received very limited information from the Executive. I realise that that is in part the responsibility of the Economy Minister, but the Health Minister has a slightly better record of giving us straight answers. Will he update the House on whether there will be specific testing and tracing advice to students travelling here for Christmas?

Secondly, in relation to the end of the transition period and Brexit — we have talked about this before — has the Minister had clarity on whether there will be complete

certainty around cross-border data flows if there is not a deal on comprehensive data-sharing equivalence by the end of this year?

Is he assured of that? Can he be confident that contact testing and tracing between Derry and Donegal, for example, will not be jeopardised on New Year's Day?

3.00 pm

Mr Swann: I thank the Member for his two supplementary questions. On the first, information will be provided to students who are coming home from England, Scotland and Wales by the university at which they are studying. The advice, the testing method, the approach and the guidance that they must follow will be provided by the location at which that testing is being provided. Therefore, information on their travel corridor will also be established.

For students who are currently domiciled in our universities and are returning to England, Scotland or Wales, advice will be given through our testing system and the NTI that started in Queen's University at the beginning of last week. That will be expanded to students studying at Ulster University so that we can let them travel home safely.

Data sharing and contact tracing are health based, like the information that is transmitted about patients who use the cancer services in Altnagelvin and the parents and patients who use the children's cardiology service in Dublin. That is an agreement between the Irish Government and the Northern Ireland Assembly's Executive, and it will not be affected by the General Data Protection Regulation (GDPR). The current challenge in the sharing of information is a difficulty that I have experienced with the Irish Government's sharing of data, specifically in relation to travel locator forms. It has been the basis of many conversations and much correspondence, but it is a difficulty that I have still not found a satisfactory resolution to.

Mr Gildernew: We know that the contact-tracing model and preparations were inadequate to meet the increased demand at the start of this surge and that the inadequacies stemmed from poor modelling. Has the Department now addressed that inadequacy?

Mr Swann: I challenge the Member's use of the word "inadequacy". I have challenged it in the past, as the Member knows. I see Mr Sheehan, who has developed expertise in that area, looking at me. From the onset of the pandemic to where we are now, we have seen significant changes in the contact-tracing system. Originally, the system was used to identify sexually transmitted infections and food poisoning, and a small team was based in the Public Health Agency. Now, we are always learning, and we are developing the system on the basis of what we see across best practice. We have increased the scale of the system, and we continue to increase the number of contact tracers who follow up on that service. We are developing digital and online platforms to allow that information to be gathered at a rapid pace, because we know the value of contact tracing.

In Northern Ireland, we have always been clear that our contact-tracing system will be health based. It will remain embedded within our healthcare system. It is not part of any private, for-profit industry. We value what it brings to our health service as part of how we combat the spread of COVID-19 in Northern Ireland.

Mrs Cameron: I thank the Minister for his answers thus far. I declare an interest, in that a family member is working in the current test, trace and protect scheme.

I certainly would not describe the programme as “inadequate”, but we could do better at times. Has the Minister looked at the Welsh model of contact tracing with a view to upscaling ours? Has he looked at how we can have more meaningful communication, with checks and updates, with people who have tested positive, or people who have come into close contact with those who have done so, in Northern Ireland?

Mr Swann: I thank the Member for that. A TV programme compared our service with the Welsh model, and you will appreciate that the service models for contact tracing in Wales and Northern Ireland have their differences. As you are aware, the service provided by the Public Health Agency in Northern Ireland is staffed by health professionals focusing very much on a person-led approach. That manual element is augmented by a number of digitally-enabled solutions, including the recently introduced self-trace platform and the StopCOVID NI app. In Wales, contact tracing is provided through local authorities and health boards, which are supported by Public Health Wales.

Despite the differences in the models, it is still possible to draw some high-level comparison on performance. For example, in Wales, during a seven-day period in mid-November, according to the most recently published Welsh Government data, 92% of positive cases and 82% of contacts were reached. In Northern Ireland, if we look at a seven-day period around the same time, we can see that 94% of positive cases and 98% of contacts were reached. There are, undoubtedly, aspects of both models that work particularly well and other areas that will require further refinement, and we have been open about that. I am satisfied that, in Northern Ireland, the measures that I recently discussed with the Health Committee and the Executive, with an increased focus on a hybrid model, involving manual contact tracing services supported by digital solutions, will ensure that we are positioned to deal with any further increases in numbers in the months to come.

Mr Chambers: Can the Minister provide any update on his previous request to the UK Government for 4 million lateral flow tests?

Mr Swann: I thank the Member for his question. We continue to be in discussion with DHSC. Ministers from all four nations of the United Kingdom have a very close working relationship. Matt Hancock has congratulated us on what will be an ambitious programme. He is willing to discuss how that programme will work out in Northern Ireland as we take it forward. We have yet to see the outworkings of the pilots that have been taking place in Liverpool and in Merthyr Tydfil in Wales. In our system, it will be piloted at Queen’s University and rolled out across our Health and Social Care system to make sure that, if we receive that number of lateral flow devices, we can utilise them in the best and most effective way.

Students: Health Advice

4. **Mr Middleton** asked the Minister of Health what guidance his Department is issuing to students prior to the second semester of this academic year. (AQO 1218/17-22)

Mr Swann: I thank the Member for his question. I will answer the question in respect of students at the local universities on healthcare courses commissioned by my Department. It is very important that reassurance and support is provided to healthcare students, so that they can pursue their studies despite the challenges created by the ongoing COVID-19 pandemic to learning on placements. Placements are a fundamental dimension of much preregistration learning across the health professions. Officials in my Department are working closely with key stakeholders, including the higher and further education providers, to ensure that students are made aware of the key messages, and that includes guidance specific to each subject area issued by their university or education provider and the overall health guidance issued by the Public Health Agency.

A joint statement from the four UK Chief Nursing Officers (CNOs) and the Nursing and Midwifery Council (NMC) was issued on 23 November to clarify the principles for nursing and midwifery students during the next phase of the pandemic. The overriding objective set out in the statement, which I consider to be paramount, is to continue to support students to complete their programmes on time, so that they can enter the workforce as registrants as quickly as possible. My officials have shared that statement with the local universities and have asked them to ensure that it is communicated to all students.

I am also fully committed to supporting the continuation of medical and dental education. Accordingly, my officials continue to work very closely with Queen’s University and other key stakeholders on the practical and financial implications of delivering education in clinical environments and complying with social-distancing protocols. I have also confirmed to the universities that all such healthcare students will be entitled to avail themselves of the free healthcare car parking at HSC trust premises that has been made available to HSC employees up until 31 March. In addition, the universities have been advised that their healthcare students are key workers and are entitled to free public transport when travelling to placements.

Mr Middleton: I thank the Minister for his response. The Minister will be aware that there is a lot of frustration among students about the lack of guidance, particularly when it comes to travelling home for Christmas and as they enter their second semester.

Will the Minister commit to working with the Executive to issue guidance similar to that which has been issued by his counterparts in the UK?

Mr Swann: As the Member will be aware, I work with all my Executive colleagues to bring forward the necessary guidance, but in those regions and areas where other Ministers have policy lead, it is helpful to us if they bring forward that policy for discussion. We can then provide information and guidance rather than my Department leading on areas that are outwith our policy area.

Mr O’Dowd: Minister, several weeks ago, the Scottish Government introduced about £1.3 million for mental healthcare and well-being for students. I raised the matter with the Economy Minister a number of weeks ago, and I got a positive response. Will you approach the matter positively to see whether you can identify specific funding for our students for their mental health and well-being?

Mr Swann: Certainly. The Member well knows my commitment to mental health since coming into office. In fact, when the pandemic first hit Northern Ireland, I gave assurances to the Committee, its members and the House that mental health would not go off my Department's agenda, and that is why we continued with the development of the mental health strategy, which will lead to the mental health action plan. Within that, we worked on the support mechanisms that will be needed for mental health specifically due to the fallout from COVID. I have no hesitancy in giving the Member that reassurance, and, equally, I am keen to work with and to support the Economy Minister on the issue in support of our students.

Ms Bradshaw: Minister, I take you back to my South Belfast colleague's question about students travelling home. I have been contacted by parents who are concerned that their children may get a negative test on campus, but, between then and arriving home to their household bubble, they will be on a tube, a train, a bus or other mode of transport and could well pick it up on their journey home. Is there no way that you could work with Queen's University so that some of that testing could take place when the students return home as well?

Mr Swann: I thank the Member, but the testing that is being completed to allow our students to travel home is done with the lateral flow devices that are being set up in the mass testing centres in our universities. It is not practicable to move that testing centre closer to home for the second test because such diverse geographical regions are involved. I say to the students who are returning home that, when using public transport, they should follow all public health guidance, such as wearing face coverings and as much social distancing as is practicable. If there are alternatives to using public transport, they should explore those. They should avoid car sharing, because we have seen from previous studies in other places that car sharing has become a source of infection. I am afraid to say to the Member that, because of the utilisation of the lateral flow devices in tests and the way that the test works, it is not possible to move that second test closer to home.

COVID-19: SWAH Use

5. **Mrs Barton** asked the Minister of Health for an update of the utilisation of the South West Acute Hospital (SWAH) during the COVID-19 pandemic. (AQO 1219/17-22)

Mr Swann: I thank the Member for her question. As Members will be aware, over the last number of months, the COVID-19 pandemic has had a significant impact on the delivery of some services in our Health and Social Care system. As a result, it is critical that we make the best use of all available capacity in the system.

The Member will recall that she kindly invited me to the SWAH earlier in the year. During that visit, I saw at first hand the opportunities presented by the hospital. I am pleased now to be able to confirm that a number of new initiatives have been taken forward to support service delivery as we work to maximise the use of all available capacity in the system. A key initiative that is being developed is on the delivery of elective surgery services, with surgeons from across Northern Ireland travelling to Enniskillen to provide surgery that cannot be provided at other sites due to the number of COVID-positive inpatients.

In the initial phase, that work has understandably been focused on high-priority patients who require surgery. The initial sessions have been offered to the Belfast Trust for surgical lists and time-critical treatments that have been displaced by the activation of the Belfast City Hospital Nightingale. Throughout the coming months, the position will be kept under review, and further work is under way to explore options for maximising the availability of capacity at the SWAH in the longer term.

3.15 pm

Mrs Barton: I welcome that information. Minister, will you agree that having the extra facilities in the SWAH will make it even more attractive for new staff to work in it?

Mr Swann: Very much so, and the Western Health and Social Care Trust is working on that. We have seen that come about in other areas and in other facilities. However, the biggest deterrent in attracting staff to some of our excellent hospital and healthcare facilities is often that Members and other elected representatives start to talk about a service being downgraded or a location closing. That deters and disenfranchises people who may be interested in going to one of those sites to seek further employment. The implementation of what will be elective surgery lists in the SWAH is a further enhancement and something that makes it attractive for people to work there as well as giving them the opportunity, of course, to live in the Member's constituency.

Mr Speaker: That ends the period for listed questions, Members. We now move to 15 minutes of topical questions. Question 1 has been withdrawn

AstraZeneca Vaccine

T2. **Ms S Bradley** asked the Minister of Health, given that the AstraZeneca COVID-19 vaccine is to undergo a new global trial to further determine its efficiency, what effect that will have on the vaccination programme here. (AQT 752/17-22)

Mr Swann: I thank the Member for the question. I am assured by colleagues that it will not have any effect on or cause any setbacks to our vaccine programme, because our assessment will be done by the Medicines and Healthcare products Regulatory Agency (MHRA). Once that assessment comes forward, we will, hopefully, utilise that vaccine in a safe and appropriate manner. Only when that guarantee and assurance come forward will we utilise it in Northern Ireland.

Ms S Bradley: Thank you, Minister. A few weeks ago, you gave a welcome reassurance to the House regarding concerns about the flu vaccination. Can you give that same assurance that all the logistical operation required for a COVID-19 vaccination programme will be in place and will in no way delay the vaccination programmes that are being rolled out?

Mr Swann: I thank the Member for a topical and apt question about the vaccine. As I have said, while the vaccine is part of the solution, we still have to follow the guidance that we have. That is why our regulations are still needed, and it is why all the good health advice regarding social distancing, face coverings, hand hygiene and respiratory hygiene is crucial.

I give the Member the reassurance that, until the MHRA says that the vaccine is safe to use, we will not use it. Developing the roll-out of the vaccination programme is a large logistical operational challenge. My Department gave a presentation to the Executive last week highlighting the preparations that we have already made. I can tell the Member that those preparations are impressive. We have offered that same presentation to the Health Committee. The detail that it has taken to get to this stage has involved overcoming a large number of logistical challenges.

One of the biggest challenges is that the AstraZeneca vaccine comes in batches of 975 vials per pack, and it will be highly challenging, if not impossible, to break those down into smaller packs. It is a vaccine designed for mass vaccination and mass vaccination centres, and that will pose an initial challenge to the delivery of our vaccine programme in Northern Ireland. That is why we are also looking to the development and the coming on schedule of other vaccines so that we can utilise them fully as well in the different models that we are working up.

Since taking on the post of Minister of Health, I have been greatly impressed by the people across the Health and Social Care service. Their dedication and the detail that they have put into preparing for the vaccine mass delivery is impressive, and I look forward to sharing that with the Health Committee and in the debate tomorrow in the House, where, Mr Speaker, I am back again.

Mr Speaker: You will be more than welcome, Minister.

Cancer Treatment: COVID-19 Delays

T3. **Mr Irwin** asked the Minister of Health for his assessment of the delays to cancer treatment services due to COVID-19 and to state whether preparation for the second wave has been adequate. (AQT 753/17-22)

Mr Swann: I do not think the Member is implying it, but I take exception to that. I have said it before in the House, in response to a question for urgent oral answer. There is ongoing work and challenges with the delivery of our cancer services. I will be clear — it was made clear when we were discussing our regulations — that those decisions are being made by clinicians on the clinical need of patients. Casting any aspersion on the professionalism or the work of our health professionals is unfortunate. I know the Member well enough to know that that is not his intention.

There are ongoing capacity challenges across the cancer pathway that the service is actively managing. A surgical oversight group has been established in the Northern Ireland Cancer Network with the aim of optimising capacity, now and through any potential surge, and to provide ongoing clinical advice to the cancer reset cells.

I reassure the Member and the House that all possible steps are being taken to maintain services during the second surge. However, it is likely that the redeployment of staff, staff absences, reduced access to theatres and patient reluctance to attend hospital will all contribute to delays in pathways. Experience from the first surge suggests that the greatest impact is likely to be on invasive diagnostics and surgical treatment. Depending on the scale and continuing duration of this surge, there may be a requirement to increase independent sector capacity beyond the current contracted level.

Mr Irwin: I thank the Minister for his response. On Friday past, I spoke to a constituent who was diagnosed at the beginning of last week with cancer. He was told by medical staff that they were not sure when treatment could start, but they advised him to contact his MLA to see if they could help in some way. Does this not tell you that there are problems, Minister? Obviously, when medical staff are advising people diagnosed with cancer to go to their MLA for help, there is an issue.

Mr Swann: As I have said to the Member, I am not denying that there is an issue; I am saying that the challenge is that we have an already overstretched health service. It was stretched before the pandemic and COVID. Patients and members of the community were already approaching elected representatives about access to surgeries and to the health service. What the Member indicates is not new. It is something that I have experienced and that, I am sure, every Member of the House has experienced. The way to get those members of the public seen quicker is to reduce the number of COVID patients that we are supporting within our health and hospital services. Again today, we are still sitting at over 400 inpatients, with 39 in ICU. If we take all the steps and measures that we can in the House to reduce the rate of transmission and infection, we can get those services and provisions back on track as soon as is practical, possible and safe.

IVF: Update

T4. **Ms Mullan** asked the Minister of Health for an update on the IVF operational group and its work to date. (AQT 754/17-22)

Mr Swann: I thank the Member for her question. Pre COVID and pre pandemic, it was one of the things that we had set up to meet the commitment under 'New Decade, New Approach' to increase to three cycles of IVF. Unfortunately, one of the victims of COVID-19 was our IVF service in Belfast. It was paused; it was stepped down for months. It has now recommenced working, on a reduced capacity. The IVF working strategic group on how we build up to those three cycles has not met as we are trying to get the IVF facility, procedure and service back up to scale as soon as possible to meet the already latent demand that we unfortunately missed over a couple of months.

Ms Mullan: I thank the Minister for his answer. As you rightly highlighted, COVID has delayed many treatments. Unfortunately for those awaiting IVF treatment, it has added further to delays that, in some cases, are now running into years, Minister. Will you assure us that you are looking at all available options and will you look at directing investment into fertility services to improve and speed up the journey?

Mr Swann: That was one of the things that the working group was specifically asked to look at because, as I said, it was a commitment under 'New Decade, New Approach' that we would move to the offer of three IVF cycles. One of the challenges as well was moving to the age profile of women coming forward so that they could access the service. It is something that we are looking at because of the delays and knock-on delays that have been caused due to the pandemic and the service being paused. We want to make sure that nobody misses out because of steps that were taken by us rather than through any fault of their own. That work is all ongoing.

There was a significant financial commitment under 'New Decade, New Approach' to move to those three cycles, so if the Member can support me in that ask to the Finance Minister, when my budget asks come forward, it would be appreciated, because it is definitely an ask that we are prepared to make.

Face Coverings

T5. **Dr Archibald** asked the Minister of Health whether he will bring forward proposals for the introduction of free face coverings for lower-income families. (AQT 755/17-22)

Mr Swann: I thank the Member. That was one of the matters touched on during the debate on regulations. The provision of free face coverings is not something that my Department has looked at. There is guidance as to how the public can go about making their own cloth face coverings from the utilisation of T-shirts and other pieces of clothing. That advice and guidance was there from the early introduction of regulations on face coverings. What I would say to those in workplaces is that there should be provision of free face coverings.

I am not sure whether the Member is aware of this, but there is a proposal to put 20% VAT back on PPE, which would have a significant impact not just on individuals or businesses but on our care homes and our health sector. I am working with the Member's colleague, the Minister of Finance, to try to challenge that at Westminster, because to put that additional cost on PPE, as we enter a second surge, would be unconscionable.

Dr Archibald: Particularly given that there are younger people for whom face masks are now mandatory, I urge the Minister to continue to look at that.

Given the correlation between areas of higher deprivation and higher incidences of COVID, what learning has been gained by the Department of Health and by the interdepartmental work on high levels of COVID in more deprived communities?

Mr Swann: I thank the Member. That is a valid point that has been recognised in discussions with your ministerial colleagues, the Minister of Finance and the Minister for Communities. It is about the inequalities that COVID has highlighted across our society. We have a duty to tackle those inequalities and, going forward, that should be looked at, across the Executive, in the development of a Programme for Government.

One of the strengths of our National Health Service is that it is free at the point of use and free at the point of delivery, and you do not have to pay, for example, €50 to see a GP. Where there are financial challenges in areas of high deprivation with regard to access to work and to other supports, one of the big benefits that we have here is our National Health Service.

Urology Inquiry: Patients

T6. **Mr O'Dowd** asked the Minister of Health, in light of the fact that, last week, he announced an inquiry into a consultant urologist at Craigavon Area Hospital, for an update on how many patients, private and NHS, will be involved in that inquiry. (AQT 756/17-22)

Mr Swann: I thank the Member for his question. As he said, I provided an oral statement to the Assembly on this

matter on 24 November and announced my intention to establish a statutory public inquiry. In July, the Southern Health and Social Care Trust notified my Department of clinical concerns in relation to the work of a consultant, who, as the Member said, no longer works in the health service.

To date, 1,159 patient records have been reviewed, 271 patients or families have been contacted and the equivalent of nine serious adverse incidents (SAIs) have been identified.

The work of the trust in safeguarding patients and identifying further concerns continues, with oversight being provided by the Department's permanent secretary, who is leading the urology assurance group.

3.30 pm

As regards private patients, the Department is working closely with the Southern Trust to ensure that there is a process in place for follow-up to ensure that they can be confident of any healthcare services with which they were provided. Any private patients who are concerned should contact their GP or the trust's information line in the first instance.

Mr Speaker: There is one minute left for a supplementary.

Mr O'Dowd: I thank the Minister for his answer. Is he in a position yet to announce the name of the inquiry chair? Will he ensure that patient voices are involved in the design of the terms of reference?

Mr Swann: In quick response, I am not in a position to name a chair, but I give the Member a guarantee and assurance that patient voices will be heard as we establish and finalise the terms of reference of the public inquiry.

Mr Speaker: Members, time is up. Please take your ease.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Executive Committee Business

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020

Debate resumed on motion:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]

The following motions stood in the Order Paper:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]

Dr Aiken: I thank the Minister for his forbearance and for his remarks so far. I want to say this before I specifically ask the Minister a question. Just before questions to the Executive Office, there was a very powerful testimony from Mr Daniel McCrossan MLA about the Tracey family. I do not think that any MLA who was in here to hear those remarks could fail to have been moved by compassion not only for that family and all the families who have suffered from COVID but, above all, for the excellent staff who went above and beyond the call of duty to support that person in his need. I put on record from the Assembly — all Members of the Assembly — our condolences to the family and our thanks to the staff of the NHS for their outstanding work and for what they do.

I note that, today, the Economy Minister and the Health Minister should have been here to provide —

Mr Swann: I am.

Dr Aiken: Did I say the Health Minister? My apologies to the Health Minister. The Economy Minister and the Education Minister should have been here to answer questions. There are particular areas in amendment Nos. 11 and 12 that should have been dealt with by them. All MLAs cannot fail to be concerned about the lack of information, particularly from the Department for the Economy. Some businesspeople in Northern Ireland have been excluded, and other businesspeople have been waiting seven to eight weeks for any guidance or support.

Minister, since it seems that only you have the courage to come to the Assembly to answer questions, even for other Departments, can you specifically ask the Minister for the Economy to expedite the movement of payments to those who need them and to those who have been excluded? Will you also ask her how she can give out advice, through her Department and Invest NI, that those people should just wait until the website updates itself? That is the level of guidance being given. That is not the kind of thing that we expect —.

Mr Deputy Speaker (Mr Beggs): I draw the Member back to the restrictions in front of us.

Dr Aiken: That is, indeed, within the restrictions, Mr Deputy Speaker.

Mr Deputy Speaker (Mr Beggs): Order. I ask the Member to draw his comments back to the particular regulations that we are debating.

Dr Aiken: Thank you very much indeed, Mr Deputy Speaker. In that case, I have made my point about the Minister for the Economy.

I will move swiftly on to the Minister of Education, who also should have been here to present these rules to us. I declare an interest as a school governor. I have been struck by the paucity of information and communication from the Department of Education to MLAs. Minister, since you are the only one who seems able to come and explain the regulations to the Assembly, will you take that point back to the Minister of Education and ask him to come before the Assembly or, better still, to talk to the schools of Northern Ireland and give them the information that they are due?

On that point Mr Deputy Speaker, and before you bring me back to the rules and regulations, I will finish by saying that the Ulster Unionist Party fully supports the amendment No. 11 and amendment No. 12 regulations.

Mr Deputy Speaker (Mr Beggs): The remaining Members who indicated that they wished to speak and who should be here are not present. I return to the Minister to respond to the debate.

Mr Swann: I had written in my notes, “Mr Speaker”, then “Mr Principal Deputy Speaker” and then “Mr Deputy Speaker”. You are the third one in the Chair since we started the debate, Mr Deputy Speaker.

I am grateful to Members for their contribution to the debate. I appreciate the degree of goodwill that the Assembly shows to this unusual process whereby the role of legislative scrutiny is applied only after the event. Nevertheless, it is important that scrutiny takes place in order that Members can examine and comment on the measures that have been taken.

In the current context, things move fast. The observations and concerns of Members are taken on board as we develop policy and work on the next set of amendments. The public must have confidence that the Executive are not acting without scrutiny. For that reason, I will respond to a number of questions raised by Members during the debate.

Comments were made by the Committee Chair on the policy development of the regulations. I have had useful conversations with him. The amendments are led by policy asks from other Departments and Ministers. We follow those up and attempt to put them into regulations that are not only understandable but legally enforceable.

There are challenging equality issues within these regulations. We all recognise that, in normal situations, I would not bring them forward. It is about seeking a balance of detail and proportionality. The Member also made a comment about the benefits that face coverings bring to post-primary and home-to-school transport.

Mr Gildernew moved on to comment as a Sinn Féin MLA on the challenges of communication. The Member and I have had many conversations at Committee on the importance of communicating the regulations, why they are necessary and the benefits that they bring in supporting an already overstretched health service. I thank him for his continued stance as Chairperson of the Committee on putting forward out the single, unified message that he and I have been able to achieve: the need for these important regulations.

In response to comments made by Pam Cameron, the Deputy Chair of the Committee, I thank her for her commitment and support and for the role that she continues to play in supporting the health service. She commented on support for businesses and individuals who are going through tough times. As I have often highlighted, the unity of message and purpose coming out of the Executive at this time is more crucial than ever. The Member mentioned the amendment made at the request of the Education Minister in regards to PE in schools. When the regulations were laid, it came to the attention of the Department of Education that the restrictions on sport did not exempt school PE. Until that issue was resolved, the Department of Education advised schools that PE was to be paused. A resolution was provided by these regulations as quickly as possible. It was neither the intention nor the spirit of the regulations to stop PE.

Colin McGrath commented on how the regulations were handled and brought forward. He said that the general public were “suffering” under the regulations. I say to the Member that the general public are suffering the regulations so that we can ensure that fewer members of the general public suffer COVID.

As regards timing, it is the Assembly’s requirement for the input of the Examiner of Statutory Rules and the timing of scrutiny provided by the Health Committee that allow us to set the process. Any process that would bring regulations to the House before that work was completed would meet with equal and opposite complaint. There is a challenge with regard to the speed and detail of some regulations, and it is a challenge that we all want to see rectified and bettered.

Ms Bradshaw spoke of the technical nature of the regulations, because that is what they and all the regulations are. They are technical amendments that were necessary to correct anomalies and queries that were raised. Sinéad Bradley said it was only when people questioned how the regulations affected their daily lives that we could fine-tune them and have them in place so that, if they are ever needed again, and hopefully they will not be needed again, we will have got over those hurdles.

I agree with Mr Middleton that there is a need to move away from the politicisation of this issue. I have been calling for that for some time. He said that, on these issues, all Ministers needed to be heard. I will give way quite happily to any of my ministerial colleagues who want to step in and move any of these regulations in the coming days.

Mr Sheehan spoke of the protection of the health and social care system and the realisation that that is the driving force behind these regulations. At present, we have 427 COVID inpatients. In the first wave, our maximum number was 322, so we have over 100 additional COVID

patients being supported across our hospitals today. That is the reason for these regulations. Ms Anderson also spoke about the pressures that the healthcare system is under.

Queries were raised about time frames and legislative timetables. COVID does not respect any timetable, calendar or plan that we set. If only it did, it would be far easier for me, my health service and the healthcare workers to work with. I have said this many times, and I am echoing Mr Sheehan’s comment when he talked about siren voices who seem content with undermining what is a sound health message. That does not come out of just frustration. Sometimes, it comes out of pure bloody-mindedness, Mr Deputy Speaker, if you will excuse my language, because that is what I often get from our front-line healthcare workers when they hear those who are determined to undermine what is a sound health message.

It is a sound health message that does not necessarily always have to come from our political leadership, although it is welcome when it comes from that leadership with a united front. However, it is a message that comes from all our healthcare workers, no matter where they are across the system.

3.45 pm

Mr Sheehan also asked whether I could set out today what it will look like following 11 December —.

Mr Sheehan: Will the Minister give way?

Mr Swann: I will.

Mr Sheehan: I was getting a bit ahead of myself. I meant to say “this week” rather than “today”.

Mr Swann: I thank the Member for his latitude. If he gives me a week, I would be more than appreciative. I was going to say that setting something out today would be highly challenging given that we are working through these regulations, which came into effect some time ago. I wish I could set the Executive’s timetable — if only I could — and I am sure the Member wishes that I could as well.

With regard to where we are, Ms Anderson raised the prospect of a vaccine. One thing that I ask is that the House gets behind the delivery of a vaccine and shares the benefit that it will have for the people of Northern Ireland in returning to the normality that we all know and want. I will be back in the House tomorrow afternoon for a debate specifically on that point. Sinéad Bradley asked about communications and whether the money for that is being well spent and how it is spent. The communications budget for COVID sits in the Executive Office and has been utilised to bring forward social media, TV and print adverts.

Following up on Mr Sheehan’s point, Mr Chambers talked about the hurlers in the ditch, who are often mentioned here. They are the individuals who seem to be able to sit back in comfort and combat COVID-19 with 20/20 vision and the clarity that are provided by educational degrees and qualifications that they received on social media. I only wish that I had the gift and the power to combat COVID-19 and the pandemic in the comfort and security and with the 20/20 vision that many of these people do. I assure you that, if I had 20/20 vision, 11 January would have been a different day in here.

Mr McCrossan and my party leader, Dr Aiken, summed up the experiences of the Tracey family. Unfortunately, they are not on their own, as so many families across Northern Ireland have had to endure that suffering. As Mr McCrossan explained, Frank's message should be one for all of us: we should thank our health service and support it to deal with the terrible virus that COVID is. I thank Members for their acknowledgement of the dedication of our healthcare workers, who are still having to go the extra mile. Healthcare workers across the healthcare family, should they be our GPs, community pharmacies, nurses, doctors, porters, cleaners or canteen workers, all play a part in our tackling of this dreadful pandemic and this dreadful virus. Hope comes with the opportunities that a vaccine and mass testing may bring, but we still need to get through these next few days, weeks and months while the virus is still with us.

The last contributor, Dr Aiken, made a number of calls to the Minister for the Economy and the Minister of Education. I am sure that those Ministers will hear those calls.

I am sure that, if they do not hear them from the Member directly, they will hear them from their departmental staff and advisers.

We all have a responsibility to help to curb the spread of the virus. We do that by maintaining social distancing and good hand and respiratory hygiene; wearing face coverings; self-isolating immediately if we experience any symptoms, including a new persistent cough, a fever or a loss or change of smell or taste; seeking a test if we experience any of those symptoms; downloading the StopCOVID NI app; and complying with the restrictions. By following the advice as we go about our daily lives, we can protect ourselves and others from serious illness, protect our health service and our economy and help to avoid further prolonged and more stringent restrictions.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020 be approved.

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020

Mr Deputy Speaker (Mr Beggs): The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]

Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2020

Mr Deputy Speaker (Mr Beggs): The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a few moments.

Medicines and Medical Devices Bill: Legislative Consent Motion

Mr Deputy Speaker (Mr Beggs): I call the Minister of Health to move the legislative consent motion for the Medicines and Medical Devices Bill.

Mr Swann (The Minister of Health): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Medicines and Medical Devices Bill dealing with human medicines, veterinary medicines and information systems as amended at Committee Stage in the House of Lords.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed that there will be no time limit on the debate. I invite the Minister to open the debate on the motion.

Mr Swann: Members agreed legislative consent to the Medicines and Medical Devices Bill on 16 June. It allows the existing regulatory frameworks for medicines, medical devices, clinical trials and veterinary medicines to be updated or amended by subordinate legislation. The need for a further legislative consent motion has arisen because of an amendment made to the Bill at the House of Commons Report stage on a medical devices information system and, more recently, government amendments agreed at the House of Lords Committee stage concerning human and veterinary medicines. I will now expand on those areas in more detail.

A government amendment to the Medicines and Medical Devices Bill was made during the Commons Report stage on 23 June 2020. It provides a power by regulations to establish a medical device information system operated by NHS Digital. The amendment was in response to the report from the Independent Medicines and Medical Devices Safety Review, chaired by Baroness Cumberlege, entitled 'First Do No Harm', which was published on 8 July 2020.

The aim of a medical devices information system is to improve the safety and standards of medical devices by ensuring that better information can be captured and shared on implanted devices in order to identify much earlier the risks posed by specific devices. The medical devices information system will provide critical benefits to patients who have been or will be implanted with medical devices. They include the collection and storage of information linking unique device identifiers to patients, clinicians and the specific surgical procedures that implanted the device. It also establishes the systems that will enable health providers to trace patients who have been treated or implanted with a medical device so that they can be provided with appropriate medical treatment if a safety issue occurs with the device. That will be a huge step forward for patient safety, will assist with the timely identification of the patients affected and will help to manage any risks to patient safety.

It is important to ensure that the regulations developed to implement the information system take account of Northern Ireland's information governance and code of practice on the sharing of patients' identifiable information, both for direct care and secondary use. I wrote to Lord Bethell on that point in July 2020, and an amendment to the Bill has been agreed so that, when making regulations,

the Secretary of State is required to consult Scottish Ministers, Welsh Ministers and us in Northern Ireland. In addition to that statutory obligation to consult my Department, a separate non-legislative commitment has been given by the Department of Health and Social Care (DHSC) to ongoing discussions on the medical devices information system's governance arrangements and other operational details. It will ensure that the Department of Health in Northern Ireland is engaged in relevant policy and operational discussions and the development of draft regulations. It is important that we are included in the UK-wide medical devices information system, and I welcome the amendment to the Bill that provides for a statutory duty to consult the devolved Administrations in the development of the regulations and any amendments. Scotland has already given its legislative consent on the matter, and legislative consent is being considered by the Welsh Government in the coming days.

I now turn to the other amendments that have been agreed at Lords Committee stage and require legislative consent from the Assembly. The first of those is on the disclosure of information in accordance with international agreements. In order that the UK, particularly the regulators — namely the Medicines and Healthcare products Regulatory Agency (MHRA) and the Veterinary Medicines Directorate (VMD) — can continue to work with international partners to ensure the safety of medicines in the UK, there is a need to strengthen the legal basis for sharing information internationally. That will be in the form of a statutory information gateway inserted into the Bill to ensure that vital information can be shared with bodies outside the UK, such as overseas regulators, in pursuance of international agreements and arrangements.

There has been much discussion at Westminster and among Assembly Members about the potential for regulatory divergence between Great Britain and Northern Ireland with regard to medicines and medical devices. Currently, responsibility for medical device regulation is reserved in respect of the whole of the UK. However, human medicine regulation and veterinary medicine regulation are both transferred matters in relation to Northern Ireland. The MHRA and the VMD regulate those areas UK-wide on a day-to-day basis, and, after the end of the transition period, with regard to human and veterinary medicines and medical devices, under the terms of the Northern Ireland protocol, Northern Ireland will continue to follow the EU acquis. However, the MHRA and the VMD will continue to regulate human and veterinary medicines and medical devices for the whole of the UK and will continue to ensure that patients and animals in Northern Ireland receive the safe and effective medicines and devices that they need.

While there are some concerns about the implementation of the NI protocol, formal channels are in place between officials here and their counterparts in the UK. Officials also meet regularly in the Ireland/Northern Ireland Specialised Committee. The Specialised Committee reports to the withdrawal agreement Joint Committee and provides advice on the decisions to be taken by the Joint Committee under the protocol.

The issues of the falsified medicines directive and the regulatory importation requirements for medicines moving from Great Britain to Northern Ireland after the end of the

transition period have been raised with the EU through the Specialised Committee.

A 12-month period of flexibility has been agreed with the EU to implement the regulations. That will ensure that there will be no disruption to the flow of medicines to Northern Ireland at the end of the transition period.

4.00 pm

A further amendment that was agreed at the Lords' Committee Stage in respect of the Medicines and Medical Devices Bill can also be used as a vehicle to address any concerns on possible divergence. A reporting obligation on the Secretary of State is to be provided for in the Bill that will consider the operation of regulations for human medicines, veterinary medicines and medical devices once every two years. That sets out the view of those who have been consulted, whether change has been made a result of that consultation and includes a look ahead at further proposed regulatory change known at the time within the forthcoming reporting period. Any issue of possible regulatory divergence can be raised within that reporting mechanism.

I have also agreed that a separate report will be taken forward by Northern Ireland Departments in respect of regulations that are made only by Northern Ireland Departments. That will be laid before the Assembly.

Another amendment to the Bill has also been agreed at the Lords' Committee Stage that provides for a public consultation on regulations under the Bill, and that, again, can be used as a vehicle to address any possible issues of regulatory divergence.

In addition to those amendments to the Bill, other amendments require legislative consent from the Assembly, including applying the draft affirmative procedure to human and veterinary regulations, except for those solely relating to fees, when the negative resolution will be applied, and for emergency regulations, when the confirmatory procedure will be applied. That will allow for greater parliamentary and Assembly scrutiny on the making of those regulations.

Before regulations are made to change the existing regulatory framework, three considerations are applied that assess the safety, availability and attractiveness of the relevant part of the UK to develop and supply those products. In the application of those three considerations, it has been agreed to provide an overarching duty to have regard to the importance of promoting the health and safety of the public and, in relation to veterinary medicines, the health and welfare of animals. A summary of that assessment must be included in any public consultation on the regulation for human medicines, veterinary medicines, and medical devices. That will strengthen provisions around the exercise of those regulation-making powers and provide reassurance that it is intended only to make regulations to amend the current regulatory regimes where those changes promote health and safety.

To respond specifically to concerns that have been raised about the absence of a definition of "attractiveness to the UK", it has been agreed in an amendment to the Bill to clarify that that is a consideration of the likelihood of the relevant part of the United Kingdom to be seen as an attractive or favourable place in which to supply and

conduct clinical trials for human medicines and to develop and supply veterinary medicines.

Finally, with regard to offences, an amendment has been agreed to make it clear that the powers that are provided under human medicines and veterinary medicines cannot be used to provide for an offence to be punishable with a sentence of imprisonment of more than two years. That maximum will then apply equally to penalties for new and existing offences. The Department of Justice has previously considered the Medicines and Medical Devices Bill and, more recently, the amendments that are being proposed. It is content that the current offences and penalties are necessary and commensurate with the current offences and penalties framework in Northern Ireland.

I trust that Members will understand the importance of Northern Ireland being included in those additional provisions to the Medicines and Medical Devices Bill, as, ultimately, those amendments seek to improve patient safety as well as allow the Assembly greater scrutiny in the regulation-making process. That is why I ask Members to support the motion.

Mr Gildernew (The Chairperson of the Committee for Health): I wish to speak on the Committee for Health's report and summarise our consideration of the matter. First, I want to thank the Committee for Agriculture, Environment and Rural Affairs for its prompt consideration of the legislative consent motion and contribution to the report. I will leave it to my colleague, the Chairperson of the Agriculture Committee, to address the issues around veterinary medicines.

This is the second legislative consent motion on the Bill. The Committee did not come to a view on the first one due to the limited time available for scrutiny. The Minister of Health first wrote to the Health Committee on 15 July advising us of the need for a further legislative consent motion to take account of a recommendation included in the report of the Independent Medicines and Medical Devices Safety Review, chaired by Baroness Cumberlege.

The Minister wrote to the Committee on 5 October and again on 15 October, advising Members of further amendments to the Bill being considered by the House of Lords, which would also require legislative consent. The memorandum was laid on 5 November, and departmental officials briefed the Committee on 12 November.

The briefing from the Department focused on the amendments to the Bill, as outlined by the Minister. Those include: the power to establish a medical devices information system (MDIS); provision for an information-sharing gateway to allow for information to be shared with overseas regulators; and a statutory requirement that the devolved Administrations be consulted on any regulations made regarding the amendments.

Officials advised the Committee of the non-legislative commitment from the British Government's Department of Health and Social Care (DHSC) to engage with the Minister of Health on the MDIS policy and operational discussions and the development of any draft regulations.

Members were also briefed on the amendments to the Bill that were tabled in the House of Lords. Those were tabled in response to concerns raised by the Delegated Powers and Regulatory Reform Committee about the scrutiny

and oversight of the use of delegated powers in the Bill. Those include increased requirements on consultation and reporting on proposed regulations and a move from negative to draft affirmative or confirmatory resolution for regulations made under the Bill.

The Committee raised a number of issues with officials, mainly around the operation of the MDIS and the transfer of data from the Department of Health to NHS Digital. Specifically, the Committee enquired whether the Department had any concerns about the collection and sharing of patient information with NHS Digital and data security and ownership of the data.

In the Department's response, it advised that the purposes for which data can be shared and the types of organisations that can receive that information will be specified in the regulations made under the powers in the Bill. The Department further advised that the Minister will be fully consulted in the making of the regulations, which will determine the scope and limitations on data sharing.

The Committee asked whether the Minister was content with assurances received from DHSC on governance arrangements and patient safety issues around the MDIS. In the Department's response, it referred to the statutory duty to consult Ministers in Scotland, Wales and the North, which will be written into the Bill.

Mr Stalford: Will the Member give way?

Mr Gildernew: I will.

Mr Stalford: The Chair of the Health Committee touched on the most crucial issue here: that people have absolute confidence that their data will be secure and only used responsibly. Does he agree that it is really important that we have the list of the organisations that will have access to people's sensitive medical data so that they know exactly what the situation is that confronts them?

Mr Gildernew: I thank the Member for the intervention. Yes, I agree that the security and protection of data is absolutely essential, and I am sure that the Minister will address that issue.

The Department also advised the Committee that it was content with the assurances received.

Members raised a number of issues relating to Brexit and the protocol on Ireland/North of Ireland in relation to the MDIS and whether any of the amendments to the Bill had implications for the protocol and the contingency planning around that. The Department advised that there were no such implications for the amendments for which legislative consent was being sought. The Department confirmed that medical devices appear in the list of subject areas in annex 2 of the protocol and that it had given consideration to whether the amendment to provide for an MDIS may be subject to a different regime here but stated that that will not be the case.

The potential for future divergence, as touched on by the Minister, was also considered by the Committee. The Department advised that the North's involvement in the MDIS will not be affected as the Medicines and Healthcare products Regulatory Agency will continue to regulate devices in the marketplace, which should mitigate any potential divergence in standards. The Department referred to a number of actions that, in its view, will mitigate the risk of divergence in regulations for patient data, such as the

inclusion in the Bill of a statutory duty to consult and the non-legislative commitment by the DHSC to engage with the Minister of Health. The Department also advised that, as the EU does not require the storage of patient data at a central level, it is not the case that we would be subject to two different information-sharing systems.

Finally, the issue was raised of the supply of medicine and medical devices and the attractiveness of the North, as referred to by the Minister, as a favourable location for clinical trials. The Department advised that there are long-term implications for the supply and regulation of medicines in the North and referred to the recent agreement between the British Government and the European Union to allow the pharmaceutical industry 12 months from 1 January 2021 to comply with the new regulatory requirements, which, as a consequence of the protocol, will apply only here in the North. The Committee also raised that issue with departmental officials in relation to Brexit, and it will continue to keep a close watch on that in the months ahead.

The Committee has ongoing concerns about the impact of Brexit on medicines and medical devices. The pressures of COVID-19 have restricted the time available to the Committee to scrutinise the motion that is before us today. However, in view of the importance of the issues addressed by the amendments, the Committee agreed that it was content to support the motion in relation to human medicines and medical devices.

The Committee notes the recommendation of the Cumberlege review that a central patient-identifiable database should be created by collecting the key details of the implantation of all devices at the time of the operation and acknowledges the role that the MDIS will play in patient safety in the event of a recall of a medical device. The Committee also supports the inclusion of the statutory duty on DHSC to consult the Minister of Health on any regulations made in connection with the MDIS and welcomes the improved scrutiny of regulations that is provided by the proposed amendments. We trust that the Minister will engage with the Committee on these matters in the future.

Now, I will make some very brief remarks as Sinn Féin health spokesperson. Although this is largely a technical issue, a series of such issues faces us in the days, weeks and months ahead. It must be very challenging for the Minister to have to deal with COVID-19 and the secondary tsunami of Brexit, which is coming down the tracks at us. There is very little good for us from Brexit. It creates uncertainty, difficulty and, potentially, unforeseen consequences.

We did not vote for Brexit in the North, and what we face, regardless of the protocol, is a loss of freedoms, a loss of rights and other immeasurable losses to our citizens brought on by the unwanted exit from the European Union. We have no guarantees of anything. On the supply of medicines, we still have no guarantee; the only thing that we know for sure is that we have been given an extra year to try to arrive at a solution, but the solution is not apparent.

We are left at the whim of a Government who have told the world that they have no difficulty with ignoring or breaking international law. We have been left at the mercy of the worst instincts of an English nationalism that is pessimistic —

Mr Buckley: I thank the Member for giving way. Does he recognise that the main danger in this legislative consent motion is, in a sense, the Northern Ireland protocol? The Member can bash Her Majesty's Government, who put forward the protocol, but will he say that it was wrong that Members and parties in this House supported said protocol? In this instance, it pertains to medical devices and equipment, but will he acknowledge the damaging impact that it could have on a variety of sectors?

Mr Deputy Speaker (Mr Beggs): May I draw Members back to the legislation in front of us? Let us not have a prolonged debate on the protocol or Brexit. Keep remarks relevant to the regulations.

Mr Gildernew: I have no difficulty whatsoever in totally disagreeing with what the Member just said about the protocol. It is not the protocol that is creating the problems here; it is Brexit. The protocol became necessary to try to mitigate some of the negative impacts of Brexit for business.

We have been left to the whims of a pessimistic and inward-looking Government whom many of us here in the North reject and who will create serious problems.

4.15 pm

Mrs Cameron: Mr Deputy Speaker, you will be glad to know that I will be brief.

I support the motion. The Government have stated that the aim of the Bill is as follows:

"Our goal is this: we want the UK to be the best place in the world to design and trial the latest medical innovations. This Bill gives us the powers we need to make that happen. It will mean that the NHS has access to the most cutting-edge medicines and medical devices, with enhanced patient safety; it will help our life sciences seize the enormous opportunities of the 2020s, supported by a world-leading regulator".

That is a worthy goal, and we hope that it is realised. We support the legislative consent motion. It is a sensible piece of legislation that is intended to delegate powers to make changes to medicines and medical devices regulation in a way that provides a consistent UK-wide approach. The amendments will allow the free flow of data on patients with medical devices across the United Kingdom.

However, the true test of the Bill and, indeed, any common UK framework on medicines is how it interacts with the terms of the NI protocol and the potential for divergence between Northern Ireland and Great Britain's statute books in future. We accept that, in the main, the Bill deals with the safety of medicines and devices rather than trade in those goods. Nevertheless, we cannot ignore the fact that the two are interlinked.

The recent 12-month derogation that was agreed by the Joint Committee provided immediate relief but is not a permanent panacea. The key priorities for us are patient safety, continuity of supply and supporting businesses to innovate. The attractiveness test must benefit Northern Ireland; we cannot have a situation where Northern Ireland cannot benefit from United Kingdom clinical trials or advances in technology because we are tied to the

European Union. I am sure that no Member of the House would want such a situation to come to pass.

The Bill will ensure that, in making regulations, Ministers have to examine the potential impact of decisions on the attractiveness of different parts of the UK. We want Northern Ireland to play a leading role in advances in those areas, and we want patients and bodies to have access to exciting clinical trials that are being led on a UK-wide basis.

It is crucial that mitigations are put in place via agreements with the EU so that Northern Ireland can continue to play a full and vibrant part in UK initiatives in those areas. Northern Ireland deserves its fair share.

Mr McGrath: I welcome the opportunity to speak on the motion because the voice of the people in the North is essential in any conversation pertaining to Brexit and its implications. The Bill was presented to the Committee in June, and, at that time, I suggested that it resulted in more questions than answers. I welcome the fact that the Committee was given a further opportunity to scrutinise the legislation and to ask the essential questions that we needed answers to.

While I continue to place on record my opposition to Brexit and the upheaval and chaos that it will bring, it only solidifies why we must do the best that we can with legislation such as this. The legislation itself is concerned with the regulatory gap that will be left at the end of the transition period and covers human medicines, clinical trials of human medicines, veterinary medicines and medical devices. Unfortunately, the Bill is scant in detail and has been described by one Member of the House of Lords as:

“just one more Bill stuffed full of Henry VIII clauses but devoid of substantive content.”

However, I am satisfied that the questions that we had about the Bill were addressed in the Committee, as were concerns regarding the need for the Assembly to have proper scrutiny and to debate any regulations before they are approved; that is something to be welcomed.

While I am broadly supportive of the motion, I maintain the position that the need for it is not based on anything resembling taking back control. It is the result of small-minded English nationalism that did not give consideration to us in the North of Ireland until the eleventh hour. Here we are, on 30 November, a mere few weeks before the end of the transition period, with no sight or sound of whether a deal will be agreed by the UK and the EU. Quite simply, that shows that we are not prepared for Brexit.

Even the former First Minister, Peter Robinson, has been found in the headlines once more after saying that he believes that the British Government will put the interests of English Tories ahead of the people of the North. That should serve as an important lesson for us, but it is one that some in the Chamber would do well to ponder before falling into the role of Tory poodles just so quickly.

Mr Deputy Speaker (Mr Beggs): May I draw the Member back to the legislation that is in front us rather than have a Brexit debate?

Mr McGrath: Thank you, Mr Deputy Speaker. I thought that the motion was as a result of Brexit, but maybe I am incorrect.

People are being left in disagreement with a deal that has not yet been reached, there is disarray about potential impacts on the vital supply of medicines and businesses are not clear on what they have to do. That does not sound like governance, but why should we expect the Tory Government to change the habit of a lifetime? I support the motion.

Ms Bradshaw: On behalf of the Alliance Party, I support the motion, particularly clauses 1 to 7 in Part 1, which concern the devolved aspects that are directly related to health. I place on record my thanks to the Health Department officials who came to Committee meetings on a number of occasions, as the Chair pointed out, and for the briefings, oral and written, that they provided us with. They were excellent. I am not going to repeat what Mr Gildernew said.

There are significant amendments being brought forward in the LCM, not least that arising from the recommendations of the Cumberlege report on the database for medical devices. I recognise that that inquiry very much focused on vaginal mesh implants, but I sincerely hope that, with that recommendation, the Department of Health here and across the water will start taking hernia mesh implants seriously and will keep a record of the number of patients that are significantly negatively impacted on. They cause a lot of pain. I very much welcome that that will come forward through this.

This is an enabling Bill that affects significant matters. I remain somewhat concerned that we have reached the end of November and some aspects that are covered by the Bill are still unclear because we await a deal between the UK and the EU. Nevertheless, we need to be clear that, as an enabling Bill, medicine supply will remain in our hands. Ultimately, however, we are enabling the maintenance of the status quo, that is, world-class regulation combined with local control. I also very much welcome the amendment that will provide for local scrutiny and input.

As we said during the debate in June, we have concerns about the distinct lack of clarity about the Bill. It remains frustrating that we have not had the time to engage properly with the pharma sector in general. Nevertheless, relevant future regulations should be subject to appropriate scrutiny and consultation of that nature. It remains the case that we see the challenges ahead. They arise not from the Bill but from the circumstances that make it necessary. We have not seen any of those challenges being seriously addressed in the last five or six months. Nevertheless, those challenges would be made more difficult by the rejection of the motion. On that basis, it has our full support.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): The AERA Committee first considered the Medicines and Medical Devices Bill at its meeting on 5 March when a letter from the AERA Minister noted that it was making its passage through Westminster and that it was focused primarily on human medicines and medical devices, with Part 2 dealing with veterinary medicines. Following the tabling of the legislative consent motion by the Health Minister, it was referred to the Health Committee for consideration. Subsequently, the Health Committee asked the AERA Committee to consider and comment on the section of the Bill that concerns veterinary medicines.

On 11 June, the AERA Committee took oral and written evidence on the four clauses that make up Part 2 and that deal with veterinary medicines. The Bill was complex and technical, and the Committee had very little time to fully explore its implications or to consult with all the relevant stakeholders. The Committee raised a number of issues, which I outlined in my speech to the House when the LCM was debated on 16 June. Ultimately, the Committee agreed that it was content with the LCM as it related to the veterinary medicine provisions in the Bill.

On 22 October, the Executive agreed that a further LCM was required to take account of recent amendments to the Bill and that it was to be laid by the Department of Health. Those amendments will make provision for the exercise of regulation-making powers under the Bill and will enhance the legislative scrutiny of and public engagement on those regulations. The amendments will also strengthen provision for sharing information on veterinary medicines on an international basis.

At our meeting on 12 November, the AERA Committee considered oral and written evidence on the Bill and examined a number of matters with officials on amendments relating to veterinary medicine. Members raised a query in relation to the amendments proposed in respect of information sharing in order for information to be shared with bodies outside the UK in pursuance of international agreements and arrangements, and how that would comply with the Data Protection Act. Departmental officials advised that the Bill would be fully compliant with all aspects of the Data Protection Act in the sharing of information.

Members also raised a query in relation to the lengthy list of matters on which regulations might be made, and they sought reassurance that any procedures in relation to this are put in place by the end of the transition period. Officials confirmed that that would be the case.

The Committee agreed that they had no concerns with a further legislative consent motion, so far as they relate to Part 2 of the Bill on veterinary medicines.

Ms Flynn: The pressures of the current pandemic have restricted the time available for extensive scrutiny of the legislative consent motion. However, as previously noted by the Health Committee Chair, some extremely important issues are addressed in the amendments concerning the Medicine and Medical Devices Bill.

I am pleased to note that the Bill incorporates the recommendations of 'First Do No Harm: The Report on the Independent Medicines and Medical Devices Safety Review'. As many Members know, that report was long awaited and hoped for by many women who have endured harrowing injuries as a result of mesh implants. The 'First Do No Harm' report recommends, for example, the establishment of a centralised patient database that should be created by collecting the key details of the implantation of all devices at the time of operation. That is something that did not happen until now. It also recommends the establishment of a patient safety commissioner.

The 'First Do No Harm' report uncovered a complete lack of transparency with regard to the regulation of devices, such as mesh implants. They were used in the surgical repair of pelvic organ prolapse and have caused crippling, life-changing complications for many patients. I met with many such patients and can report that their

entire lives, families, careers, intimate relationships, literally every aspect of their lives, have been upended by the trauma of their experience. Our responsibility to mesh-implant victims does not end with this Bill, or with the recommendations of a report. It is met only when we provide the supports recommended and needed by those injured by mesh implants. Full redress for all those patients affected must be a priority and, most urgently, the Department of Health must provide care for those injured by mesh implants, and that begins with safe access to full mesh-removal surgery.

With every scandal that develops, whether neurology, urology or mesh implants, sadly, we find a lack of transparency, accountability and too many patients who are hurt and who have lost faith in a healthcare system that was supposed to help, rather than harm, them.

Therefore, I welcome the LCM, in the context of the amendments, to help to implement the recommendations of Julia Cumberlege's review: the creation of a patient safety database; the recording of details of devices when they are implanted into women's bodies; the putting in place of a patient safety commissioner; and a suitable redress scheme. Those would be significant steps in restoring the confidence of so many who have suffered so terribly as a result of medical devices.

It would be remiss of me not to finish my remarks by paying tribute to all those campaign groups and individuals who worked tirelessly to have their voices heard and to highlight the mesh-implant medical device scandal.

Mr Carroll: For some months now, the lack of scrutiny and oversight of legislation and regulations moving through the Assembly has been a massive cause of concern for me and other Members who are not part of the Executive. That is nothing new, of course. A lack of scrutiny and accountability has been synonymous with this place and was highlighted in the last term by a financial and political scandal of massive proportions. Over recent months, the scale on which important changes have been moved through the Assembly without the basic checks and balances is utterly unacceptable and could have serious ramifications down the line. It is worse, of course, that it is happening in the middle of a health pandemic and as we face a potentially calamitous Tory Brexit that, on a weekly basis, the Assembly acts on many occasions as nothing more than a rubber stamp for that Tory Brexit legislation. Some of the Executive parties seem unfazed by that, despite the clear lack of concern around scrutiny aspects.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

4.30 pm

Is the Assembly but a puppet Assembly on many of the major questions of the day? What does it mean for accountability if this legislation is rubber-stamped today before serious questions are answered? Who is responsible if the results are bad for the public? Will the Executive use the choice line, "It wasn't us, it was the Tories", as they did when they similarly rubber-stamped welfare reform legislation several years ago? Would that not be totally negligent?

When this LCM first came to the Health Committee, it was rushed, as many Members have said. The Committee thought there was not enough opportunity and time for

scrutiny, in part because of the pressures of the COVID crisis, and decided that it was not in a position to support the motion. The Minister informed the Committee that the Tories themselves had put a rush on the legislation through Westminster and that therefore there was no time, in effect, for the Assembly to scrutinise it in a similar time frame. From that, seemingly, the bigger parties agreed to support the LCM. I do appreciate that the Health Minister and his Department are under humongous levels of pressure and scrutiny but, to be frank, I am uncomfortable at best with the Assembly being beholden to pressure from the Tories to ram through legislation relating to the post-Brexit period, particularly when I cannot see the need for much of what is contained in the original Bill to be rushed through anywhere.

Having listened and engaged with discussions on this legislation at the Health Committee, I still have serious questions and echo some of the concerns raised by my colleague Ms Flynn about the issues with mesh and other potential patients in the future. There is a clear need to provide a regulatory framework to ensure that processes are in place after Brexit. However, a big question mark remains over whether this legislation provides that framework. I do not claim to be an expert in medicine or medical devices, but the manufacture, marketing and supply of medicines is a serious matter and demands real attention.

For example, clinical trials are detailed in clause 4 of the Bill. As we heard at the Health Committee, clause 4 could provide the possibility of medical cannabis trials and other things that activists such as Charlotte Caldwell have long been campaigning for. We have to approach that with some level of caution, and I am certainly cautious about that. When I hear talk of red tape and bureaucracy being stripped back, to me it sounds like code for potentially placing the public at risk through a lack of clinical trials for medicines more generally. I raised a number of concerns about that at the Health Committee. The main one was about getting a detailed list setting out the limits of devolved authority and what matters will remain in London. The Committee was advised that it was a complicated field and that a comprehensive list cannot yet be provided, but that officials are working through the issues. I appreciate that the Minister may be able to respond to some of the issues in his closing remarks.

I note two comments from the BMA on the substantive Bill that went through in Britain. These comments indicated how the changes presented here might lead to questionable regulatory practices, including:

“hundreds or more individual decisions to change our current regulatory regime into a markedly different one, one statutory instrument at a time”.

The BMA report went on to argue that the attractiveness principle of the Bill could create scenarios:

“in which ‘attractiveness’ could run into conflict with patient safety, and that greater protections or clarity are needed within the Bill.”

To me, that smacks of a scenario where public health and safety could be sacrificed for private profit and wealth — something that we all should be deeply worried about, considering the experience of the pandemic.

I have further concerns. I am concerned that in reality this Bill, while moving away from the former approach, actually puts significant power in the hands of Government Ministers and the Tory Secretary of State — for example, the power to adjust regulations unilaterally and without further scrutiny or control of decision-making is further strengthened in the hands of Ministers and not of this Chamber.

There has also been a real lack of consultation on the Bill regarding the clauses that we are being asked to carry over. For example, we have been told that there are no human rights concerns, which, on the face of it, is good to hear and, no doubt, is reassuring, but how can we be sure of that when no wide-ranging consultation took place, even with our health sector? What input did the trade union movement have and what input should it have in any moves like this?

For all those reasons, as a democrat and a socialist, I cannot give carte blanche consent to this LCM. Given the way this place is structured, I cannot block it. Having listened to the debate, I doubt that it is even within our gift, but I implore the Executive and the Minister to begin to move away from this insufficient and reckless form of governance in regard to LCMs and legislation generally.

Mr Deputy Speaker (Mr McGlone): Had Mr Chambers indicated that he wants to say something?

Mr Chambers: Yes.

Mr Deputy Speaker (Mr McGlone): OK. That is grand.

Mr Chambers: I will be very brief, Mr Deputy Speaker; I had not intended to speak. As the recipient of a temporary implantable recording device, I certainly welcome the information in this report that the medical device information system is to improve the safety and standards of such medical devices. I have never felt that my health and safety has been compromised to date, but I am reassured by this. It is also good that data and information gathered will be shared, because it will help others in the future. I just want to put on record that my party fully supports this legislative consent motion.

Mr Swann: I thank Members who contributed to the debate. I would also like to take this opportunity to thank the Health Committee and the Agriculture, Environment and Rural Affairs Committee for taking the time to examine the legislative consent memorandum and for their helpful and positive engagement with departmental officials on this matter. I appreciate that the Committees, again, had to work within a very challenging timescale, and I thank them for their patience, understanding and cooperation with both Departments. I also thank my Executive colleagues for their support on this matter and for agreeing to the need for a further legislative consent motion on this Bill.

I believe that, on this occasion, it is appropriate and makes good sense for Westminster to legislate on matters that are devolved to the Northern Ireland Assembly. In practical terms, the Bill provides the powers needed to update the current regulatory regime for medicines, clinical devices and clinical trials in response to the end of the transition period, but it also has the best interests of patients at its heart.

As I stated earlier, the amendments to the Bill at Lords Committee Stage seek to improve patient safety as well as allow the Assembly greater scrutiny in the

regulation-making process. The Bill will provide for the implementation of a new UK-wide medical device information system and will collect and store information linking unique device identifiers to patients, clinicians and specific surgical procedures that implanted the device. This will be hugely beneficial to patients and to patient safety now and in the future.

I will address some of the queries that Members raised during the debate. Assurances were sought on the regulations to be developed to implement the medical devices information system and to take account of the governance arrangements around medical devices and patient safety in Northern Ireland. I want to put on record that Northern Ireland has in place strong information governance arrangements and a code of practice on the sharing of patients' identifiable information both for direct care and secondary use. It is those governance arrangements that I am referring to and to which draft regulations will need to conform.

An amendment to the Bill has been agreed whereby the Secretary of State will have a statutory duty to consult Scottish Ministers, Welsh Ministers and ourselves, and that has been written into the Bill. In addition to that amendment, there is a separate non-legislative commitment from the Department of Health and Social Care to ongoing discussions on the medical devices information system governance arrangements and the operational details that will ensure that the Department of Health in Northern Ireland is engaged in relevant policy and operational discussions and the development of draft regulations, and I am content with the assurances received on the legislative and non-legislative approach.

Questions were raised about who will share the data with whom and why. Information relating to human medicines is and will continue to be shared by the MHRA and the HSC. The MHRA is an executive agency of the DHSC, and both are exercising the powers of the Secretary of State. The power will be expressed as a power of the Secretary of State, so, in respect of Northern Ireland, the power of human medicines should also be exercised by my Department — the Department of Health in Northern Ireland. That is because medicines and the implementation of international obligations are transferred matters for Northern Ireland. For veterinary medicines, the power should similarly be exercised by the Secretary of State and the Department of Agriculture, Environment and Rural Affairs.

It is not possible to provide a definite list at this time of bodies or countries with which information would need to be shared, but it would include overseas regulators, which includes regulators associated with countries and territories; overseas governments; non-governmental organisations — for example, the World Health Organization; international institutions — for example, the European Medicines Agency; and international networks such as the OCABR Network for Human Biologicals.

This information is shared with overseas bodies and networks, and it will be done in two main ways. One is through using EU databases, and another is directly with overseas regulators and bodies and networks, facilitated by information-sharing agreements and arrangements. After the transition period, the UK will lose access to the EU databases, and information sharing with EU countries and institutions will be facilitated by information-

sharing agreements and arrangements similar to those in place with non-EU countries. The legal status of those agreements or arrangements varies from treaty obligations to more informal exchanges of letters. It is important that, going forward, there is an explicit statutory power that ensures that information can be shared without breaching legal restrictions on information sharing, which includes the common law duty of confidence; the provision of the UK GDPR; individual rights in the Human Rights Act; restrictions on the sharing of information obtained pursuant to specific legislation; and contractual rights. I hope that that lays to rest some of the concerns that were raised.

There were also concerns regarding the attractiveness of Northern Ireland in terms of supply of medicines and medical devices. The UK is currently aligned with the EU acquis for medicines and medical devices. That will change after transition, when Northern Ireland will remain aligned with the European Union and the rest of the United Kingdom will not. There are long-term implications for the supply and regulation of medicines in Northern Ireland, where the large majority of medicine supplies are drawn from the UK market via GB. Northern Ireland is part of a UK-wide medical supplies contingency programme for EU exit, which is led by the Department of Health and Social Care, with the involvement of all the devolved Administrations. At the fourth meeting of the Ireland/Northern Ireland specialised committee on 5 November, the UK Government and the EU Commission reached an agreement to allow the pharmaceutical industry 12 months from 1 January to comply with new regulatory requirements that apply only to Northern Ireland and are a consequence of the Northern Ireland protocol. That will allow industry time to adapt to the new arrangements and to mitigate risks to barriers to trade. The MHRA will continue to regulate medicines for Northern Ireland and, as the UK regulator, will represent all parts of the United Kingdom in ensuring their attractiveness as a place to trade.

Mr Buckley: I thank the Minister for giving way. We will all welcome the 12-month derogation period. I thank the Minister's officials, who helped to lobby for that very intervention. Does the Minister agree that now is the time — indeed, the Committee wrote to the Executive about this — to push for a mutual recognition agreement on medicines and medical devices by the new deadline of December 2021 to avoid a further cliff edge?

4.45 pm

Mr Swann: I thank the Member for his question. I had a meeting last week with Minister Argar, who leads on this work in Westminster, and both teams of officials, and they made exactly that point. Now that we have a 12-month period that allows us to put in place a concrete base, we must not waste any of that time. We agreed on that. In recognition of the tremendous work, as noted by many Members, that my Department has been involved in to secure that 12 month-period, we must ensure that we do not lose the expertise on either side of the table, because we need to make the best use of the 12 months that lie ahead so that we can give that reassurance to the industry in Northern Ireland on the continuity of supply.

My Department will continue to work with the Department of Health and Social Care and the Medicines and Healthcare products Regulatory Agency on compliance with the Northern Ireland protocol and future relations

within the EU. That will include consideration of the optimal supply and logistic models for medical supplies for Northern Ireland, the attractiveness of Northern Ireland for clinical trials and the opportunities that may arise from life sciences. On the specific effects of the Internal Market Bill on the supply of medicines and medical products to Northern Ireland from GB, the advice from our legal advisers is that, post implementation, they are likely to be negligible. That is based on advice received in consultations to date, having considered the provisions of the Bill in its current iteration. However, as the Internal Market Bill is still making its way through Parliament, that advice is caveated by the need for ongoing review of the position, which could change over the next few weeks.

A number of Members mentioned the vital work of the Cumberlege review and the formal response to the crucial recommendations that came from its report. As Members will be aware, the Cumberlege report highlights the failure of the healthcare system in a number of areas, including the need to listen to and understand patients' voices and their concerns about certain treatments. Recommendation 7 of that report relates to the requirement for a central patient-identifiable database recording the key details of all medical devices that are implanted. The LCM provides the necessary enabling powers for regulations to be prepared to require healthcare establishments to submit that data to a central database on a UK-wide basis. The benefits of a UK-wide system include the analysis of a much wider pool of data to identify signals indicating possible issues with or within a device.

An independent medicines and medical devices safety review group has been established in my Department to consider the recommendations of the review in a local context, including how they align with their ongoing work on patient safety. The working group consists of relevant representatives from the Department's policy and professional leads, and they are collaborating with colleagues across the United Kingdom on the matter. I reassure Members that the work is ongoing, but it has been delayed by the current pandemic. I will provide a formal response to the Cumberlege report, following full consideration by that group, which will take into consideration things such as a patient safety commissioner, an issue that the Member raised, and the need for what should, we think, be a national redress system that covers the entire United Kingdom.

Concerns were raised about the delegated powers in the Bill and whether they simply replaced the delegated powers provided for in section 2(2) of the European Communities Act 1972. The majority of the sought delegation powers reflect specifically the powers available to the UK now, which are in that Act. Secondary legislation made under the Bill is strictly limited to the matters found on the face of the Bill, without the ability to amend and update current regulatory frameworks. We are and will be unable to take appropriate and proportionate steps to address patient safety concerns.

The Bill provides for increased Parliamentary and Assembly scrutiny of regulatory amendments to the law that relate to human medicines, because the vast majority will now be subject to the affirmative resolution procedure, with the exception of fees and supplementary provisions in the civil sanctions regime for devices, as I mentioned in my opening comments. This is an enhancement to the

current way in which updates to the legislation have been made, which have been subject to the negative resolution procedure to date. There is also a duty in the Bill for there to be public consultation before making future regulations.

The other amendments that require legislative consent add further strength to the Bill by providing for necessary information-sharing in accordance with international agreements and provide clarity on the offences clause. They also provide further safeguards in the regulation-making processes by outlining consideration to be taken when making regulations, by prioritising public safety and by clarifying attractiveness.

Regulations made under the Bill have the requirement to include public consultation and will mainly apply the draft affirmative procedure. The Bill now also provides for a new reporting obligation.

All these amendments will provide greater scrutiny for the Northern Ireland Assembly, which I welcome. I commend the motion and the LCM to the House.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Medicines and Medical Devices Bill dealing with human medicines, veterinary medicines and information systems as amended at Committee Stage in the House of Lords.

Mr Deputy Speaker (Mr McGlone): Members should take their ease until we change round for the next item of business, please.

Committee Business

Licensing and Registration of Clubs (Amendment) Bill: Extension of Committee Stage

Ms P Bradley (The Chairperson of the Committee for Communities): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 15 May 2021, in relation to the Committee Stage of the Licensing and Registration of Clubs (Amendment) Bill [NIA Bill 10/17-22].

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on this debate. I call on the Chairperson of the Committee for Communities to open the debate on the motion.

Ms P Bradley: As the House is aware, the Licensing and Registration of Clubs (Amendment) Bill passed its Second Stage on 3 November 2020 and was referred to the Committee for Communities for its Committee Stage.

The principles of the Bill and beyond were debated at length at Second Stage. They aim to bring forward measures that seek to tackle alcohol misuse, to promote responsible consumption and to support the hospitality and tourism sectors. However, during the Committee Stage, we will seek to establish whether the Bill strikes the appropriate balance between those apparently competing objectives.

The Committee has begun in earnest its consideration of the Bill. The call for evidence and views was issued on 16 November 2020, with a generous four weeks for responses to allow those who want to respond more time than usual due to the current COVID situation. We are aware that many organisations and individuals will be under extreme pressures at this time. At its meeting on 12 November, the Committee agreed, after discussion, to request an extension to Committee Stage until 15 May 2021. The Committee fully appreciates that this will come as a disappointment to some Members and to a range of key stakeholders across a number of sectors.

I would like the House to bear with me as I explain why the extension is crucial for the Committee to conduct proper scrutiny of this substantial Bill of 36 clauses and two schedules. The Committee was aware of significant pressure from a number of sources to have the Bill process done and dusted, including being granted Royal Assent, so that the Bill's provisions could be implemented by Easter, with Easter Sunday being 4 April 2021. While the Committee fully understands the pressures that the hospitality industry is facing, it cannot be ignored that, as a result of our considerations and those of the Assembly, we are shaping licensing laws for many, many years to come. I put that on record at Second Stage so that there was no confusion about the fact that the Committee will not be rushed in getting the Bill through, albeit we want to do our best to support the hospitality industry.

The Bill is about much more than Easter opening hours. The Second Stage debate clearly highlighted the wide range of very important issues that the Bill covers. I will now take a few moments to remind Members of the long

list of issues that Members requested that the Committee cover and consider during its Committee Stage.

The Committee was asked to consider the very fundamentals of the licensing system, including the prices that are being paid for licences and the surrender principle. We were asked to consider the impact of extended opening hours and drinking-up time on the hospitality sector in general, on clubs, on the wider night-time economy, including taxi drivers, on rural pubs, on hospitality staff, on local residents and on the PSNI to name but a few. We have been asked by Members to consider the impact of the Bill on alcohol consumption and abuse and the related health impacts, on underage drinking and on safeguarding issues for those under 18 attending functions and award ceremonies in licensed premises. We have been asked to consider local producers in depth, with many Members wanting to do much more for that group because they feel that the Bill is not ambitious enough. Concerns were raised at Second Stage about advertising restrictions, loyalty schemes and alcohol deliveries, all of which are areas covered by the Bill.

The Committee has been asked to do a massive amount of work in its Committee Stage, and that will take a considerable period of time. There are no shortcuts. The Committee understands that and knows that it should not be distracted by any artificial deadline. At our meeting last Thursday, we had three excellent briefings from Assembly researchers that further cemented our view that there are gaps in data and evidence. Many issues requiring in-depth scrutiny and lessons to be learnt from other jurisdictions cannot be rushed.

The Committee has also taken advice from the Bill Office in making its decision to request the extension. Even if the Committee felt that it could complete all that in-depth scrutiny within the 30-day time frame, there is absolutely no guarantee that the Bill would get Royal Assent in time for the provisions to be implemented by Easter 2021. The timescale is very tight, and neither the Department nor the Assembly controls all the processes and related timings that the Bill must pass through after its Final Stage. In normal non-COVID circumstances, the Committee would have the option of holding a substantial number of extra meetings to get through the many evidence sessions that it needs to hold. However, we are not operating in our usual circumstances. Members will know that there are limitations on all Committees at present in the number and length of meetings that they can hold. For that Easter deadline to have been really achievable, the Committee, operating as it is under the restrictions, would need to have the Bill much earlier.

It is crucial that we are realistic on a number of fronts. Primarily, we need to give the Bill the proper and thorough scrutiny that it deserves. There have been changes to it since it was last considered in 2016, and its scope is much wider. The Bill is generating lots of interest, and we will need to take evidence from a variety of different interests in order to ensure that we hear from everyone that might be affected by it.

Whilst the motion is to extend the Committee Stage until May 2021, we will, of course, make every effort to work closely with the Minister and officials to have the Bill dealt with before that date, but we must allow ourselves leeway in order to ensure proper scrutiny in the current context of

the pandemic. The Committee supports the Minister in her aims to strike the right balance between offering a level of support to the hospitality and tourism sectors, which we all agree is much needed, and protecting our communities by ensuring that the sale of alcoholic drinks is controlled.

In conclusion, in order to allow the Committee for Communities to complete its scrutiny as robustly as it can on a wide range of hugely important issues and within a realistic time frame, I commend the motion to the House.

5.00 pm

Ms Ennis: I want to make it clear that it is Sinn Féin's position that we need to reform our licensing and regulation laws. We need that to happen as quickly as possible, not least to help the beleaguered hospitality industry, but also to help with economic recovery from COVID-19. As the Chair said, and as contributions from Members at the Second Stage of the Bill show, there is a lot to consider. This legislation will be with us for a long time, and we need to make sure that we get it right.

We have a list as long as your arm. Dozens of groups and individuals want to come to the Committee to give evidence. We need to ensure that we give those groups the respect and the adequate time that they need in order to properly brief members.

If we want modern, fit-for-purpose reform of our licensing laws, the Committee needs the time to ensure that that is what we get. As the Chair said, this is to ensure that the Committee is equipped to do that. I want to assure Members that we will make every effort to get this done as quickly as possible, but we need the time and space to make sure that we do it right. It will be with us for a long time, and we need to ensure that it is something that we can all live with. That said, I support the motion to extend the time for Committee Stage consideration.

Mr Deputy Speaker (Mr McGlone): As there are no other Members to speak on this item —. Sorry, excuse me. I have to call the Chair again. I now call the Chair.

Ms P Bradley: Thank you, Mr Deputy Speaker. I thank the Member for her contribution, and I thank all the members of the Committee for Communities who agreed to the extension. I look forward to the Committee progressing through its scrutiny of the Bill.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 15 May 2021, in relation to the Committee Stage of the Licensing and Registration of Clubs (Amendment) Bill [NIA Bill 10/17-22].

Adjourned at 5.02 pm.

Northern Ireland Assembly

Tuesday 1 December 2020

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Matter of the Day

Public Inquiry into the Murder of Human Rights Solicitor Pat Finucane

Mr Speaker: Mr John O'Dowd has been given leave to make a statement, which fulfils the criteria set out in Standing Order 24, on the public inquiry into the murder of human rights solicitor Pat Finucane. If other Members wish to be called, they should indicate that by rising in their places and continuing to do so. All Members who are called will have up to three minutes to speak on the subject. I remind Members that I will not take points of order on this or any other matter until this item of business has finished.

Mr O'Dowd: I rise to speak on yesterday's decision by the British Government not to hold a full public inquiry into the murder of human rights lawyer Pat Finucane. I want to start by paying tribute to the resilience, courage and, indeed, dignity of Geraldine Finucane and the Finucane family in their 31-year campaign for the truth about Pat's killing.

I am conscious that, when such events and stories hit the news headlines, many victims out there reflect on the loss of their loved ones, and many victims also seek justice for their loved ones. What makes Pat Finucane's case stand out? It is this: there have been several investigations into his murder, and most of them — indeed, the most high-profile of them — have concluded, and the then British Prime Minister stated, that there were high levels of collusion by the state in his murder. What does that mean? It means that those who were tasked with, first of all, protecting Pat Finucane and his family were involved in his murder, and those who were tasked with investigating the murder of Pat Finucane were involved in his murder. How can those who were tasked with protecting him and who failed him, and those who were tasked with investigating his murder but were involved in his murder, in any real terms investigate his murder? Hence the need for a full public inquiry into his murder. Indeed, in 2001, the British Government committed themselves to an inquiry into his murder, such were the levels of concern around the collusion in this case.

Those who say — some say it in a dignified manner, others are just brutally ignorant in their response — that there are other victims out there are quite correct. However, what stands out about Pat's case is that the state was involved in his murder. In what other circumstances would this House divide or say, "Well, perhaps the British Government are correct. There should not be an inquiry"?

The allegation sits. The facts sit: the state was involved in the murder of a solicitor in this society. That should concern everyone in the House, regardless of your political allegiance or your views on the conflict of the past. The state, the people who told us that they were protecting us, and the security forces, who told us that they were there for our security, plotted, planned and carried out the murder of a solicitor.

Mr Speaker: The Member's time is up.

Mr O'Dowd: The state has now refused to carry out an inquiry into that. The state has a duty to carry out an inquiry into that.

Mr Givan: Of course the murder of Pat Finucane was wrong. I acknowledge the barbaric nature of it, as he was murdered in front of his family. One can only imagine the trauma that that has caused, and it is clearly evident to this day, 31 years later. That pain is felt by thousands of people right across Northern Ireland. I think of La Mon. I think of Bloody Friday. I think of Enniskillen and Narrow Water. The list goes on of thousands of people who suffer as a result of the terrorist campaign of over 30 years in this country. Many of those families have had but a mere desktop exercise carried out by the Historical Enquiries Team (HET). When I think of the Finucane investigations, I think of Lord Stevens, Justice Peter Cory and Sir Desmond de Silva. I think of an inquiry, which was going to be set up under the 2005 Inquiries Act, that was rejected. I also think of the criminal conviction that was secured in the murder of Pat Finucane, which attracted a 22-year custodial sentence. Thousands of victims of terrorism could only wish for the same level of interrogation to have taken place into the murder of their loved ones.

Victims have heard loudly the special status being afforded to the Finucane family by a range of political parties in this House and, indeed, by other international political figures. When I think of those international obligations, I think of the Smithwick tribunal that found the collusion of an Garda Síochána officers with the provisional IRA in the murder of Harry Breen and Bob Buchanan. Where is the public inquiry into that collusion of the state? I think of the safe haven afforded to republican terrorism by the Republic of Ireland for decades. Where is the public inquiry into the actions of the Republic of Ireland? I think of the evidence to that tribunal linking to the Provisional IRA and of the lack of engagement and evidence provided to that tribunal. I think of members of Sinn Féin who have taken their criminal acts to the grave and denied truth and justice to the victims of IRA terrorism. I think of the United States of America and the financing and arming of the

Provisional IRA. Where is the congressional inquiry into those activities?

So, yes, everyone ought to be treated equally. Everybody ought to have truth and justice. When are we going to see it from all the other actors in the terrorist campaign that took place for 30 years?

Mr Allister: The murder of Pat Finucane was terrorist, brutal and extremely shocking, just like over 3,000 other murders; yet, compare and contrast the attention and the demands in respect of those.

Look at the Finucane case: it has had Weston Park; the Cory inquiry; the de Silva report; the offer of a public inquiry; legislation especially drafted to deliver that inquiry; and a criminal trial and a conviction. When I contrast that with all the rest, the deficit is staggering. Compare that with those who were burned alive at La Mon, those who smothered under the rubble of Enniskillen and those who were butchered at Kingsmills.

If we want to talk about collusion, we need to talk about all the collusion. That would include the collusion of some who have sat on Benches in the House, who were leaders of the IRA and who doubtless colluded in multiple murders. What did Martin McGuinness know about the Enniskillen bombing? What did he know about the murder of Pat Gillespie? What did he know about countless other murders? If you want to talk about collusion, talk about it across the board. If there are those who colluded, it is not a one-way street. Anyone involved in criminality deserves the rigours of the law. There should be no exemptions for Sinn Féin or anyone else. That should be the starting principle.

What we have is a hierarchy — a Finucane elite — who think that they can demand what no one else gets. Even when they were offered a public inquiry, they said, “No. We need an international judicial inquiry”. Such is the elitism attaching to the matter. Of course, the bottom line is that it is all about insatiability. They are insatiable; they will never be satisfied. They would not have been satisfied with a public inquiry unless they had got to write its outcome. That is the plain truth. When they dismissed the very idea of prosecutions, it was clear that they are not interested in justice. They are interested in maximising the rewriting of history, which is why, of course, this continues to be a boil that needs to be lanced and should have been —

Mr Speaker: The Member’s time is up.

Mr Allister: — properly lanced yesterday by the refusal, at any stage, of —

Mr Speaker: The Member’s time is up.

Mr Allister: — a public inquiry.

Mrs D Kelly: I welcome the opportunity to speak on the Matter of the Day. As a child growing up, I was always taught that two wrongs do not make a right. It is very unseemly that we are turning the murder of one person into a green and orange issue. All of us in the House should be concerned about finding truth and justice for all victims, regardless of the perpetrators.

It is astonishing that some Members would hold the British Government and their agents to the same standards as terrorist organisations. Surely we should all expect the Government to have a higher standard than any other and to protect all their citizens.

It is a fact that the murder of Pat Finucane was supported by elements in the British establishment. The family have called for the inquiry, and I find it disingenuous for people to say that they were offered a public inquiry. Members know that the 2005 Act was brought into effect quickly to give the Secretary of State undue influence and the ability to interfere in any public inquiry and the matters and facts that might be brought before an independent inquiry tribunal. Stop messing about.

Today and last night, we saw how the British Government treat the widows and children of murdered victims in the North. They treat them with disdain. They cancelled a meeting for which the family had waited almost two years with 10 minutes’ notice. That was pretty damning.

All victims deserve truth and justice. All families deserve to know what happened to their loved ones. The SDLP has always stood four-square with all those victims. I pay tribute to Geraldine Finucane and her family and all families who have had to carry that burden from the day and hour that their loved ones were murdered.

I am always in awe of their determination and of how their lives have been put on hold in their search for truth and justice. It does not end with the partner or the child of the family affected; it is trans-generational. If we are to build reconciliation in this society, we must deal properly with legacy. Yesterday, the British Government failed miserably. They failed not only the Finucane family but all families who are searching for truth and justice as they deal with the legacy of our troubled past. The clear message was that we are not to get truth and justice or the legacy institutions that families deserve and need.

10.45 am

Mr Beattie: I start by condemning the callous and brutal murder of Pat Finucane. It is truly a stain on our shared past. This should be a sombre Matter of the Day; it should not be used as an opportunity to hurl insults across the Chamber or to use victims to score political points. There are no winners or losers here. Hundreds if not thousands of victims across the United Kingdom, Ireland and further afield still wait for truth and justice, including my family. Nobody is looking at their case. Nobody is promoting the small man: the one who was murdered, is long forgotten and whose name does not slip off your tongue.

We have failed victims. Every one of us in the Chamber has failed victims. The Westminster Government have failed victims. The Irish Government have failed victims. We did not consult or speak to victims. We did not get them to join us when we tried to come up with a legacy mechanism, which they do not support. The Stormont House Agreement is failing because the victims do not support it. Many will scream at me and say, “Well, you are saying that because you are a unionist”, and I will throw back at them that there is a Bloody Sunday family member who does not support the Stormont House Agreement’s legacy mechanisms. Go to her, and tell her that she is wrong.

We need to come together and come up with something that works. It must be victim-centred. To be victim-centred, it must include the victims. We cannot deal with legacy one public inquiry at a time. Victims from across this country and these islands look at us and ask, “When will somebody help me to get justice and truth for my family

member?”. The reality is that nobody is even talking about them.

Mr Blair: It should go without saying that it is a sad set of circumstances that brings us here today, but it is probably worth repeating that in order to bring balance and measure to the discussion.

The announcement yesterday evening by the Secretary of State appears, to some of us at least, to be further foot-dragging and yet another diversion from the discovery of the facts. The failure of the UK Government to establish a public inquiry into the murder of Pat Finucane falls short of the Supreme Court ruling requiring an article 2-compliant investigation. It is a failure that brings delay to the Finucane family, who have shown great dignity in their pursuit of an outcome. Today, to Geraldine Finucane and her family, we can say only that our initial reaction is that we share their frustration and offer our sympathy.

The frustration and anger at the UK Government’s decision will be shared more widely, and that is because it is difficult to see how this outcome can be regarded as in any way consistent with the 2019 ruling by the UK Supreme Court. Today, we can see that yesterday’s announcement is unlikely to be the end of the matter, and the family, with others, will continue their campaign for truth. The UK Government had already accepted that collusion was apparent in this case, and they have done so again.

They have apologised again. That feet-dragging, as I have called it, around the decision leading directly to an article 2-compliant investigation suggests institutional resistance to full discovery of the facts. That further delay, with talk of review upon review — a legacy review, an ombudsman review and a policing review — adds yet further elements to a process that is now decades old. We could refer to those further processes or reviews as bringing their own resource issues or demands. We could guess as to the additional time that they will take and the additional stresses that they will bring.

There are other, more relevant factors in all of this, however. There remains in place the existing Supreme Court ruling. There remain, more importantly, the needs of victims. In the past 24 hours, we have had a stark reminder of Government outcomes falling far short of the needs of victims and a stark reminder that there are thousands of Troubles victims who seek truth and deserve justice. In this most recent case, a public inquiry is necessary owing to public-interest issues, which were highlighted by the Supreme Court. As well as stepping up urgently to address their failings of yesterday, the UK Government must now act to honour the commitments that were made in the Stormont House Agreement to implement a comprehensive process to deal with the past in Northern Ireland, a process through which most legacy issues could be addressed. That remains the most viable and achievable option for victims who are waiting, especially for those for whom time is running out.

Mr Carroll: The decision not to grant a public inquiry into the killing of Pat Finucane is a shameful and despicable one. The Finucane family have already waited for far too long for truth. Yesterday’s decision will only prolong their struggle and pain. The evidence regarding the murder of Pat Finucane points to state murder and an appalling level of collusion at the very heart of the British Establishment. This calculated move to block an inquiry begs the

question: how far are they willing to go to cover up that collusion and state murder, carried out with impunity?

We should not, however, be surprised by that callous move. The British Empire was one where the sun never set and the blood never dried. Today, the British Government continue to try to cover up their crimes in Ireland and in the North, perhaps because the same Establishment continues to collude in murder in other parts of the world. For over 30 years, British Governments have dragged their feet and tried to cover up the collusion at the heart of this case, but this is the ultimate insult to Pat Finucane’s family and other victims of collusion. I will add that former Prime Minister David Cameron effectively confirmed that collusion took place in this case.

We need more than polite words from the Irish Government. I call directly on the Taoiseach, Micheál Martin, to take a stand against this outrageous decision, because the refusal by Johnson and the Tories to hold a public inquiry should not be accepted. Just as they tried to stop justice for the Bloody Sunday victims, they are trying to stop justice for Pat and his family. Just as they failed then, they will fail again. We must show our solidarity with the Finucane family, their campaign and the campaigns of all victims of violence and state violence. It is in our interests to stand with them for as long as their fight continues.

In the past 24 hours, some have asked, “But what about other victims?”. Indeed, but it is not as though shutting the door on the killing of a human rights solicitor and denying proper answers about what happened will do anything for any other victim of the state, state agents or paramilitaries. It is a real shame that some in the House are willing to defend the horrible record of the British Government in that regard, but it is hardly surprising.

Mr Speaker: No other Members have indicated that they wish to speak on the Matter of the Day.

Ministerial Statement

The Procurement Board

Mr Speaker: I have received notice from the Minister of Finance that he wishes to make a statement. Before I call the Minister, I remind Members that, in the light of social distancing being observed by the parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members still have to make sure that their name is on the speaking list if they wish to be called, but they can do that by rising in their place, as well as by notifying the Business Office or the Speaker's Table directly. I remind Members to be concise in asking their question.

Mr Murphy (The Minister of Finance): I wish to provide Members with an update on the Procurement Board. Procurement expenditure accounts for some £3 billion annually, representing one quarter of the Executive's Budget. That makes the Executive a hugely significant buyer of goods, services and construction work, and there is tremendous potential to use that spending power for good.

Procurement policy is overseen by the Procurement Board, which I chair as Finance Minister.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

As with many areas of work, the restoration of the Procurement Board has been delayed by the pandemic. The procurement team in my Department has been focused on the response to COVID, and I thank the team for assisting in the procurement of essential PPE for our public services. In particular, working with the Department of Health and the Executive Office, it secured a £60 million order of PPE from China. In a competitive global market, that was a remarkable achievement for a small regional Government.

Today, I can announce the restoration of the Procurement Board, which will meet on 16 December. I would also like to update Members on how, with the agreement of the Executive, I decided to restructure the Procurement Board. I have completely changed the make-up of the board. Previously, almost 20 people attended the Procurement Board. That was too large a group, and I have reduced the membership by half. That will allow the group to meet more regularly and to drive forward reform.

Previously, the Procurement Board was staffed by permanent secretaries. As accounting officers, permanent secretaries have a significant interest and role in procurement, but I believe that the board should be made up of the experts who actually design and manage procurement exercises. I am therefore replacing the permanent secretaries with four procurement practitioners. From the health sector, I am appointing Peter Wilson, interim director of operations in the Business Services Organisation (BSO), who is responsible for procurement and logistics. To provide expertise in the delivery of infrastructure, I am appointing John Irvine, director of major projects and procurement in the Department for Infrastructure. Sharon Smyth, commercial director in the Department of Finance, will also be appointed, as she has extensive experience in procuring a wide range of supplies and services for Departments. From the Strategic Investment Board (SIB), which is responsible for the Buy

Social policy, I am appointing Brett Hannam. The people who design and manage public contracts will, therefore, be at the core of procurement policy.

It is also important that procurement policy benefits from the expertise of the sectors that tender for and deliver public contracts on behalf of the public sector. I have therefore appointed five representatives from key sectors of the economy. From the construction industry, I have appointed Mark Spence, managing director of the Construction Employers Federation (CEF), and Denise McMahon, chair of the Northern Ireland Construction Group. To represent the manufacturing sector, I have appointed Mary Meehan, deputy chief executive of Manufacturing NI. To speak on behalf of small and medium enterprises, I have appointed Ian McClelland, director of LM Services, which is a mechanical and electrical engineering company, and a member of the Procurement Board forum for small businesses. To champion the interests of social enterprises, I have appointed Colin Jess, director of Social Enterprise NI. Those representatives will be asked to engage with their respective sectors in order to bring their views and experiences to the Procurement Board.

I thank the outgoing members for their time and commitment during the term of the previous board.

To date, procurement policy has been approved by the Procurement Board and circulated throughout the public sector through guidance notes. Compliance with that guidance has not been entirely consistent. It is, therefore, important to elevate the status of procurement policy. From now on, procurement guidance notes will go to the Executive for approval. Procurement policy will, therefore, carry the authority of Ministers, who are accountable to the public, and their accounting officers, who are legally responsible for ensuring that public expenditure provides value for money.

The new members of the board will be asked to identify problems, quickly develop solutions and bring fresh thinking to procurement policy and practice. However, I want to finish my statement by highlighting some of the immediate priorities that I will ask the board to progress.

One of those priorities is social value. I am aware that that is something that the all-party group on social enterprise chaired by Mr Stewart Dickson is also passionate about. It is important to point out that social value is not only a concern of social enterprise: there are many private sector businesses that want to contribute to social good, for example, by lowering carbon emissions or paying their staff a living wage. Those social benefits are not factored in to tenders that score only on price and quality. Therefore, I intend to bring a new policy on social value to the first meeting of the Procurement Board. With that policy, social value will be a mandatory component of procurement exercises rather than an optional add-on.

Another policy priority is security of supply. The COVID pandemic triggered a global scramble for PPE and other essential supplies. We do not want to be in that position again. It would be much better if we could source vital supplies locally rather than worrying about supply routes by air and sea. The need for secure supply routes is also heightened by Brexit, which is likely to disrupt trading relationships, particularly if the British Government fail to agree a trade deal with the European Union. A stronger

focus on security of supply will, of course, benefit local businesses and help increase employment levels, so I will ask the Procurement Board to develop policy in that area.

There are many other policies that I would like the board to consider, and I would welcome Members' views on what other procurement issues they would like brought to the table.

The new structure of the Procurement Board will mean that procurement policy is co-designed by those who manage and those who deliver government contracts. That will mean that procurement policy carries the authority of Executive approval.

I believe that the changes will help to maximise the social, economic and environmental impact of the Executive's £3 billion annual spend on procurement. I welcome Members' views on the new Procurement Board and the issues that it should focus on.

11.00 am

Dr Aiken (The Chairperson of the Committee for Finance): I thank the Minister for his remarks and for meeting me earlier today.

As the Minister is aware, the Committee wrote to him in March about the formation of the board, and, despite the delay, we welcome his statement today. There is much detail on the formation of the board, and the Committee will want to take the time to scrutinise it closely.

We have a few initial questions that we would like you to answer. First, is forming a board under your chairmanship that will seek to control and manage £3 billion — approximately a quarter of our Executive's budget, I think — appropriate, given the other instruments that are being set up through New Decade, New Approach, particularly the fiscal council? When should we expect the fiscal council to be in position?

Where are the terms of reference? Who will have primacy in the procurement process? Is the role entirely to provide policy, or is it to direct cross-Executive procurement spending? How does the Procurement Board interrelate with the services sector? Since a lot of government expenditure seems to go to the likes of PwC, Deloitte and other consultancy services, will there be a representative of the services sector on the Procurement Board?

There will be significant procurement issues, and I notice that you talk in your statement, Minister, about the importance of making sure that the Northern Ireland supply chain is given primacy. You will be aware, if we ever get any details out of the Joint Committee or the Specialised Committee, that we will still have to apply EU procurement rules and may not be able to do what, you said, you wish to do with procurement in your statement. We need some guidance on that.

Bringing outside experts into the process is welcome. I cannot think of any Member who does not welcome the external expertise. However, would you consider having an independent chairman of the board? If you are chair of the board of a procurement process that looks at significant government spending, it may seem that the best will, guidance and advice from external sectors are not being utilised appropriately to get us the best out of our procurement spend.

The Committee looks forward to getting more details on this and to your talking to us about the Procurement Board at the earliest convenience.

Mr Principal Deputy Speaker: Not only did the Chairman of the Committee go up to the line with that series of questions, but the line is somewhere in the distance. The Minister is under no obligation to answer all the questions — I think that there were six — but I am sure that he can try.

Mr Murphy: I also identified six questions and will attempt to answer them.

In relation to the fiscal council, as with the Procurement Board, COVID-19 has impacted on the speed at which we have been able to deliver on that New Decade, New Approach commitment. However, we are at an advanced stage, and I hope to bring proposals to the Executive in relation to that very soon. The terms of reference will be signed off in the next day or two, and we will ensure that the Committee is informed of them.

On the role of the board and the chairing of it, one of the consistent complaints has been about a lack of consistency, in that procurement policy and guidance have been the property of the Procurement Board but have not necessarily filtered down through Departments and into arm's-length bodies and agencies. To ensure consistency of delivery, authority is being given to the Executive because they will pass the procurement guidance notes and will be responsible for authorising them. My role in chairing the board, as an Executive Minister, will be to ensure continuity through to the Executive and for that Executive authority to flow down through Departments, through permanent secretaries and Ministers, to make sure that there is follow-through.

There have been good procurement policies and guidance notes, but they have somewhat slowed as they have moved down the chain through Departments and not necessarily been reflected in output.

We want to ensure that this is not just an organisation or a board that produces policies for the sake of having documents, but one that changes the way that business is done.

The consultancy sector is a varied one, as the Member knows, as is the service sector. We have looked for sectors that have groups that represent the broad sector from which to draw expertise. If other sectors are identified where there is a gap, I will be happy to look at that again to see whether that sector can come together and whether there is an organisation that might represent it and make someone available from it.

On the question of supplies, as a response to the pandemic, we did have local businesses and manufacturers that stepped up and repurposed their output. I am thinking of firms such as O'Neills, which supplied scrubs, and Bloc Blinds and Huhtamaki, which produced PPE gear. They were very effective and very successful, and the issue of security of supply is something that, increasingly, all governments across the world will be looking to. Clearly, the experience during the pandemic was around the difficulty in accessing that critical supply that was needed very quickly by the health service. We need to look at that, and it is doable within whatever arrangements we have with Europe beyond 1 January. We need to ensure that, if local manufacturers

are going to repurpose, they have a guarantee, or at least a huge degree of certainty, about an ongoing contract and ongoing demand for the goods that they might supply.

Mr Frew: I thank the Minister for his statement. I can certainly tell that he is hungry — hopefully, hungry for reform. I want to pay tribute to my colleague William Humphrey, the Chairperson of the Public Accounts Committee, who has been pushing for some time now for private-sector influence on the Procurement Board. The Minister said that compliance with the guidance had not been entirely consistent in the past. Can he outline to the House what he means by that? Also, he told us that procurement guidance notes will now go to the Executive for approval. How were they approved before?

Mr Murphy: The lack of consistency is reflected in the fact that some policies and guidance that the Procurement Board brought forward, particularly in relation to social value, were seen as optional add-ons rather than being essential. We want to give the board more expertise to develop better policies in a quicker way by having key people involved. That is not to disregard the permanent secretaries, but there would be duplication if a policy went through the permanent secretaries and ended up in the Executive, and then the Executive gave it the authority. Previously, the guidance notes were approved by the board itself, and that was the extent of their status. This time, the guidance notes will be approved by the Executive, and there is then a responsibility on Executive Ministers, and on their accounting officers, to make sure that those guidance notes are followed through by their own Departments, arm's-length bodies and agencies.

The guidance and policies that are produced will have more teeth and more enforceability, which, in turn, gives them more consistency. Depending on the attitude of a permanent secretary, it may have been that some Departments were keen on pursuing and promoting the issues, while others, perhaps, were not. We want to get consistency across the board and we want to ensure that there is a level of expertise within the board to get the best possible policies and guidance notes.

Ms Anderson: I welcome the Minister's statement. For far too long, the social component of procurement contracts was the least enforced. Those who are further away from the labour market, particularly the brokers, have found it very difficult to get access. Will the Minister ensure that the more robust monitoring and enforcement that he mentioned in his statement will mean that the £3 billion of public money that is spent yearly on this process will result in training and job opportunities for those in greatest need in the most deprived areas, such as Derry city and beyond?

Mr Murphy: Yes, that is the intention. On the social value end, we have brought in the Strategic Investment Board (SIB), which was largely responsible for the Buy Social policy. When it comes to the other issues of employment, apprentices and the long-term unemployed, we want to ensure that that consistency travels down through. That is why the involvement of the construction industry on the board itself gives us that interface so that we can see what the issues are from the other side. It is one thing to produce policies through civil servants and public representatives but another to engage with the sector that has to implement them.

We had a useful discussion with people in the Derry area in relation to how some of this had not made its way onto the ground. Those are the sorts of issues that we want to correct through our engagement with the board. We want to ensure that it is effective, that there is a clear understanding of where the policy becomes unstuck in its practice and that we fix those things to make sure that the desired outcomes are achieved.

Mr O'Toole: I want to ask the Minister more about the process of procurement policy, specifically guidance notes going back to the Executive. It is fair to say that, this year, the Executive have not always covered themselves in glory with regard to the timing of their decision-making, notwithstanding the unique circumstances. Will the Minister assure us that the notes that go back to the Executive will not gum up the process of procurement, jeopardise the inclusion of actual, real social value aims or allow this simply to be another tool for divvying up favours between certain parties in the Executive?

Mr Murphy: I cannot, in turn, ask the Member to explain. His point that procurement policy is used for "divvying up favours between parties" in the Executive requires some explanation. That is an outrageous statement. I ask the Member to justify it in some other place. He is accusing people of corruption — of divvying up procurement favours in the Executive.

His party has a member on the Executive. The Executive have had plenty of well-documented disagreements over key issues. They have also produced a range of agreements on a multitude of issues, and I do not see those issues becoming of significance. I brought the proposal for a reconstitution of the board to the Executive, and no dissenting voices were raised. I outlined my ambition to have a more effective social value policy and procurement and more consistency in the application of policies. All of that was agreed by the Executive, so I do not anticipate any difficulty in that regard.

I am not sure how the Member intends to stand over the last remark of his contribution. I know that he has the cover of this institution for such remarks, but, if he is making an insinuation that there is divvying up in procurement among Executive parties, he has an obligation to stack that up or withdraw it.

Mr O'Toole: On a point of order, Mr Principal Deputy Speaker. I want to make clear that, when I talked about divvying up, there was no suggestion that I was talking about the procurement of individual contracts. I did not say that. The Minister has read too much into what I said. I said that there is an issue around things going to the Executive and becoming part of the political bartering. That was the point that I was making. I think that it was fairly clear in my remarks, and I stand by them.

Mr Principal Deputy Speaker: Strictly speaking, I do not think that that was a point of order, but the Member has put on the record his intention. It is important that, at all times, Members speak to each other with moderation and tolerance. I suppose that "tolerance" is as good a word as any. However, I understand that Members have strong views. The Member's remarks are on the record and clarification given.

Mr Muir: I thank the Minister for his statement. Procurement will play a vital role in the economic recovery that we will need in the years following COVID-19. One of

the key issues, which the Minister will be aware of, is an infrastructure commission. Proposals have been circulated in relation to that. Will the Minister provide an update on his views on those proposals and how it would interact with what has been announced today?

Mr Murphy: There is a range of reasons why we want to see the most effective use of significant amounts of capital money for infrastructure. We want to see it being spent well, we want to see maximum value and return for it and we want to see the maximum contribution to the local economy as a consequence of that spend. Construction is a key component of our local economic activity, and, where possible, we want to see local construction companies benefit. Having the Construction Employers Federation, as well as the person responsible for procurement policy in the Department for Infrastructure, represented on the procurement board, brings a new level of expertise in that regard. I hope that that will see better outcomes in procurement, which is something that we all want to achieve.

Mr Storey: I welcome the statement. The Minister will be aware that I, as a former Finance Minister, raised concerns about procurement in the past. I trust that today's announcement is about more than a name change, as was the case previously. We had the famous change from CPD to CPD. *[Laughter.]* I have to say that that was a surreal moment in the Civil Service. I trust that we will see real progress. I welcome the fact that the construction industry is now involved.

11.15 am

I seek clarification from the Minister on two things, although I could be wrong about them. First, with regard to the involvement of the Department of Education — I declare an interest as a governor of two schools in my constituency — the procurement processes in that Department are woeful. We are being done over in that process at a cost to the public purse. Secondly, will the Minister explain what the relationship will be between the board, as reconstituted, and CPD, because many are still sceptical as to whether we can get delivery on procurement?

Mr Murphy: I thank the Member for his questions. He has raised those issues in the past. I am not sure whether the dramatic change from CPD to CPD did not happen under his watch *[Laughter.]* However, there is a clear intention. This is not just a name change for the board; it is a change of personnel. Procurement is being taken out of the hands of permanent secretaries. That is not to cast any aspersions on the people who served on the board; I thank them for their service. It is to bring in, as the Member says, expertise from various sectors. Among the people on the board, we want departmental representatives who deal with procurement. I know that Education is a gap, but that does not mean that there is no ongoing consultation with Departments. Sharon Smyth of the Department of Finance will have responsibility for engaging with Departments that are not represented on the board. Education is a significant spender of public money in public contracts, so there will be that read-across.

The clear intention is for a new start. It is a reconstituted board that comes from a different place as regards who is involved. We want people who represent industry — construction or SMEs — and for them to engage with

their sectors in order to bring forward their views. The intention is to create a facility so that people can give information privately on any complaints. Previously, people might have felt that, if they made a genuine, legitimate complaint publicly about the main contractor, that might be detrimental to their ability to do future work. We want to create a facility in which people have an opportunity to register issues with the board in a way that protects them from any blowback, if that were the case with relationships in contracts.

This is a genuine attempt to do things differently. We will have to test that as we go along, but I hope that, in the not too distant future, the Member will recognise that there is a different way to do things.

Mr Storey: On a point of order, Mr Principal Deputy Speaker. It seems that Members can clarify things that they have said. May I clarify that the name change did not happen under my watch? However, it happened during a suspension of the Assembly, so perhaps the Finance Minister and his party should take responsibility for it *[Laughter.]*

Mr Principal Deputy Speaker: I do not think that I need to rule on that *[Laughter.]*

Mr O'Dowd: On a point of order, Mr Principal Deputy Speaker. I wish to clarify whether points of order are allowed during a ministerial statement and the questions that follow? *[Laughter.]* I believe that they are not.

Mr Principal Deputy Speaker: That is a legitimate point of order and is, therefore, unique this morning. The Member is, of course, correct.

Mr McHugh: Ba mhaith liom buíochas a ghabháil leis an Aire as a ráiteas. I thank the Minister for his statement. This is a good opportunity for change. I will be more specific. In order to ensure that social value is incorporated into procurement contracts, will the board consider a minimum score for social value alongside price and quality?

Mr Murphy: That would be an effective way to achieve that. If the focus is just on price and quality, we lose the ability to give proper consideration to social value. Social value is about many things. It can be about a more green approach to construction, as well as having social outcomes in employment by ensuring that there is spend in certain areas and access for people from communities and social enterprises that can provide services. There is a whole range of measures. Scoring contracts in a way that guarantees that social value is a component part of procurement is an effective way to do that.

Mr O'Dowd: Perhaps, if guidance is to be approved by the Executive, that will lessen the litigation against contracts. Given the scale of the contracts awarded at times, it is unsurprising that judicial reviews (JRs) etc are brought, but we have to reduce those. Will the Minister ensure that the Procurement Board looks at how legal action can be minimised? Several weeks ago, the Economy Committee received a presentation from the Law Society on mediation in such matters. Will the Minister ask the Procurement Board to look at that process as well?

Mr Murphy: Yes, as I referenced in my response to Mr Storey, litigation is really the end point. It happens when someone is dissatisfied with how a contract has been awarded. Litigation holds up capital projects in particular

and can have a significant and detrimental impact on economic activity generally. That is not to say that people are not entitled to go to court if they feel strongly that they have a case to make, and we would not deny them that. However, there is an opportunity to have some kind of mitigation process at an earlier stage, which is why I will ask the board to consider an alternative service to allow suppliers to raise their concerns and, in some instances, to provide a private opportunity for them to do so. Business relationships are at the heart of procurement, and people are often reluctant to speak out in case damage is caused to those relationships as a consequence. We want an alternative measure that enables suppliers to raise concerns confidentially, and we want the matter to be independently reviewed. That will be a key part of it, and, hopefully, it will have the effect of offsetting the possibility of people going to court. While people are entitled to go to court, it undoubtedly holds up processes and has an impact on budgetary spending.

Mr Catney: Minister, your statement says:

“Compliance with this guidance has not been entirely consistent.”

How will that be measured by the new Procurement Board? How will it measure success?

Mr Murphy: Success will be measured by the consistent application of policy and guidance notes. In the past, we have found that, sometimes, consistency did not filter down through Departments. The approval of guidance notes and procurement policy by the Executive gives them a strength that they did not have. There is an obligation on Executive Ministers and accounting officers in Departments to follow through on that. Monitoring by the board will ensure compliance and find where that is not happening. As outlined, we will have representatives from the sector. If the board finds that the policies are not coming through at the bottom end or that compliance is not the practical experience of people applying for contracts and engaging in the provision of services, we will quickly hear about that. It is the board’s responsibility to challenge that where necessary.

Mr Nesbitt: I am still trying to get my head around the fact that Mr O’Dowd used a point of order to make it clear that points of order are out of order at this time.

I thank the Minister for his statement. I particularly welcome the appointment of Colin Jess to represent the social enterprise sector. It is also reassuring that the Minister of Finance’s grasp of mathematics is sound enough to be able to identify how many questions the Committee Chair squeezed into his remarks.

Minister, you talked about social value and included the private sector. Will you expand your definition of social value and advise whether you intend to legislate and include that in a social value Act?

Mr Murphy: I thank the Member for his question. He squeezed in a few questions there himself *[Laughter.]* I have to say that, in my experience, Mr O’Dowd’s contribution was not the most surreal thing ever to have happened in the Chamber — not by a long shot *[Laughter.]* Social value includes a range of things, such as a greener approach to doing business or paying the minimum wage, and many private sector companies wish to engage in that. If that was a part of the scoring for the award of contracts,

many in the private sector would embrace it and not see it as a burden. I am sure that the Member has had the same experience of speaking to the many people who want to deliver better outcomes for society as well as securing contracts and improving their business.

Clearly, any social value policy is much stronger when underpinned by legislation. The Department’s procurement side has been very much involved in assisting other Departments to get supplies over the COVID period, and I am not certain whether there is enough time left in the mandate to legislate. We have asked officials to explore the possibility. If there is an opportunity to do social value legislation in the time left, I will be happy to do it.

Ms Dolan: Minister, thank you for your statement. Many school principals ask for more flexibility for minor procurements. Will the Procurement Board consider that?

Mr Murphy: Yes. We need to get that balance right. At Question Time last week, I said that many elected representatives can give examples of where things are procured for significantly higher prices than they can be got for locally. There is a balance to be struck between ensuring that there is transparency and accountability in buying arrangements — public money is being spent — and making sure that there is flexibility at a local level to get supplies for the best price that they can be got for locally, while contributing to the local economy. The Procurement Board will therefore undertake to strike the right balance.

Mr Dickson: Minister, I warmly welcome your statement and, indeed, your reference to the all-party group on social enterprise, which has been lobbying for a lot of what you are proposing today for some eight years. Following on from Mr Nesbitt’s question, you already have on-the-shelf legislation ready to run to deliver a social value Act for Northern Ireland. We will, in many ways, be playing catch-up with the other four nations of the United Kingdom and the Republic of Ireland, where social value legislation is well embedded. It is slightly disappointing to hear that that may not be achieved in this mandate. In your statement, Minister, you said:

“social value will be a mandatory component of procurement exercises”.

How will that work in Northern Ireland?

Mr Murphy: First, if I can legislate in this mandate, I will — I give the Member that assurance — but I want to ensure that we have sufficient time to do that. He will know that, if we start a legislative process and it does not conclude, it falls off the shelf at the end of the mandate and we have to start all over again in a new mandate, with whomever might be in the post. Since I came into the Department, it has been my intention to do that, but other priorities, such as responding to the pandemic, took over.

In my view, if the policies and guidance notes that the Procurement Board send to the Executive are approved, they will have Executive approval as a policy. Each Department — the permanent secretary and staff — will then be obliged to follow through on that, as will arm’s-length bodies and the agencies. As I say, because we now have people from various sectors on the Procurement Board, they can see whether that filters down to where it is supposed to achieve an outcome on the ground. We want to hear from people in the social enterprise sector

and in all the other sectors to ensure that those polices are followed through on. If there is an opportunity to legislate — I would like to do it — I certainly will.

Mrs D Kelly: I thank the Minister for his statement. Minister, you will be aware that international contractors win some of the biggest contracts and then subcontract and subcontract until most of the money is sliced off for management rather than for the product. How can you legislate to prevent such occurrences?

Mr Murphy: You tend to find that, depending on the size of the contract, it can attract more international attention, and contracts can be framed in such a way as to be broken up for the various sectors, which perhaps makes them more within the range of local employers and local companies. Of course, you have to do that in a way that is correct under the guidelines and rules, and we are still not sure what the hangover from the exit from Europe will mean for state aid and all those rules. Even within those guidelines and rules, there are ways of doing procurement that can support local companies as much as possible. As it stands, local companies get about four out of every five contracts, but, of course, it is the quality and size of those contracts that needs to be measured. Where that can be achieved, it is a desirable outcome. It has to be done within regulations, but we need to do procurement in a way that provides maximum support to the local economy.

11.30 am

Miss Woods: I thank the Minister for his statement. On Mr Aiken's comment about an independent chairman, an independent chairwoman would be good too.

The Minister will be aware that we have an opportunity not only to build back better from COVID but to tackle our climate emergency through a just transition. What consideration will be given to a green, sustainable procurement by the board? Can it be mandatory? What role will there be for cooperative models in procurement, focusing on community wealth building and working with councils? Perhaps I can also ask what he means by the reference to "living wage" on page 5 of his statement.

Mr Murphy: Firstly, yes. The Executive have targets on green outcomes and carbon-emission reduction. I would like to see those reflected, as they should be, in our procurement policy, because the Executive cannot just argue for those things and then spend £3 billion and not try to use it to effect the outcome of their own policies. I think that that will be a key component in procurement. The Living Wage Foundation has outlined the definition of a living wage, and that is the definition that I work to.

Mr Allister: Can I bring the Minister back to the point that Ms Dolan raised about the lower end of the procurement market and her example of schools? Hitherto, if a school had a broken window, it would bring in a local handyman and have it fixed for very little. Today, the school reports it to Armagh or wherever, someone comes and looks at it, someone comes back and somebody comes out again, and the cost is phenomenal. Will the Minister consider bringing to the table of the board a proposition that there should be an exemption threshold below which local service needs can be met by the local management in the way that, formerly, it was done?

Mr Murphy: It is interesting that people in procurement will not have heard the stories that all of us, as elected

representatives, hear in conversations with school principals, who say, "I could get a local guy or woman to fix something, and it would cost a tenth of the price". There is a threshold, but I think that we need to examine it to see whether it is sufficient in its application.

As I said to Jemma Dolan, there is a balance to be found between transparency and accountability, with people not giving contracts in schools or any other public-sector procurement operation to their brothers-in-law or cousins, and value for money. Procurement is about value for money. One of its primary functions is to ensure that public spend gets value for money, so, where practices at a local level clearly do not give value for money, we have to look at that, but we also have to make sure that we have that transparency and accountability built in.

Mr Beggs: The Minister just mentioned value for money. Will he ensure that when the Procurement Board meets it recognises that big is not always beautiful and that that sometimes limits competition and results in significant subcontracting, where the control is lost? For example, painting a classroom can cost two or three times more than getting a local painter.

Mr Murphy: That speaks to the previous conversations that we have been having on all that. I think that it is about finding a balance between ensuring that you get transparency and accountability and value for money at a local level with small contracts. As I said, four out of five contracts are won locally, but that, obviously, depends on their value. That is why there is value in having people in from the various sectors. You then have people who are practitioners of how procurement works. It is one thing having a very good policy that we can all support, but it is another thing to see how the experience of that impacts on the ground and how it works in practice rather than in theory on the paper that it is developed on. I think that that will be the value of having those various sectors, and they in turn represent the voice of the industries and the sectors that they come from. Also, we have that function of hearing confidentially from people out in the world where people procure and enact these contracts. That will all be valuable, but, on local spend, it is about getting the balance and the threshold right on that.

Mr Principal Deputy Speaker: No other Member is rising in their place or indicating to me, so that concludes questions on the statement. Before I move on to the next item, I will say to Members that, during questions to the Minister, I reviewed my copy of Standing Orders. Standing Order 19 relates to questions, and (2)(b) of that Standing Order states that questions should not contain "arguments, inferences or imputations". The use of the words "divvying up" has an imputation attached to it. I would never wish to curtail debate or free expression, but I remind Members of their obligations under the rules of the House. Members, please take your ease while we move to the next item of business.

Executive Committee Business

The Harbours (Grants and Loans Limit) Bill: Accelerated Passage

Ms Mallon (The Minister for Infrastructure): I beg to move

That the Harbours (Grants and Loans Limit) Bill [NIA Bill 12/17-22] proceed under the accelerated passage procedure.

Mr Principal Deputy Speaker: The Business Committee has agreed that there should be no time limit on this debate. I call the Minister for Infrastructure to open the debate on the motion.

Ms Mallon: I welcome the opportunity to address the Assembly on the motion. This is a key time for our maritime sector as it aspires to thrive and strengthen. Unfortunately, the sector, like others, has faced financial challenges as a result of the COVID-19 pandemic. Members will agree how important it is, at this time, that our key gateway seaports have sufficient capacity to facilitate future economic growth, adapt how they do business to respond to current challenges, and are connected to key destinations and markets. Accelerated passage is not to be sought routinely; nor is it something that I do lightly. My preference, when taking forward legislation, is to have a full Committee procedure, enabling clause-by-clause scrutiny and the resolution of any issues, there and then, to the satisfaction of the Committee.

I will now explain to the Assembly, as required under Standing Order 42(4), why I am seeking accelerated passage, the consequences of its not being granted, and how I will minimise the future use of that mechanism.

I believe that there are compelling grounds for the use of the accelerated passage procedure in the case of this proposed legislation, which is a short and concise Bill to increase the total amount of grants and loans that my Department can provide to ports. The existing total limit of £35 million was set in 1989, and, working with colleagues in the Department of Finance, a new grants and loans limit of £90 million has been agreed. That will enable my Department to react appropriately to the current and future challenges faced by the ports. The total amount of loans and grants made by my Department to the ports over the years counts against the total limit indefinitely. It does not decrease in line with depreciation nor with loan repayments, and the total currently stands at £34.3 million. If all the potential future loans, identified by the ports to date, were to materialise over the next five years, it will require a further £27 million, making the total £61.3 million.

These figures do not take into account any additional grants or loans that may need to be provided to the ports because of the additional financial pressures being placed on them as a result of COVID-19 or to facilitate future developments in a post-Brexit world.

I turn now to the consequences of accelerated passage not being granted. As the North's ports continue to develop their port operations and to diversify their business, they will continue to make loan applications to my Department over the next few years. If accelerated passage is not granted, my proposed legislation will not be in place in time to be able to continue to provide financial assistance

to the ports, particularly in the short term. That could have dire consequences for the ports and for the local economy. It would be a poor reflection on the functioning of the Executive and the Assembly if we did not move quickly to address a potential risk to our crucial gateways for trade. The North's main commercial ports have all agreed that there is a need for the increased loan and grant limit.

With regard to minimising the use of the accelerated passage procedure in the future, I have already mentioned my full commitment to clause-by-clause scrutiny at Committee Stage under normal circumstances, but we are not in normal times. I will continue to take any necessary steps to ensure that the accelerated passage procedure is not unnecessarily sought by my Department. In accordance with Standing Order 42(3) of the Northern Ireland Assembly, I appeared before the Committee for Infrastructure on 23 September to explain the need for accelerated passage for the Bill and to outline the consequences of its not being granted. I thank the Chair and members of the Committee for their recognition of the need to expedite the Bill and for their support in seeking Assembly approval for accelerated passage.

Members will have an opportunity to raise issues on the detail of the Bill during its Second Stage debate. In the interim, I seek the support of the House for use of the accelerated passage procedure and look forward to hearing Members' comments.

Miss McIlveen (The Chairperson of the Committee for Infrastructure): The proposal for accelerated passage of the Bill does not sit well with the Committee for Infrastructure. Like most Members, the Committee believes wholeheartedly that legislation should be afforded the full scrutiny of the Assembly processes, which includes Committee scrutiny. I welcome the Minister's acknowledgment of that today.

The Committee was notified at the start of September about the proposal for this Bill and discussed it during its strategic planning meeting on 9 September. The Committee asked the Minister to brief it on the Bill, and during that briefing on 23 September the Committee sought clarity on three aspects: what the Bill is expected to do; whether it does it; and why the Minister is seeking accelerated passage.

During the briefing, the Minister and her officials explained that Northern Ireland's ports are governed by the Harbours Act (Northern Ireland) 1970, and that this includes funding. Under the 1970 Act, ports are expected to fund their own capital investment, while the Department is able to make loans and grants to assist with major developments. However, this assistance from the Department is limited under the 1970 Act and shall not exceed £35 million. The Minister explained that, given future uncertainties, the need to build additional infrastructure and the added issue of the financial difficulties resulting from the reduction in freight and shipping volumes through ports as a result of the pandemic, there is a need to raise this existing total limit of £35 million. Therefore, the Committee accepts the what and the how behind the Bill.

However, the Committee has been less willing to accept the need for accelerated passage. In the course of the briefing it was established that the 1970 Act, which governs the funding, was last amended to raise the amount that the Department could provide to the ports by way of

grants or loans in 1989, some 31 years ago. Therefore, this is legislation being rushed through by accelerated passage — an emergency measure — when there have been 31 years to plan for an increase in the funding limit. On questioning, even the Minister said:

“It seemed strange to me that we had not looked at the issue and that it had not come up before.”

The Committee recognises that the increase is required in the circumstances to ensure the smoothest possible working of our ports in these difficult times. However, surely there must have been someone in the Department with the foresight to see this coming and raise this matter earlier. That would have avoided the need for accelerated passage and given this House its place in properly scrutinising the legislation it signs into law.

11.45 am

The Committee reluctantly accepts that, at this moment, accelerated passage is required. The Committee for Infrastructure therefore agrees to there being accelerated passage of the Harbours Bill. However, it would like to be very clear that, in this case, accelerated passage has only become necessary because of the inaction of the Department; it is not because of events. The Committee for Infrastructure therefore supports the motion that the Bill proceed under the accelerated passage procedure.

Mrs D Kelly: I welcome the Minister’s presentation of the legislation today, even though it is by accelerated passage. The Minister made it very clear that that is not, and never will be, her favoured route, but necessity has enforced this action. I think that the majority of parties in the House have held that departmental portfolio and have therefore had responsibility for the ports. This is fairly straightforward legislation that will enable the ports to meet the challenges of not only COVID but Brexit. I therefore support the Minister’s legislation before the House.

Ms Anderson: I thank the Minister for being here and for introducing the legislation. As the Chair said, we, as a Committee, have scrutinised the legislation and the need for accelerated passage. This is not how any of us want to do business. Like other Ministers, the Minister has said that she is dissatisfied with taking forward legislation in that way. I do not think that there is one Minister who likes the accelerated passage process.

Given that we are on an island, it goes without saying that ports are a vital part of our economy. Foyle port in Derry, for example, is a key marine entry point into the north-west. Foyle port handles 2 million tons of cargo per year and supports 1,000 jobs. A data centre is also located there, and that has resulted in more inward investment coming in to boost the local economy. It is therefore a vital gateway for the north-west economy and has allowed capacity to grow as we move forward. COVID has brought additional challenges to a sector that was already dealing with the looming uncertainty of Brexit, and that is mentioned in the clause.

I understand that the loans and grants issued by the Department were, in the past, used for developments such as the renewable energy project at Foyle port, as well as purchasing new tugboats and cranes. While we have been told that the loans and grants are not expected to be used for sanitary and phytosanitary (SPS) checks, they may be

used for other measures relating to Brexit preparation — again, that is mentioned in the clause — and to help ports to grow their business in the post-Brexit environment. As the Minister and the Committee Chair said, the limit has not been increased since 1989, and the increase to £90 million is based on inflation, therefore I believe that it is a reasonable move to assist the ports in moving forward, particularly given that the Department stated that, if all the future loans identified by the ports were to materialise over the next five years, it would require a further £22.5 million.

I would like to take a moment to comment on the current position that the ports find themselves in — this is in relation to what the clause mentions at the end — with regard to Brexit. The British Government and Minister Poots have been somewhat lethargic, to say the least, in their efforts to prepare our ports for 1 January. We have talked about that extensively in Committee. Given that DAERA officials have been working very hard around the clock, and we need to acknowledge that, to make sure that the readiness plan is feasible, it is a pity that their efforts have been somewhat hamstrung.

Mr Allister: On a point of order, Mr Principal Deputy Speaker. Are we discussing accelerated passage, or are we discussing the merits of the Bill? From listening to the current speaker, I think that she has jumped the gun and moved to Second Stage.

Mr Principal Deputy Speaker: The Member is correct. The Member for Foyle will have the opportunity at Second Stage to raise all the issues to which she is presently talking, but Mr Allister is correct: this section of business is about the use of accelerated passage. I am loath to interrupt you, but, if you wish to wind, there will be an opportunity at Second Stage.

Ms Anderson: I will wind on that point. It is related; we know about the relationship between accelerated passage, COVID and Brexit. The ports are dealing with those things. We recognise that giving accelerated passage to the Bill will have implications for COVID and Brexit, what is happening and what we are facing. That is why the Committee, after taking that into consideration, agreed to accelerated passage somewhat reluctantly, as did the Minister. I will make the rest of my comments at the next stage.

Mr Beggs: Accelerated passage should be sought only in exceptional circumstances. Exceptional circumstances are coming in about a month’s time; we are coming to the end of the EU transition period, and, as of yet, there is no clarity about the implications of that. There may be complications with marshalling, inspecting and other emergency activity that needs to occur, so it is important that we create a little bit of headroom space by proceeding with accelerated passage. There is also COVID. Our ports are vital to trade and our businesses. They have been operating at a reduced schedule, and yet perishable goods move in both directions, so it is essential that there are still good ongoing connections. It is important to support our ports for that reason. However, both those issues could have been predicted at the start of the year. Why was permission to increase not sought much earlier, in which case the Bill could have proceeded via normal passage? Nevertheless, I recognise that we are where we are and that there is a need to create that headroom and an ability to assist if necessary. For that reason, the Ulster Unionist Party and I support accelerated passage.

Mr Muir: The Alliance Party regrets that the Bill is coming through accelerated passage. As an MLA, I have quickly become all too well aware of the shortcomings of the procedure. We appreciate the fact that the lack of devolved government for three years and Brexit preparations have meant that the need for this legislation has become urgent. However, we struggle to understand why the legislation was not brought forward some years ago.

In evidence to the Committee, departmental officials stated that the original plan was for the limit to be raised as part of a more holistic governance review. We assume that that review will still take place at some point; perhaps there will be an opportunity for the Committee to consider how the limit is managed on a long-term basis. I would like to hear more about the prospects of that review from the Minister in her closing remarks. That said, I am satisfied that the need for this legislation is urgent, as Mr Beggs outlined, and that the Bill seems relatively straightforward. Based on the briefings to date, it seems that no additional serious complications need to be considered, and, on that basis, we are prepared to support accelerated passage.

Mr Allister: Accelerated passage should be utterly alien to the House. Sadly, it is becoming far too familiar to the House. It should be alien because it is the role of a legislative Assembly to sift, test and interrogate legislation. Accelerated passage strips out all that; it removes the critical Committee Stage, during which matters can be sifted, tested and interrogated, and it takes the shortcut of simply legislating on the back of Second Stage and further debates. That should be alien to a legislative Assembly. It should be particularly alien to a legislative Assembly in which you have an all-party Executive because, without an Opposition, there is no other opportunity to interrogate the issues.

Therefore, the drift, step by step, whereby the Assembly is always finding excuses to dispense with normal procedures when matters such as this are raised, is alarming. There is not much point in Members saying that they are uncomfortable with this and offering various platitudes such as, “We do not like doing it” or “It is not the way that we would do business but we are going to do it”. It is either right or wrong. Further to this, the point has been made that we had 31 years to do it, but no one bothered. Since January, there has been an opportunity to do it, but it was not done.

Over two months ago, on 23 September, the Minister went to the Infrastructure Committee about this issue, and, over two months later, we are here. Two months, which could have been spent on scrutiny in the Committee had the Bill been brought to the House then, were wasted. Who was running down the clock to get to December and say, “Oh, poor us. We must have accelerated passage”?

We could have had the Bill much earlier in the year, and I protest, most vigorously, at the erosion of the powers of the House and at the easy option of accelerated passage being taken. It is not good enough. It should not be the easy passage that it is. I, for one, want to record my dissent from the slippage into repeated accelerated passage.

Mr Principal Deputy Speaker: No other Members have indicated that they wish to speak. I therefore call the Minister for Infrastructure, Ms Nicola Mallon to conclude and wind on the debate.

Ms Mallon: Again, I thank the Committee for its support on this matter. I recognise and share the concerns expressed

by Members about the use of accelerated passage. That is why my speaking notes were very specific on the matter and why, when I appeared before the Committee, I clearly said that this was not the way to do business.

Given that a number of Members asked why it took so long, it may be helpful to outline the timeline. The loan and grant threshold was last raised in 1989 — 31 years ago. I cannot speak for other Ministers, but I wrote to the Executive on 6 July to raise the issue of the Bill. On 5 November, the Executive agreed to its introduction.

The Department for Infrastructure writes to the ports twice yearly to ask them to identify their loan requirements for the next five-year period. No one could have predicted the impact of COVID or the financial and resilience challenges that it would present to our ports. There are clear indications that my Department will receive a new request for assistance before the end of the year. Those are the circumstances under which the Bill is being brought forward in this way to the House.

Does the Member wish to comment?

Mr Allister: Yes, please. So that we are clear on this, I will say that part of the cause of the total disrespect of the processes of the House is the indolence of the Executive in addressing this issue. It took from July to November to approve what is, effectively, a two-page Bill. Really? Is that the standard of misgovernment that we have reached in the House? Then, of course, there is the ready reliance on accelerated passage. It is a situation of the Government's own making.

Ms Mallon: All I can do is set out the factual timeline.

I thank all of the other Members for their comments. I thank Mrs Kelly for supporting the intention of the Bill. However, like other Members, she is concerned about the use of accelerated passage.

Ms Anderson raised a number of important points, and I will be happy to address those at Second Stage.

12.00 noon

Mr Beggs raised the issue of the strategic importance of ports for trade. I agree with that absolutely. That is why they need to be supported during this difficult time, particularly in the face of COVID. Mr Muir asked about the governance review. Yes, that review is planned, and I am happy to engage with the Committee on it.

I thank all who contributed to the debate, and I ask for the Assembly's support for the position that the motion be adopted.

Mr Principal Deputy Speaker: Thank you, Minister. Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Harbours (Grants and Loans Limit) Bill [NIA Bill 12/17-22] proceed under the accelerated passage procedure.

The Harbours (Grants and Loans Limit) Bill: Second Stage

Ms Mallon (The Minister for Infrastructure): I beg to move

That the Second Stage of the Harbours (Grants and Loans Limit) Bill [NIA Bill 12/17-22] be agreed.

Mr Principal Deputy Speaker: Before we begin, I have to place on the record for Hansard that cross-community consent was achieved, because I saw and heard Ayes from all sides of the House.

In accordance with convention, the Business Committee has not allocated a time limit to the debate.

Ms Mallon: I am sure that Members will agree that, as an island economy, it is critically important that our ports are able to meet existing and future challenges. The importance of the ports' role in the supply of goods into and out of Northern Ireland has never been more clearly illustrated than during the COVID-19 crisis.

All of Northern Ireland's ports are governed by my Department's harbours legislation for the provision of grants and loans. Although the trust ports at Belfast harbour, Coleraine harbour, Foyle port and Warrenpoint port, and the privately owned port of Larne, fund their own capital investment and are expected to be commercially self-supporting, my Department can provide assistance for developments of a major nature. That assistance can be by way of a loan or a grant.

On the overall limit to loans and grants, the Harbours Act states that the aggregate amount of grants and loans together shall not exceed £35 million. The original £6 million limit has been adjusted on four previous occasions, gradually rising to the current £35 million level. The last rise was made in 1989. The total grants and loans made stands at £34.3 million. The Harbours (Grants and Loans Limit) Bill is straightforward. It is a short Bill with a single purpose: to raise the existing total loan and grant limit from £35 million to £90 million. The new limit was identified, in liaison with colleagues in the Department of Finance, as an appropriate uplift in line with inflation. That will enable the Department to continue to provide loans and grants to our ports. The existing limit has been almost reached, and the ports face major challenges at this time, particularly as a result of the COVID-19 crisis and the need to grow business post-Brexit.

For the costs to be incurred by ports in implementing the Ireland protocol, it is important to note that DAERA will take forward any necessary EU works at the ports. The British Government have also committed to funding that work. I have to be clear that I do not anticipate the legislation being used to enable construction of sanitary and phytosanitary-related (SPS) infrastructure, nor is that a matter for DFI.

The region's main commercial ports have all agreed with the need for the increase to the loan and grant limit. The Executive also support the increase and agree that the legislation can be done by accelerated passage. The grants and loans made under the Bill increase a charge on the Consolidated Fund, so Minister Murphy has confirmed to me that he is content to recommend the Bill, as required under section 63 of the Northern Ireland Act. I commend the Bill to the Assembly.

Miss McIlveen (The Chairperson of the Committee for Infrastructure): The Committee was notified of the proposal for the Harbours (Grants and Loans Limit) Bill at the start of September this year and discussed it during its strategic planning meeting on 9 September. The Committee asked the Minister to brief the Committee on the Bill, and, on 23 September, the Committee received that briefing.

During the briefing, the Minister and her officials explained to the Committee that Northern Ireland's ports are governed by the Harbours Act (Northern Ireland) 1970, which includes funding. Under that Act, the ports are expected to fund their own capital investment, while the Department is able to make loans and grants to assist with major developments. That assistance from the Department is, however, limited under the Act, which states that it should "not exceed £35 million". Given future uncertainties, the need to build additional infrastructure and the added financial difficulties resulting from the reduction in freight and shipping volumes through the ports as a result of the pandemic, the Committee is aware of the need to raise the existing total limit of £35 million that the Department can provide by means of loans and grants to a more substantial £90 million, as set out in the proposed legislation that is before us.

The Committee for Infrastructure had already met, on 1 July this year, representatives of the seaports, who are eager to grow and strengthen their business after EU exit. However, the Committee notes that the impacts of COVID have removed the financial certainty that they would like in order to invest in and develop their business. This is an issue not just for them, as the ports have taken on a more strategically important role for our economy in the post-Brexit era. The Committee is aware that it is vital that our ports are ready for the challenges and opportunities facing them. The uncertainty of COVID has come at the worst possible time, a time when the ports were meant to be pushing forward with expansion and plans to build on the new opportunities that are opening up to them. Instead, they are now battening down the hatches and weathering the storm. The Committee appreciates the need for the Department to provide adequate support in order that, for the benefit of our economy, the port can develop the infrastructure that is required.

In its discussion with the Minister and her officials, the Committee sought assurances about the narrow scope of the Bill, that the sole purpose of the Bill is to raise the loan and grant limit and that there would be no other consequences. The Minister gave the Committee those assurances, noting that it is a very short and concise Bill. As Members will note, there are only three clauses: the commencement; the title; and a single line to increase the port funding limit. The Committee also asked for information about the consultation that had taken place with the Executive and the sector. The Minister advised the Committee that one issue was raised by the Executive, which was her proposal to include in the Bill the ability for the Department to increase the loan and grant limit at a future date through secondary legislation. She pointed out that, after objection from the Department of Finance about a lack of scrutiny, that was taken out. She confirmed that there were no objections to the purpose of the Bill.

The Minister was content that she had consulted with the ports and that they were in support of this proposed

legislation. The Minister was asked about some of the financial challenges facing the ports, and she advised that those include the likes of urgent quayside repairs, which would be aided by the grant mechanism that is proposed by the Bill. Clarity was also sought on whether checks and balances were in place, what the loan can be used for and the need for that to be addressed in the Bill. The Minister gave an assurance that the Bill was purely for grants and loans and to increase the limit from £35 million. Given that assurance, I understand that the Committee is satisfied. While my preference was to have a Committee Stage, I am content to support the Bill at Second Stage.

Mr Boylan: Ba mhaith liom labhairt i bhfabhar an Bhille seo. I will speak in favour of the Bill. I am content that we can speak at its Second Stage. Before I make my remarks, while it is in my head, I ask the Minister to indicate when the harbours and ports will be able to access the funding. I ask that that happen at the earliest stage because we are leading into Brexit and everything else, and I am sure that there is a piece of work to be done by the ports.

Our seaports are an essential part of the economy. Moving forward, they need to be able to grow and continue to play their vital role in trade, connectivity and employment. This year, our ports have faced considerable challenges. When they were trying to prepare for Brexit as best they could with the limited information that they had, the coronavirus pandemic introduced another unwanted burden to the sector.

The ports all fund their capital investment; however, the Department can make loans and grants to them under the Harbours Act. The original limit was set at £6 million, but that was changed on multiple occasions in the past and gradually rose to the current limit of £35 million in 1989. Since then, it has not increased. It is also worth noting that, as stated by the Minister, the total amount of any loans granted by the Department does not decrease in line with depreciation or loan repayments. The total amount of grants and loans made to the ports stands at £34.3 million: you do not need a calculator to tell you that that is very near the current limit.

Furthermore, the Department has informed us that if all the future loans that have been identified by the ports were to materialise over the next five years, it would require a further £22.5 million. I think that the Minister might have said £27 million; perhaps she will clarify that point. That does not take account of any additional grants that may be provided to the ports in response to COVID-19. Although DAERA is leading on Brexit preparations at the ports, the Department has stated that the legislation could be used to make grants to the ports for other Brexit preparation measures.

Considering those factors, it has been proposed to raise the current limit of £35 million to £90 million. That figure is based on inflation. Applying the retail price index provided a new limit of around £88 million, which has been rounded up to £90 million. The new limit will help to ensure that the Department can assist the ports during the COVID-19 crisis and enable the consideration of any additional funding needed as a result of Brexit.

The Department stated that ports would be at a disadvantage if the proposed amendments were not made, as they would lose out on the opportunity to access additional funding. In the circumstances of the COVID-19

pandemic, the Department informed us that it is aware of at least one port facing financial challenges in maintaining and operating its services.

A new loan limit of £90 million has been proposed. Although the Bill is to go through accelerated passage — we had the previous debate — I think that Members will understand the necessity of using such a procedure. I support the Second Stage of the Bill.

Mrs D Kelly: On behalf of the SDLP, I support the Bill. I thank the Chair of the Committee for setting out clearly the Committee's consideration of the Bill and the rationale behind our decisions to support it and its accelerated passage.

On Mr Allister's earlier comments, I declare an interest as a member of the Business Committee. It has requested the Executive's legislative timetable for several weeks, and I want to assure him, although I see that he has left the Chamber, that there has been no slackness on our behalf.

I look forward to the development of the ports. Hopefully, the additional resource will give some surety to them in what, as others have said, are very uncertain times.

Mr Beggs: Essentially, this is a very straightforward Bill. There is one significant clause, which gives the power to increase the amount of loans or grants that can be passed to ports that are included in the Harbours Act (Northern Ireland) 1970. The amount of the increase is £65 million, from £35 million to £90 million, which, as the Minister indicated, is in line with inflation and is not an exorbitant amount.

The Minister also indicated that she is aware that there are pressures on the ports. I am also aware of considerable pressures on our ports as a result of COVID-19. Manufacturing has reduced during the pandemic. Hopefully, it will pick up considerably; nevertheless, it will not be at the same level as before.

Another aspect of fundraising for our ports, and an important business for them, is the tourist trade. The "holiday at home" mantra that tourists in Northern Ireland have largely been practising — and, indeed, tourists in the rest of the United Kingdom — has obviously reduced the amount of traffic and income to airports. We want that to pick up again, and we want our ports to be able to service that industry again whenever we get through the current pandemic. Therefore, it is important that our ports are still able to operate and still have the commitment there of ships and infrastructure to service that.

12.15 pm

It is important that we maintain support for our ports so that tourists are able to come here. It is also so that we are able to ship our products, suppliers can quickly bring goods into Northern Ireland from Great Britain, and the perishable goods that we export can quickly get to market. Therefore, it is important that we have the ability to once more ramp up the services and to provide frequency, such as is provided from the port of Larne in my constituency, which is where we have the shortest, fastest journey to Cairnryan. I had to get that plug in. However, that is equally so for the ports of Belfast and Warrenpoint with their ro-ro facilities. It is important, in particular, for speed in the modern facilities that ro-ro traffic, which has been particularly affected by the pandemic, has the ability to

ramp up again. On that basis, as I have said, I am content to support this increase, which is in line with inflation.

It is regrettable that this is also occurring at a time when a regulatory border is being created down the Irish Sea, as that will be a major impediment to our businesses and our region. It is something that I, and my party, warned others about the risks of doing. It is regrettable that, one month off, there is still not full clarity of the full implications. I have heard the Minister say that she is not planning to use this fund to support the ports with regard to the end of that transition arrangement. It would be helpful if the Minister could advise whether there would be the flexibility here for her to assist our ports in the case that some sort of emergency arose and others did not step in.

Secondly, with regard to this additional money, the Bill does not speak of how that will be determined or how it will be carved up going forward. It would be helpful if the Minister could say a little about that. In particular, there is concern that Belfast City Airport and City of Derry Airport received airport funds, but our principal airport, which is also trading at a loss, has not received support from that —.

Mrs D Kelly: Will the Member give way?

Mr Beggs: I certainly will.

Mrs D Kelly: Will the Member acknowledge the fact that the Finance Minister gave a rates holiday of over £1 million to the airport in question, and that, from my understanding, it has been in discussions with the Finance and Economy Ministers, who have responsibility with regard to the funding for the airports? At least acknowledge where the responsibility lies.

Mr Beggs: The Member has rightly highlighted that there has been support for all three airports through other mechanisms, but I am conscious that only two of the three received support from Infrastructure. There needs to be clarity around how this is used going forward. I hope that they will all be appropriately supported.

The other aspect and question that I have about the Bill which I find quite strange — perhaps it is because it is having to be taken forward by the accelerated passage route; it would be helpful if the Minister could explain — is that we are essentially increasing the amount of funding in line with inflation. That is a very minor change to our legislation. It is something that, for instance, with regard to benefits, happens each year with a statutory rule. Why is this change not occurring with a statutory rule? The next time we adjust it, are we also going to require primary legislation, as happened here, to repeal this legislation — assuming it goes through — and to introduce the new figures as we go forward? Why is it not being adjusted using a statutory rule? As others have indicated, had there been proper scrutiny and time allowed for Committee discussion, that could have been pointed out, and an amendment could have been tabled to enable such a change to be made much more easily and efficiently. It would be helpful if the Minister would explain why primary legislation was required.

That having been said, it is important that the Bill passes Second Stage. The Ulster Unionist Party will support it.

Mr Muir: I rise on behalf of the Alliance Party to support the Bill's passing Second Stage. Last week, I was here until 2.30 am debating the Consideration Stage of a Bill. Hopefully, we will not be here until that time again.

My party welcomes the legislation. The £35 million loan and grant limit in the Harbours Act (Northern Ireland) 1970 has not been amended since 1989. That was a long time ago. The current balance is only 2% short of the total limit. It is, therefore, right that the limit is updated to £90 million.

Ports are a vital part of Northern Ireland's infrastructure. They are important contributors to local growth.

Warrenpoint harbour alone adds £9.6 million to the local economy. Ports bring in tourists and cruise ships — hopefully, they will be back some day soon — and allow people to make their journeys across the water to visit friends and family or to go to university. Perhaps, most importantly, they are the gateway for the vast majority of Northern Ireland's imports and exports. They allow our fantastic local businesses to bring in parts and to export their products across the world. They also keep the food on the shelves, which we take for granted.

At Committee, the Minister stated that the ports fund their own capital investment and are commercially self-supporting, but loans and grants can be provided by the Department for developments of a major nature. The distinction between “capital investment” and “developments of a major nature” seems vague. We would have liked to have teased that out in more detail at Committee Stage. I would like to better understand whether the ports are expected to exhaust their commercial borrowing options first before turning to public funding. Perhaps, the Minister can touch upon that in her remarks.

I am, however, satisfied that there is further clarity in the legislation with regard to public funds. There should be no risk of increasing the loan limit as long as the Department's credit processes remain sufficiently robust. Ports need to be able to invest so that they can continue to provide the service that their customers expect and to meet the challenges of today.

I wish to talk about the three main challenges. The first is carbonisation. It was the major strategic goal that was raised by the port authorities when they came to the Committee in July. Additional investment will help ports to turn away from coal and oil products to become a major player in the development of offshore renewable energy.

The second challenge is Brexit. There is not long left until the end of the transition period. While the impact of disruption at the ports is likely to be more keenly felt by consumers and haulage firms, port authorities still face major challenges in preparing for those new arrangements. In the short term, ports are working with DAERA and HMRC to build the new infrastructure that is necessary as a result of the hard Brexit that is being pursued by the current UK Government.

Finally, there is the challenge of COVID-19. Although the ports have experienced a significant drop in trade, particularly in the number of foot passengers travelling through Belfast and Larne, since the onset of the necessary travel restrictions as a result of the pandemic, the medium- to long-term impact of COVID-19 on their businesses remains unknown. However, it is clear that ports face major challenges in navigating the choppy waters ahead.

It is, therefore, critical that we are able to invest in ports' facilities to support long-term sustainability and growth. Public grants and loans can be used only for capital

projects and not for resource expenditure to aid cash flow. The ports have estimated that they will require some £22.5 million in loans and grants over the next number of years, notwithstanding the additional financial pressures as a result of COVID. My party supports the Department in ensuring that the capacity exists to provide that funding. The Committee for Infrastructure will have a role in monitoring how that figure of £22.5 million compares with the reality of what is required in the environment in which we currently find ourselves.

I support the Bill because an increase in the loan limit is long overdue and ports need to be able to invest in the future for the sake of us all. I look forward to hearing other Members' contributions and the Minister's response.

I thank and pay tribute to all those who have continued to work in our ports throughout the pandemic. Their contribution has often gone unacknowledged in the crisis, but it is absolutely vital to the well-being of our society during the most challenging of times. We owe them a great debt of gratitude.

Ms Ennis: I welcome the opportunity to speak to the Second Stage of the Harbours (Grants and Loans Limit) Bill. Like other Members, I acknowledge that our ports play a huge role in our island economy. The importance of keeping our supply chain secure and open has been acutely highlighted during the pandemic. However, like other sectors, ports have faced many difficulties during this period. It has, for example, meant that a lot of the roll-on roll-off — ro-ro — facilities encountered difficulties at the start of the pandemic, which impacted port income. Freight volume took a hit, as, of course, did passenger levels on ferry operations.

It is important that our ports continue to grow and play their essential role in our economy. Warrenpoint port, no doubt, plays a big role in that regard. In 2019, Warrenpoint port handled 3.5 million tons of cargo, and Ulster University estimated that, during 2019, the port put some £9.6 million back into the immediate local economy of Warrenpoint, Newry and beyond.

The total number of loans and grants issued by the Department currently stands at £34.3 million. As other Members said, that is very close to the max of £35 million. Also, between £22 million and £27 million in future loans have already been identified by the ports. That is without consideration of any other additional investment that may be needed as a result of the COVID-19 pandemic.

Those loans and grants are used to enable ports to commit to measures for future economic growth. In Warrenpoint harbour, for example, I understand that those grants were previously used to help to replace old infrastructure and to construct a deepwater quay.

While the Department and the Minister do not believe that the grants will be used for SPS checks, as that work is led by DAERA, they state that such grants and loans could be used for other measures related to Brexit preparations. Given the paramount importance of our ports, it is madness that checking facilities will not be ready in time for 31 December.

Although contingency measures have been put in place, the British Government and Minister Poots knew well ahead of time that they needed to upgrade the ports. Not only did they delay that needlessly but Minister Poots

actively stepped in to obstruct preparations at a critical time and relented only when he was told to do so by the British EFRA Minister.

Meanwhile, ports have worked tirelessly in their preparation efforts for Brexit. It is unacceptable that they find themselves in the current position with just weeks to go until the end of the transition period.

Sinn Féin wants our economy to grow, which means allowing our ports to respond successfully to all the emerging challenges that stand before them. The increase in the limit to £90 million will go some way to assist in that. I support the motion.

Ms Anderson: The last time that I stood to speak, I think that I strayed into Second Stage, but, sure, it would not be like me. I will take this opportunity again to say how wonderful Foyle port is in Derry, as people would expect me to say. It is a fantastic port that employs over 1,000 people.

Ports are vital to our economy. The particular clause in the Bill is quite striking, and many Members referred to the impact that COVID has had on ports and, of course, Brexit.

As my colleague has just stated, the British Government and Minister Poots have been somewhat lethargic, to say the least, in their efforts to try to prepare the ports for what is coming down the road at us on 1 January. Perhaps we will know this week or perhaps we will not. Who can tell? We are waiting on the outcome of the negotiations. However, the resources to build the necessary infrastructure are vital to ensure that ports are in a competitive position in the medium to long term.

When we reflect on EU exit and the impact that it will have on the economy and on ports, I would like to recall, for instance, Project Kelvin in Derry, which is an EU multimillion-pound/euro cable that was built to provide the island of Ireland with the first undersea network cable for the fastest transatlantic route directly to Ireland.

How does that relate to this clause? When we are talking about Brexit, that was one of the many things that we secured from the EU on infrastructure projects. It enabled the establishment of a data centre at the Foyle port in Derry, the Atlantic Hub, which is attracting interest from EU countries. It is clear that the funding cap increase in the clause — the Minister talked about it, and it is vital for the ports — needs to be coupled with a renewed call for the British Government and Minister Poots to clarify urgently what buildings and IT systems will be in place. A clear plan and leadership are the best way of ensuring that the money is spent in the best way possible.

We urge both sides of the Joint Committees, as we head towards the end of the transition, having been kicked out of the EU against the democratically expressed wishes of the majority of the people in the North, who voted to remain —

12.30 pm

Mrs D Kelly: Will the Member give way?

Ms Anderson: Yes.

Mrs D Kelly: I want to correct the record. The Member said that we were being "kicked out" of the EU: "dragged out" would be more correct.

Mr Principal Deputy Speaker: Order. For the past four years, politics has been dominated by the argument about whether leaving the EU is a good thing. There will be occasions to discuss that, but this is not one of them. I ask Members to return to the content of the Bill.

Ms Anderson: I will stick to the content of the Bill, particularly what it says as a result of the COVID-19 crisis and Brexit. I cannot answer the last contribution because of your ruling, but I am sure that the Member knows where I stand, which is that people did not vote for it.

In the context of EU exit, as referred to in the Bill, we urge the Joint Committee to work quickly on any aspects of checks that are within the remit of the spirit of compromise. It is vital that our ports can deal with the challenges that lie ahead. Raising the cap on loans and grants, as referred to in clause 1, is to be welcomed.

I give my support — somewhat reluctantly, because we do not like accelerated passage — to the Bill.

Mr Harvey: As already stated, the Bill will increase the existing limit placed on the Department with regard to the financial assistance that can be given to local harbours. The change in the limit from £35 million to £90 million is welcome, and I am pleased to see the Minister bringing the Bill to the Assembly. I am hopeful that the Bill will enable the Department to be much more flexible in responding to the needs of our ports, particularly as we reach the end of the transition period and emerge from COVID-19.

Our harbours act as one of our main gateways to the world. They provide the economic and social links that we rely on both within the United Kingdom and to the furthest parts of the globe. We must ensure that they receive the necessary government support to operate and compete on the world stage. The operational capacity and soundness of our main shipping ports have a direct economic impact on the ability of local companies to export their goods and on our access to key markets and destinations. Should our ports not be fit for purpose, the knock-on effect on other sectors of the economy would be significant.

The Department consulted all our main harbours, including Belfast, Larne, Foyle and Warrenpoint. Such targeted consultation is vital to ensuring that the sector is fully involved in all these decisions. At present, communication with our ports and haulage industry is vital, and I urge the Minister to keep those lines of communication open over the next few months in particular and to react, where needed, to support our harbours and our ports.

I note that the limit has not been updated since 1989. A lot has changed for our commercial ports and harbours since 1989. In the light of that, I call on the Minister to take time to consider any other areas in which her Department has a role, to ensure that all other mechanisms in her portfolio are up to date and provide fit-for-purpose state support to meet 2020 needs.

While the Bill is long overdue, I have some concerns about accelerated passage, given the lack of time for wider consultation, which, I note, has not been feasible on this occasion. I appreciate, however, given the limited scope of the Bill, that all the ports that stand to be impacted on have been involved in the consultation process. I am therefore happy to support the Bill.

Mr Principal Deputy Speaker: No other Members have indicated to me that they wish to speak. I call the Minister

for Infrastructure, Ms Nichola Mallon, to conclude and wind up the debate on the motion.

Ms Mallon: I thank all the Members who have commented on the Bill at Second Stage. Some general issues have been raised, as well as several specific points, and I will try to deal with them. If I miss anything significant, I will get back to Members in writing once we have examined the Official Report. I reiterate my appreciation to the Chair of the Committee and its members for their support for increasing the threshold. I acknowledge the concerns around the utilisation of accelerated passage, which I share.

The Chair of the Committee set out clearly the uncertainty of COVID, the challenges that it presents to our ports and the need for adequate support. She also set out the engagement that my Department has undertaken with the ports, the Finance Minister and other Executive colleagues. She set out the rationale for the Committee's support for the Bill and reiterated the its fervent support for our ports and the critical role that they play.

The Chair of the Committee also gave examples of how previous loans and grants had been used by the ports, and that is an important point. Loans and grants have been used for the Evermore renewable energy project at Foyle port; the expansion of the ro-ro facilities and the construction of a deepwater quay at Warrenpoint harbour; the purchase of new tugboats and cranes at Foyle port; and the replacement of old infrastructure and the construction of new bulk storage silos at Warrenpoint harbour. It is important that we take cognisance of the fact that that is how the grants and loans have been used and that we clearly understand that the next set of planned loans and grants will be expected to be used, as Members have said, to enhance the resilience of our ports and ensure that they have the financial capacity for future economic growth, including diversifying their business, land acquisition and building cruise ship infrastructure. Mr Muir and Mr Beggs talked about the importance of tourism. It is also anticipated that the money will be used for purchasing additional tugboats and replacement cranes and for quayside repairs.

Cathal Boylan sought clarity on a number of issues, and I am happy to provide it. He asked when the ports would be able to access the finance. The intention is that the operational date for the legislative amendment will be in January. He highlighted the fact that the current threshold has almost been reached and that real and pressing financial requirements face our ports: I agree, and that is why we tabled the legislation. He asked for confirmation of the value of future loans that have been identified by the ports over the next five years. I can confirm that the figure that I have been presented with is £27 million, as opposed to £22 million. Were those loans to materialise, that would bring the total up to £61.3 million.

Mrs Kelly spoke in support of the Bill's Second Stage and highlighted the strategic importance of our ports and the role that they play.

Mr Beggs talked about the increase being in line with inflation. He emphasised the importance of tourism and of ensuring that our ports are equipped to facilitate and service the industry. I share his concerns about the lack of clarity on implementation of the protocol. I have close engagement with our ports, and it is hugely difficult and challenging for them to prepare when it is not clear at all

how they are meant to do so or what is required of them. Mr Beggs talked about Brexit and SPS checks. He will understand that that is a matter for DAERA. There is a clear commitment from the British Government that they will fund the work that is required for the implementation of the protocol. That is a commitment that, I think, all of us in the House support and want to see materialised and realised.

Mr Beggs also spoke about the importance not only of ports but of airports. He mentioned the International Airport. It is important to clarify — I think that it was Mrs Kelly who stated this — that rate relief has been provided by the Finance Minister to all three airports. That equated to £1.7 million in support for Belfast International Airport. The Economy Minister has secured £2 million for tourism. My understanding is that she is engaging with Belfast International Airport on two of its airlines. The Finance Minister is also preparing a paper to bring forward to the Executive on the provision of safety and security grants to all three airports. That will be funded from the remaining money that is sitting in the centre for our airports. I reassure Mr Beggs and all Members that, given that the statutory responsibility for airports is shared across the Minister for the Economy, the Minister of Finance and me, I am committed to working with my ministerial colleagues to ensure that we support our airports during this challenging time.

Mr Beggs also asked why we were not addressing the increase of the threshold at a later stage through secondary legislation. I think that it was the Chair who pointed out that that was one of the issues that I originally raised but the Finance Minister had had concerns about it. Therefore, in recognising the pressing nature of the Bill in ensuring that we can get financial support to our ports, I proceeded without that principle and objective. It is something that I hope to return to with my ministerial colleagues.

Mr Muir reiterated his support for increasing the threshold. He raised the issue of commercial borrowing. Our ports can borrow commercially, but very specific circumstances are set by Treasury, so it is important that they are able to access grants and loans from government. Mr Muir paid tribute to the ports and all those who work in them and keep them going. I agree that we owe them a debt of gratitude.

Ms Ennis talked about the importance of our ports in keeping our supply chains open. We are very much reminded of that during COVID and of the fact that those who work in our ports, ships and haulage companies are critical key workers. She referenced Warrenpoint harbour in particular and the importance of that port to the local economy and the community that she represents. Very recently, I met again representatives of Warrenpoint harbour to understand better the challenges that they face and to reiterate my Department's support and commitment to continue to work with them.

Ms Ennis and Ms Anderson again raised concerns about the lack of clarity about Brexit and what that will mean for local businesses and communities and our ports in particular. They highlighted their concerns about the lack of clarity on SPS checks, the time that is left to prepare and all the challenges that come with that. Ms Anderson also spoke about Foyle port, which is a significant employer in her area. She referenced the many benefits to the north-west and to Northern Ireland of membership of the European Union.

Mr Harvey spoke about ports being the gateways to the world and to key markets and destinations. I agree with that. Importantly, he emphasised the need for ongoing communication with our ports. I reassure him that I will continue to engage and work closely with our ports to support them through this difficult time.

I hope that Members across the House support the Second Stage of the Bill, and I look forward to continued engagement with them as the Bill progresses through its stages.

Question put and agreed to.

Resolved:

That the Second Stage of the Harbours (Grants and Loans Limit) Bill [NIA Bill 12/17-22] be agreed.

Mr Principal Deputy Speaker: That concludes the Second Stage of the Harbours (Grants and Loans Limit) Bill.

Given that it is 12.44 pm and that there is a very important debate to take place on COVID, I will, by leave of the House, suspend now, because the Business Committee is meeting at 1.00 pm. Do not forget to clean your surfaces before you leave the Chamber.

The sitting was suspended at 12.44 pm.

2.00 pm

On resuming (Mr Speaker in the Chair) —

Oral Answers to Questions

Infrastructure

Driving Test Backlog

Mr Frew: Mr Speaker, I have just rushed from Committee, and I thank you for your latitude.

1. **Mr Frew** asked the Minister for Infrastructure for an update on her plans to reduce the backlog of driving test appointments. (AQO 1229/17-22)

3. **Mr T Buchanan** asked the Minister for Infrastructure for an update on the steps she has taken to address the backlog of applications for practical driving tests. (AQO 1231/17-22)

Ms Mallon (The Minister for Infrastructure): Mr Speaker, with your permission, I propose to answer questions 1 and 3 together.

Driving instructors were included in the Executive's regulations on businesses that closed from 16 October until 20 November to help stop the spread of COVID-19. Following that Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests resumed on 21 November but ceased again for two weeks from 27 November to 10 December inclusive, due to the circuit-breaker restrictions announced by the Executive. Motorcycle lessons and tests are not affected by those restrictions.

The Driver and Vehicle Agency (DVA) has opened up its booking system exclusively for customers whose tests were cancelled between 17 October and 20 November. Testing slots have been released for February, and additional booking slots have been made available in December and January, as the DVA increases capacity by recruiting additional examiners. The DVA is working on proposals to reopen the booking service next for customers impacted by the two-week circuit-breaker restrictions and, in due course, will issue further communications to customers through indirect and social media channels.

While testing resumes, the DVA will continue to offer driving tests on a Saturday and, following consultation with key stakeholders, plans to offer driving tests for heavy goods vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual-role driving examiners to provide additional capacity and to provide cover for scheduled driving tests where, due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

I understand that this is a challenging time for new drivers and for the DVA, but I assure Members that officials are working hard to minimise the disruption caused by the impact of COVID-19.

Mr Frew: I thank the Minister for her answer. She is no doubt aware of the massive impact that this has had directly and indirectly because of the lockdown. It has massive implications throughout wider society for other reasons. The problem with driving test appointments affects the mobility issue, job applications, loneliness and mental health. Has an impact assessment been completed in the Department on the impacts of not testing during lockdowns?

Ms Mallon: I thank the Member for his question and understand the huge impact that this has on the multiple aspects that he has highlighted. Given that it is a public-facing service, the DVA and the driving test element of that have been severely impacted, as all public-facing services have been. We are mindful of that and constantly review the situation and do what we can to maximise capacity.

I assure the Member that we have 37 driving examiners and 40 dual-role examiners, who conduct both vehicle and driving tests. To increase the driving test capacity, we are in the process of recruiting an additional 27 temporary and permanent vehicle examiners. So far, 10 temporary examiners have started with the DVA; six have completed their training and been appointed to test centres; and four are currently undertaking training and are due to be in place by early January. We are also working at pace to recruit a further five temporary vehicle examiners. In addition to that, the recruitment of 12 permanent vehicle examiners and a further recruitment process for permanent driving examiners will be launched in the new year.

We are very mindful of the impact, and I assure the Member that we are doing what we can, in line with risk assessments, to maximise our capacity. We have also extended the validity of test pass certificates for learner drivers. We are committed to doing what we can to minimise disruption and restore our services as quickly and safely as possible.

Mr T Buchanan: I thank the Minister for her response on the issue. We are open for business again on Friday 11 December.

Students who have booked to do their driving test will be coming in that day. They do not want to cancel the test again, as it will have been cancelled on a few occasions, and they may not have had a driving lesson for two, three or four weeks prior to the test. Will you engage with your Executive colleagues to allow those students a little flexibility so that they can have a final driving lesson on Thursday 10 December, the last day of lockdown, in preparation for their driving test without cancelling it for a third or fourth time?

Ms Mallon: I thank the Member for his question. He is correct: we will resume driving tests on 11 December. While driving instruction was suspended during the recent period of increased restrictions, it was still possible for learner drivers to practise their driving under supervision from someone in their household or support bubble. Candidates who are concerned that they will not be ready for their driving test when it is scheduled to take place should contact the DVA. We are open to offering refunds and rebooking tests, but I hope that, during the period of restrictions, our learner drivers were still able to practise safely on the road in line with the regulations.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a freagraí. I thank the Minister for her answers. Many

people are waiting for driving tests, Minister, and a lot of them depend on their car for essential travel. How many tests per week do the DVA anticipate doing when services resume? How long will it take for the backlog to be cleared?

Ms Mallon: I thank the Member for his question. This is not a normal year, so assessing the current demand for driving tests is difficult. In order to book a practical driving test, a learner driver must first pass their theory test. As of 1 November, over 21,000 people held a valid theory test pass certificate, and, therefore, that is the maximum number of people that could apply for a driving test at that time. However, some of those learners will have already secured a slot and will have their test between now and the end of February.

I understand that learner drivers are hugely frustrated and really want to take their test, but it is a close-contact service, so we have to undertake risk assessments and adapt our services accordingly. That is why, in response to a previous question, I wanted to emphasise that we have extended the theory test pass certificate period because we hope that that will go some way to mitigating the disruption caused to learner drivers. Of course, we are not in normal circumstances, and we will continue to do all that we can to increase capacity so that all the learner drivers who want a test can book it as quickly as possible.

Ms Hunter: Minister, I understand that the Executive's decision to impose the restrictions has affected the DVA service, and I welcome how quickly the Minister and her Department have responded. With regard to communicating with the public on COVID-19 and driving tests — you have touched on this already — will social media and nidirect be updated with guidance, as that is the usual route through which most people receive timely access to information?

Ms Mallon: I thank the Member for her question. As we respond to and recover from COVID, it is really important that we communicate consistently, clearly and constantly with the public not just about the restrictions but about how services are affected as a consequence. As I said, DVA is dealing with a significant workload, and officials are working hard to keep drivers safely on the road and to adapt and support new learner drivers at this challenging time. I assure the Member that the DVA will continue to communicate the opening of general bookings to the Northern Ireland Approved Instructor Council and will write to all driving instructors to advise them when the booking service will be available. As the Member has rightly pointed out, social media is an important tool in communicating with the public, and we will continue to provide updated information on nidirect and ensure that any changes are communicated through all social media channels.

Ms Bradshaw: There was a system in place for a few months that gave priority to the essential workers whom Mr Sheehan mentioned. I have a constituent whose theory test was delayed and then delayed again. She has a low-wage job and has had to use her own money for taxis to get to a COVID test. There is discrimination against essential workers, and the whole system needs to be reviewed.

Ms Mallon: I thank the Member for her question. She makes an important point. Following the reopening of the

online booking service, from 5 October, we moved to a full opening of the system because we were mindful that some people had their tests cancelled way back, and we have tried to manage that in as fair a way as possible. There was a process prior to that for critical workers based on a priority waiting system, and that looked at a combination of the applicant's role and whether a driving licence was needed for their job or for commuting to work. We are keeping that situation under review, but the approach that we have taken since is to open up the system to all applicants. If the Member has significant concerns, I am happy for her to write to me directly about them.

Mr Beggs: I put on record my thanks to the Minister and the DVA for facilitating driving tests for a number of key workers to enable them to carry out their duties. I am aware of ongoing problems with one constituent who applied in July and was given a date that was subsequently cancelled because of COVID. That person is still waiting.

The Minister mentioned that recruitment is still going on. It is disappointing that it has taken so long to recruit. Does she agree that the time taken for the recruitment process is excessive and that, given these exceptional circumstances, the process needs to be speeded up so that key workers, young people and members of the public who need a driving test can be facilitated by trained instructors in a timely manner?

Ms Mallon: I thank the Member for his question and for his kind words about the hard work of the officials. As I said, we are recruiting 27 permanent and temporary examiners. We are working off a merit list for a number of those, but we also have to make sure that all those who are recruited are fully trained. These driving examiners are taking pupils out, and we need to make absolutely sure that they are trained because this is a road safety issue. We are, of course, trying to do things as efficiently and effectively as we can, but it is always about balancing that with my statutory responsibility for ensuring road safety.

Mr Speaker: Questions 7 and 11 have been withdrawn.

A7: Upgrade Approval

2. **Mr Harvey** asked the Minister for Infrastructure when she plans to approve the upgrade of the A7 from Doran's Rock to Saintfield. (AQO 1230/17-22)

Ms Mallon: I thank the Member for his question. The A7 Doran's Rock to Rowallane scheme is at an advanced stage of development, and the design work and an environmental assessment for the scheme are substantially complete. The next stage of development work will include taking the proposal through the statutory procedures, which will include a vesting order to secure the land required for the school from adjacent landowners. The A7 from Downpatrick to Belfast forms part of the strategic road network and is classed as a link corridor.

My Department is developing proposals for a new regional strategic transport network transport plan that will set out the priorities for future development of the main road and rail networks across Northern Ireland. I will consider proposals for improvements to the A7 as part of that process. This plan is still in development, but, once I have identified my preferred options and priorities, a draft document setting those out will be issued for public

consultation, giving you an opportunity to support or challenge the proposals.

Mr Harvey: As you are aware, Minister, the short stretch of the A7 between Doran's Rock and Saintfield is a main route linking Downpatrick to Belfast. This is the final link in that road that needs to be upgraded. Given that this part of the district has seen little investment in infrastructure lately and given that no work has been carried out on the scheme for some 10 years now, I was seeking assurance from the Minister that she will look into this to see that it is completed soon. I got that assurance.

I will ask my supplementary question. Minister, while we are talking about roads and transport issues, have you given consideration to biennial MOT testing for motor vehicles when they reach four years of age as opposed to it being done annually as it is at present?

Ms Mallon: I thank the Member for his questions. I think that I have addressed the first part of your question in saying that I will consider that as part of the wider strategic road network, and I am happy to hear your views on it at that stage.

I was keen to look at biennial testing, but events have somewhat overtaken us in terms of COVID and staffing resource. I am keen to move to a call for evidence on that issue at the earliest opportunity. It is an important area that we must examine thoroughly when deciding on next steps.

Ms Kimmins: The Minister will not be surprised to hear this, but another road that is in desperate need of upgrading is the A1, and, unfortunately, in the last number of weeks, we have seen yet another fatality there. I am sure that other Members saw the segment on the news last week about those who have been campaigning long and hard for improved safety on that road. Can the Minister state when, if next month's decision on the inspector's report is positive, construction is likely to begin?

2.15 pm

Ms Mallon: I thank the Member for her question. I am very aware of how important the A1 improvements are to the many people who have expressed their support for the scheme, especially those who have lost loved ones. I saw that segment on the news. My thoughts are with the family who lost their loved one in the collision on the A1 earlier this month.

As the Member will know, the inspector issued his report to the Department on 19 October. Officials will require some time to fully consider the inspector's proposals and recommendations. When I have been apprised of the findings, I will give them careful consideration before deciding on the next steps for this scheme. I assure the Member that I very much recognise the importance of these improvements. I hope to be in a position to publish the Department's response to the inspector's report towards the end of January 2021. I am committed to moving it forward at pace, if, as the Member indicated, upon the completion of all of those statutory processes, the decision is positive.

Mr McGrath: I welcome the assurances from the Minister about the A7, not least because it will enable people from Belfast to enjoy the delights of Downpatrick much more easily.

Another road that is due an upgrade is the ring road bypass around Ballynahinch. Can we get an update on that bypass and where we are with the project?

Ms Mallon: I thank the Member for his question. In June, I announced my commitment to fund the continued development of a number of strategic road improvement schemes, including the Ballynahinch bypass, as part of my plan to aid economic recovery and community transformation while addressing regional imbalance. The Ballynahinch bypass scheme is now at an advanced stage of development, and preparatory work on contract documentation has been completed. I have asked officials to complete the work necessary to allow me to make the direction order, and this includes a review of the environmental reports, which is nearing completion. Subject to the outcome of the review, I hope to be in a position to make the direction order for the scheme in the new year. I reaffirm my commitment to moving ahead with the Ballynahinch bypass while also promoting the opportunities for active travel in the town. I will be and am considering the next steps.

River Foyle: Flooding

4. **Ms Mullan** asked the Minister for Infrastructure what measures her Department is taking to address flooding issues along the River Foyle. (AQO 1232/17-22)

Ms Mallon: I thank the Member for her question. A feasibility study for Derry completed earlier this year by my Department recommended significant flood alleviation works to both banks of the River Foyle in the city centre to provide protection from coastal and river flooding. The associated business case has recently been approved, and it is anticipated that the Derry flood alleviation scheme, which is estimated to cost £17.3 million, will progress to the detailed design stage within the next few months. In conjunction with this work, and as part of the Living with Water Programme (LWWP), I have also recently allocated £130,000 from this year's budget to start the development of a Living with Water feasibility study in Derry.

Ms Mullan: I thank the Minister for her response and that update. That is very welcome, Minister. I ask that areas such as Foyle Road be included. I have written to you on this, and you responded yesterday. I will arrange a meeting locally with your office. Can you give assurances that your Department will effectively deal with the problem following our engagement, given that your Department has had to respond nine times in the past two years to flooding in the Foyle Road area?

Ms Mallon: I thank the Member for her question. She has corresponded on the matter with me, and I have said that my officials are to meet with her on-site so that we can see what we can do to address the issue and to support the local community, which may be affected by any flooding in the area.

Mr Durkan: I thank the Minister for her action. Clearly, she is delivering on promises and making progress in the north-west. I was delighted to welcome her to Derry last week. Can the Minister provide an update on the LWWP in Derry, please?

Ms Mallon: I thank the Member for his question and his kind words. I was pleased to visit Derry to mark the

completion of works on the north-west transport hub. The Member will be aware that 'Living with Water in Belfast', an integrated plan for drainage and waste water management in greater Belfast, was published for consultation on 11 November.

The draft plan indicates that approximately £1.4 billion of investment is needed over the next 12 years to upgrade the drainage and waste water infrastructure in the greater Belfast area to protect against flooding, enhance the water environment and facilitate growth. The focus of the programme is on developing integrated catchment-based solutions to manage rainwater on the surface and, where possible, avoid hard-engineered drainage solutions that involve long-term operating and maintenance costs. It is my intention to bring the final plan to the Executive for approval in the spring of 2021, and, following the publication of the final Belfast plan, I intend to publish guidance on the development of integrated drainage investment plans across the rest of the North.

As I said, I have allocated £130,000 from this year's budget to start the development of a Living with Water feasibility study in Derry. The study will initially focus on working with the designers of the A2 Buncrana Road strategic improvement scheme to bring forward integrated drainage solutions locally. The study will examine opportunities to use blue-green spaces such as the linear park — Galliagh, is it? — to reduce naturally surface water flows in order to improve water quality in the rivers and reduce flood risk in the surrounding area.

Mrs Barton: Minister, following the recent peatbog slide at Meenbog, where a large quantity of peatbog land was displaced into the Mourne Beg river, do you accept that such bog slippage has endangered a pristine salmon river, releases captured carbon, reduces ponding and further increases the risk of flooding downstream? How will your Department limit the chance of that occurring in Northern Ireland?

Ms Mallon: The Member raises an important issue. That was a serious incident. My officials responded when they became aware of it, and the AERA Minister was on-site with his Southern counterpart. That incident demonstrates the need for joined-up working across the board. Planning can play a role in a number of those situations, as can, as I referred to, blue-green infrastructure and natural catchments. There is a real opportunity to be more creative in dealing with such difficulties.

Road Safety

5. **Mr Middleton** asked the Minister for Infrastructure what steps her Department is taking to address road safety. (AQO 1233/17-22)

Ms Mallon: I thank the Member for his question. I take my responsibility very seriously to promote road safety. This has three strands: education, enforcement and engineering. We work with others, including the Department of Education, the PSNI, the Fire and Rescue Service and the Ambulance Service, and work to develop the new road safety strategy is ongoing. I want to do what I can to tackle drink-driving. On 9 November, I removed the so-called statutory option from legislation, making it harder for some drink drivers to evade justice. I will bring draft legislation to the Assembly early in the new year to increase the fine and penalty points for using a handheld

mobile phone while driving and to close the gaps in a law that predates modern smartphone technology. I have also announced the road safety grant scheme for 2020-21, and a number of projects focusing on road safety and active travel will be rolled out across local communities in the coming weeks. I was delighted to allocate £2 million of funding to introduce part-time 20 mph speed limits at 100 schools by the end of this financial year, and I will introduce more as funding permits. My Department also has a rolling programme of educational activities, including the road safety public information campaigns. In recent times, those measures have included promoting the benefits of walking and cycling and doing so in a safe way, taking account of COVID. My Department will continue its engineering efforts, including undertaking general improvements to the network; providing facilities for users who are more vulnerable; introducing measures aimed at regulating traffic; and seeking to maintain the road network to ensure that it continues to be safe for us all.

Mr Middleton: I thank the Minister for her response and for the work that her Department has done. The most recent figures show that 54 people have been killed on our roads this year. That is up from the same period in 2018-19, despite the fact that we have had a lockdown and fewer drivers on the road. That is very concerning. As we approach a dangerous time of the year, what with the darker nights, will the Minister ensure that her Department will do everything to continue to promote that message and work with organisations such as Life After that support those bereaved through road collisions?

Ms Mallon: I assure the Member of my commitment and the commitment of all my officials to doing all that we can to improve road safety. He is right to highlight the fact that we are coming into a period of much darker nights, where we will experience some challenges on the roads. I am committed to working with the PSNI, the fire service and a range of partners, particularly community groups, because they have a really important role to play in taking the road safety message to the heart of communities. I am aware of Life After, and I have already agreed to meet it.

Ms Flynn: To follow on from that, I will say that, unfortunately, I have lost two extremely close family members on the roads, both at the start of December, so I am well aware of the impact that losing someone in such a cruel way can have on families.

I know that the Minister will be aware of the new McDonald's restaurant that has opened on McKinsty Road in the Colin area of west Belfast. We met a team of her officials the other week and had a good site visit, but I have the same concerns and genuinely live with a fear that, with kids, young people and people of all ages crossing those four lanes, someone will be killed or really seriously injured. Can the Minister update us on progress or on a timeline for pedestrian safety measures?

Ms Mallon: I thank the Member for her question, and I offer my sincere condolences on the loss of her family members.

I am aware of the issue, and the Member, along with other colleagues, has written to me about it. There was a site meeting with officials, and signs have been erected, but we need to do so much more. I have asked my officials to work proactively with McDonald's so that we can get a more sustainable road safety solution there.

Mr Blair: I thank the Minister for her answers on road safety and for the detail given. Whilst I welcome the information on the further roll-out of 20 mph limits outside schools, will the Department pay particular attention to areas that have been raised with it separately, such as Maine Integrated Primary School in Randalstown, which I raised?

Ms Mallon: I thank the Member for his question. I want to do so much more in that area. Logistically, it is challenging to roll that limit out to 100 schools in this financial year, but it is something that I am committed to doing. I am also committed to seeing it rolled out further to many more of our schools. We have to use a matrix and criteria to do it fairly, but I assure the Member that I want to see 20 mph limits outside many more schools in coming years. I look forward to continuing to work with him as he advocates for that on his constituents' behalf.

NDNA Update

6. **Mr McGrath** asked the Minister for Infrastructure for an update on her Department's commitments in 'New Decade, New Approach' (NDNA). (AQO 1234/17-22)

Ms Mallon: The commitments made by parties in 'New Decade, New Approach' will be transformational, and I am committed to doing all that I can to deliver on our shared promise to the people of the North. My Department is progressing Executive flagship projects on the A5 and A6 along with other key infrastructure projects including the A1 junction safety programme, the iconic Narrow Water bridge and York Street interchange. Work is also progressing to develop the design of the Newry southern relief road and other statutory requirements in advance of public consultation. 'New Decade, New Approach' also recognises that significant investment is required in our sewers, pumping stations and upgrades to our waste water treatment works. Progressing action on that, in November my Department launched a public consultation on Living with Water in Belfast, which is the strategic drainage infrastructure plan for Belfast.

Collaboration across our islands is key to ensuring the delivery of the commitments in NDNA, as the agreement also contains pledges from the Irish and British Governments. I have met and had useful discussions with the Irish Transport Minister, Minister Ryan, on how we can work in partnership to progress the shared commitments to improve the lives of all our citizens who share this island. The North/South infrastructure projects in 'New Decade, New Approach' were discussed at the October North/South Ministerial Council (NSMC) transport sectoral meeting. At that meeting, I provided my counterparts with an update on my commitments and priorities, including enhancing the rail network to create a spine of connectivity on the island, the A5 project and the Narrow Water bridge. I look forward to continuing to work closely with Minister Ryan and members of the British Government to realise those commitments.

Mr Speaker: With seconds left, I call Colin McGrath.

Mr McGrath: The Minister has made serious progress in delivering on the commitments of 'NDNA'; in particular, she has clearly set the standard for all-island partnership working and progressing delivery. With that in mind, will the Minister's work towards an infrastructure commission include a focused all-island element?

2.30 pm

Ms Mallon: The short answer to the Member's question is yes. We need only look at the climate emergency to realise that the issues facing our citizens are not restricted to boundaries or borders. I am committed to working with all partners across this island, and across these islands, as we tackle the challenges facing all our citizens. I believe that an infrastructure commission would play a critical role in delivering that.

Mr Speaker: That ends the period for listed questions. We move on to topical questions.

Procurement Board

T1. **Dr Aiken** asked the Minister for Infrastructure, given that she will be aware that, this morning, the Finance Minister announced the reestablishment of the Procurement Board, to outline how that will affect her Department and how responsibility and accountability will be run within the new board. (AQT 761/17-22)

Ms Mallon: I thank the Member for his question. I welcome the Finance Minister's proposals to reconstitute the Procurement Board. The new Procurement Board announced today by Minister Murphy will, I believe, provide impetus to the development of public procurement policy to ensure that it delivers maximum social, economic and environmental impacts.

The Executive spend significant sums of public money annually on procurement, so it is only right that procurement policy is designed and developed by those who manage and deliver government contracts and that policies have Executive approval. I look forward to engaging with the Finance Minister to agree the roles and responsibilities of the new Procurement Board and on how any work will be referred to the Executive. It is vital, as the Member points out, that Ministers have oversight, given our accountability.

Dr Aiken: I thank the Minister for her answer. As she will be aware, we have not yet seen the terms of reference for the Procurement Board, and a fiscal council has not yet been established. Bearing in mind those two issues, does the Minister have any concerns, given that her Department will be one of those most closely monitored by the new Procurement Board?

Ms Mallon: I thank the Member for his question. He will be aware that my party and I are supportive of a fiscal council, as we believe that it is an important tool for planning and for the future management of our finances. We need to be strategic in our investments. I believe that that is important work and that we all should be involved. I look forward to having an input on the terms of reference. I believe that our strategic, long-term approach to, and delivery of, services and projects right across all Departments needs to be much better. It was with that in mind that I set up the ministerial advisory panel on an infrastructure commission, which would have a key role to play in ensuring that we are strategic in our approach and in the delivery of projects to the maximum effect.

International Day of Persons with Disabilities

T2. **Mr Butler** asked the Minister for Infrastructure, given that she will be aware that this Thursday, 3 December, is the International Day of Persons with Disabilities,

when Parliament Buildings will be lit up in purple as an acknowledgement, to join with him to celebrate the day and to reaffirm the Executive's commitment to ensuring full equality for disabled people in Northern Ireland. (AQT 762/17-22)

Ms Mallon: I thank the Member for his question. He has been a long-standing champion of equality and of the rights of disabled people. I share his commitment and will do what I can. I am fully supportive of Parliament Buildings being lit up to mark International Day of Persons with Disabilities. However, as the Member says, we need to go much further than just lighting up buildings, and I want to assure him that I am committed to doing what I can in my Department.

We are working to ensure that DFI services are accessible and inclusive. For instance, more than 95% of Ulsterbus vehicles are wheelchair-accessible, but they need to be 100% accessible. That is why all future bus and coach purchases will be wheelchair-accessible. My Department and Translink also work closely with the Inclusive Mobility and Transport Advisory Committee, as it is important that disabled people are involved in shaping and designing services from the very beginning. I assure the Member that I am committed to that cause and that I, as Minister for Infrastructure, will continue to do what I can.

Mr Butler: I thank the Minister for her answer. Will she provide an assurance that, in her vision to deliver sustainable and green transport strategies, disabled people will be central to every consultation and included in those strategies?

Ms Mallon: The Member makes a very important point. We bandy about the term "co-production", but what it should mean is that we are working with our citizens to shape services and to make sure that we have a society where everyone feels involved and where there is equal access. That is why, in the terms of reference for the ministerial advisory panel on the infrastructure commission, I specifically referenced the need for our infrastructure to be not just sustainable but inclusive.

I continue to engage with my Executive colleagues in the hope that we can take forward the recommendations of that panel and have sustainable and inclusive infrastructure right across our society.

Road Maintenance: Newry and Armagh

T3. **Mr Irwin** asked the Minister for Infrastructure what plans she has to increase resources for the maintenance of B-class and minor roads in the Newry and Armagh constituency. (AQT 763/17-22)

Ms Mallon: I thank the Member for his question. He is an extremely active advocate for his constituency. I have made the point to him on a number of occasions about the need to be transformative and to get the basics right. I maintained the budget for road maintenance this year. I also established the rural roads fund, which is £10 million, so I am committed. I have also said that it is very important that we, as an Executive, do what we can individually and collectively to tackle regional imbalance. I am committed to doing more. Of course, what I would like to do is constrained somewhat by the financial envelope within which I have to operate, but I will continue to make the case at the Executive to ensure that we get the funding

required to invest in our infrastructure, particularly in our rural areas.

Mr Irwin: I thank the Minister for her response. I am sure that she will accept that some of those minor roads are in a very bad state of repair, with large potholes. I had one lady in my office this morning who had wrecked her wheel on a pothole yesterday afternoon. She told me that the police car had hit the same pothole, also yesterday afternoon. Last year, there were claims of over £7,000 on one pothole. Does the Minister accept that more resources are required to deal with that situation?

Ms Mallon: I thank the Member for his supplementary question. I agree that we need to have more finances and that we need to improve our roads. I think it was the Barton report that identified independently that £140 million is required annually to ensure that our roads are maintained to a satisfactory standard. The Member will be aware of what took place when Danny Kennedy was the Minister for Regional Development. The Department has struggled to recover from that. I assure the Member that I will continue to make the case for greater investment in our infrastructure, because it is key to our communities and our economic growth.

Glider Service: South Belfast

T4. **Mr O'Toole** asked the Minister for Infrastructure, given that she has talked at length and passionately about the need to use the COVID crisis as a step change towards more active travel and the better use of public transport, particularly in the city that they both represent, to provide an update on the delivery of phase 2 of the Glider service, specifically in relation to South Belfast. (AQT 764/17-22)

Ms Mallon: I thank the Member for his question. All politics is local. DFI teams, along with consultants Atkins, are continuing to actively work remotely on the development of that project, which is also a Belfast region city deal infrastructure project. A feasibility and options appraisal is being developed, together with an associated interim outline business case. I hope to be in a position to consider an emerging preferred option later this year. COVID-19 restrictions may, however, have a bearing on that timeline. An interim outline business case for Belfast rapid transit 2 was forwarded to the Belfast region city deal executive board on 12 August 2020. My understanding is that it may be in a position soon to indicate which projects have been successful and how much funding has been allocated.

Mr O'Toole: Thanks to the Minister for her answer. It would be really helpful if the Minister were able to meet me and people who are interested in the possibility of extending the Glider phase 2 to Carryduff, which is a part of the constituency that has not always been as well connected and funded as it should have been. Will she meet me to talk about the potential of extending the Glider phase 2 and broader possible public transport development in that part of the world?

Ms Mallon: I thank the Member for his question. There is obviously great enthusiasm for the delivery of that project. There is huge interest in the routes that the Glider will take in both north and south Belfast. I assure the Member that I will consult on routes for phase 2 of the Glider project. I am, of course, more than happy to meet him to discuss the matter.

Planning Act (NI) 2011: Review

T5. **Mr Blair** asked the Minister for Infrastructure for an update on the timescale for the review of the Planning Act (NI) 2011, given that, when the Act came into force in 2015, DFI was required by law to conduct a review of it within three years, albeit that the review was delayed, with the absence of a functioning Assembly given as one of the reasons for that delay. (AQT 765/17-22)

Ms Mallon: I thank the Member for his question. He is right, there is a requirement to review the Act, and I have initiated that. My officials have attended the Committee, and I hope to be in a position, later this year, to be able to provide an update to the Committee and the House.

Mr Blair: I am keen to know whether the Minister can provide any information on the sectors, groups or organisations that she has consulted with on the review.

Ms Mallon: As part of the review, my officials have been engaging with key stakeholders. I recently met with the Northern Ireland Local Government Association, and that was one of the issues that it wanted to discuss with me. I reassured it that, given the critical role that councils play in our Planning Service and the delivery of a much-improved Planning Service, they will be central to the review and will be widely consulted. We will be engaging with stakeholders, right across the board, on the review and as we work to identify what needs to change, from a legislative and non-legislative perspective, to improve our Planning Service.

Bus Services: West Belfast

T6. **Mr Carroll** asked the Minister for Infrastructure for a breakdown of the 500 extra bus services that were announced several months ago to deal with COVID and to state how they relate to his West Belfast constituency, including any extra buses. (AQT 766/17-22)

Ms Mallon: I thank the Member for his question. He is correct. To ensure the safety of passengers and staff, Translink provided 500 additional buses. I do not have at hand the specific breakdown of the information that he is seeking, but I am more than happy to write to him and provide that information.

Mr Carroll: I thank the Minister for her reply. It is important, for her benefit, to emphasise that the Glider service, particularly in my constituency, is regularly full to the brim of people trying to get home from school or work. In those circumstances, I question whether it is possible to socially distance. Will the Minister commit to ensuring that extra buses will be placed on routes in my constituency, including buses that have more space and capacity than the Glider, to avoid a situation where students, workers and everybody are forced into potentially hazardous situations?

Ms Mallon: I thank the Member for his question. I am aware of occasions when there have been a substantial number of passengers on Glider services, making it difficult to be socially distanced. It is my understanding that Translink has been providing additional services along the routes where that is occurring. The challenge is that our young people, in particular, prefer to use the Glider, with its access to the internet, rather than use a standard bus. It is something that we are working on. We are working with Translink to engage with schools to reinforce the

public safety message and the requirement to wear face coverings. There are a number of measures that Translink is taking to try to address the issue. I am happy to provide the Member with the information on the routes that he was speaking about.

Parking/Traffic Management: Derry

T7. **Ms Mullan** asked the Minister for Infrastructure, while sticking with the theme that all politics is local, for an update on the plans for a residents' parking scheme and traffic management facilities in the Bogside and Bishop Street area of Derry. (AQT 767/17-22)

Ms Mallon: I thank the Member for her question. One of the joys of being the Infrastructure Minister is that you get a whirlwind tour of all the constituencies and to hear about the important issues that are facing communities.

On the residents' parking scheme, the Member will be aware that officials are reviewing the analysis of the scheme that was carried out on Rugby Road. I have not been presented with the findings of that yet. However, I am very clear that, when we have those findings, we need to be learning lessons. I am mindful that, in your constituency and others across Northern Ireland, this is an issue of importance to communities and one that elective representatives would like to see delivered. I have committed to continue to work on it, and the Department will publish the findings of the review when I receive them.

Ms Mullan: Thank you for that response and the work that is ongoing for residents. It has been an issue for nearly 10 years and there have been many consultations. We would like to see an end to the consultation and something put in place. Could you expedite that work, please?

Ms Mallon: To reassure the Member, the work that my officials are undertaking is not further consultation. They are analysing the successes and the difficulties with the scheme that was devised and implemented in Belfast so that we can adapt that learning and ensure that new schemes that are rolled out are informed by the learning that has gone before to make sure that they are as effective as possible for communities.

Mr Speaker: Time is up, Members. Please take your ease.

2.45 pm

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Justice

Mr Deputy Speaker (Mr Beggs): Question 2 has been withdrawn.

Prisons 2020

1. **Mr Boylan** asked the Minister of Justice to outline her plans to replace the Prisons 2020 strategy. (AQO 1244/17-22)

Mrs Long (The Minister of Justice): Since the publication of 'Prisons 2020: The Way Forward' in July 2018, the Northern Ireland Prison Service (NIPS) has driven a programme of continuous improvement across the organisation, with the aim of delivering better rehabilitation for people in our care.

During the first two years of the programme, we have seen significant progress made towards the strategic commitments across each strand of the programme: our people, our services, our infrastructure and our partnerships. Plans for the first two years of the programme detailed over 180 deliverables, which have resulted in significant improvements for staff and people in our care.

The programme has entered its third and final year, and consideration is being given to how we will maintain the drive for continuous improvement. In light of the achievements made in Prisons 2020, I am committed to implementing a consecutive programme to continue the next stage of our continuous improvement journey. The process to develop our strategic commitments for the next three years will involve analysis of the outcomes of the Prisons 2020 programme, consideration of our recent Criminal Justice Inspection Northern Ireland (CJINI) inspection reports and consultation with our staff, partner organisations and wider stakeholders.

Members will recognise, however, that prisons are a complex and challenging environment, which has been impacted by the pandemic. Those pressures and restrictions have delayed the development stage of the next programme. However, I will be progressing that with the director general once it is deemed safe to do so, and I aim to have the next plan in place during 2021.

Mr Boylan: I thank the Minister for her answer. Minister, you will be aware that, despite some real improvements in our prisons, several inspections, including at Magilligan and Maghaberry, have reported worse outcomes for prisoners from disadvantaged communities, particularly those in the Catholic community. What work has been undertaken by the Department of Justice to identify the causes of that disparity and to develop effective responses?

Mrs Long: The reasons for people being inside the prison system are multifaceted and complex. The prison system does not have control over the disparity in the number of people within the system. People are committed to our care by the judiciary and the courts. However, supporting vulnerable people in prison is a priority area for the Prison Service. That was clear in Prisons 2020 and will continue to be a focus in the next phase of continuous improvement.

What people have seen in the reviews of and reports on prisons is a significant improvement since the introduction of the supporting prisoners at risk (SPAR) Evolution programme — a person-centred approach in care planning that focuses on supporting the individual. It also aims to support individual needs for people in crisis or distress, addressing the root causes while supporting them through that period in a way that is right for them. As with all prisoners, of course, the focus is on rehabilitation and successful re-entry into the wider community.

Ms S Bradley: I note that the strategy was to run until March 2021. Does the Minister intend to publish a final report following the final quarterly submission from the Prison Service management board, which provided the oversight arrangements for the programme?

Mrs Long: Yes, it is our intention to produce a final report because that will also be the basis on which we will plan for any other continuous improvement programme that will be issued consecutive and subsequent to the completion

of Prisons 2020. I had hoped to be in a position to have more development work done on that this year, but, given the extent of the impact of COVID-19 on prisons, it simply has not been possible. However, we are hopeful that we will be able to do that during 2021.

Mr Beattie: It is good to hear the Minister say that people are one of her priorities; quite rightly so. Although not a statutory responsibility of the Prisoner Ombudsman, will the Minister support the ombudsman's request to look at the staffing level of night custody officers at Her Majesty's Prison Maghaberry?

Mrs Long: The Member continues to return to this issue despite the fact that the director general for prisons has been very clear that our prisons are properly and adequately staffed. We will, of course, consider any request from the Prisoner Ombudsman to look at any aspect of the Prison Service. However, I ask the Member to reflect on the information that the director general has provided, on a number of occasions, on the management of night and daytime custody.

Mr Allister: Given the very clear connection between our prisons and our criminal justice system, does the Minister think it appropriate to join in a tribute to Lord Kerr, who sadly passed away suddenly this morning? Lord Kerr was a man whom I knew throughout my professional life, first as a member of the Bar and then as he progressed through the various tiers of the judiciary. He served with distinction at a time when many judges were under serious threat, and some were murdered by the IRA. Of course, he became our Lord Chief Justice and went on to be our representative in the Supreme Court until just three months ago. Will the Minister join in a tribute to him and in extending condolences to his wife, Gillian, and family?

Mrs Long: Very much so. As the Member indicated, very sadly, the former Lord Chief Justice of Northern Ireland Brian Kerr passed away today. He served as a member of the Supreme Court from 2009, when it was reconstituted in its modern format, until his retirement only months ago. Indeed, on his retirement, he was the only serving member who had been there when the court was constituted. He distinguished himself in his service to Northern Ireland, and in particular the judiciary, but it goes much wider than that. It goes to the rule of law and to our expectations of fairness and justice. He also distinguished himself in the Supreme Court by standing up for people's rights, which he spoke about often and with passion, and we are all very grateful to him for that. I join Mr Allister in extending my condolences to his wife and children.

Hate Crime Legislation

3. **Miss McIlveen** asked the Minister of Justice for an update on the independent review of hate crime legislation in Northern Ireland. (AQO 1246/17-22)

12. **Ms Anderson** asked the Minister of Justice whether legislation resulting from the recommendations of the independent review of hate crime will be accompanied by an implementation plan. (AQO 1255/17-22)

Mrs Long: With your permission, Mr Deputy Speaker, I will answer questions 3 and 12 together.

I received the final report from Judge Marrinan's independent review of hate crime legislation yesterday. A substantial work of four volumes, it runs to approximately

885 pages and includes 34 recommendations. It is very commendable that he has been able to undertake such a thorough piece of work on this important issue. Colleagues will appreciate, of course, that, having just received the report, I will need to take some time to carefully consider all the recommendations that he has made and the context that he has set out for them.

The next steps will include my officials working to develop an implementation plan that takes account of the recommendations contained in the report. Whilst Judge Marrinan's report is wide-ranging, the primary purpose of the review was to consider the legislation associated with hate crime, so I will want to give particular consideration to any legislative recommendations emanating from it. Any legislative changes will need to be scheduled into the Department's legislative programme in due course.

I have written to Judge Marrinan, and met him today, to thank him for undertaking the review of hate crime legislation. I place on record my thanks to him and his team for their hard work on what was a very complex review in what, at times, were very challenging circumstances, particularly in light of the onset of the COVID-19 pandemic. I also pay tribute to those victims of hate crime who spoke with such candour to Judge Marrinan and allowed him to see the impact of hate crime on our community. They have advised us very fulsomely on the way to tackle any deficiencies in the current system.

Miss McIlveen: I appreciate the Minister's response. Obviously, when I submitted the question, I did not anticipate it being quite so timely. I commend Judge Marrinan and his team for the comprehensive report that they have compiled. I appreciate that the Minister has just received it, and it is lengthy, but can she assure us that, in her consideration of the report and in the proposed legislation that she will ultimately bring to the Chamber, she will ensure that private conversations in the home will continue not to be subject to criminal law?

Mrs Long: There are a number of things that have been said. I know that Judge Marrinan reflected on freedom of speech when it came to his report, and we need to read and consider very carefully the balance that he has struck. We also need to consider that there are conversations that happen in the home that would be captured by, for example, our domestic abuse offence, legislation on which we are about to pass in the Chamber. We therefore have to be conscious that there are limitations even in the home as to what is deemed appropriate and what is deemed inappropriate. If, for example, someone is engaged in threatening conduct in the home as part of a conversation, that is not acceptable. That is abuse. I therefore would not want to give a blanket confirmation of my position on that. We need to look carefully at the report and at having a balance between issues around hate crime and the ability to speak freely. We need to look at all of that in the round, so I am not willing to give such a commitment today, because it would be premature and cut through some of the other work that we are doing on domestic abuse.

Ms Anderson: Minister, as you know, 600 racist hate crimes were reported to the PSNI last year, and only 13% to 14% received prosecutions. That is a shockingly low figure, as, I am sure, you will agree, particularly for the victims who reported and endured those hate crimes.

It is something that we heard very clearly during the Black Lives Matter protests. Minister, I know that you are working your way through all the recommendations, given that you received the Marrinan report only last night, but what do you intend to do to try to ensure that people continue to report such crimes to the PSNI, despite the low uptake of prosecutions? Moreover, what do you intend to do to increase the number of prosecutions for those people who have reported racist hate crimes?

Mrs Long: I thank the Member for her question. There are a number of things that we can all do to encourage people to have the confidence to come forward and report hate crime when it occurs and to ensure that those with whom they are working in the justice system are fully apprised of it. One of the benefits of having the review take place over recent months has been the increased debate and focus on the issue of hate crime and its impact on the wider community. Raising awareness will therefore also help. Undoubtedly, however, when people come to the justice system after finding the courage to step forward and tell someone of their concerns, we want to ensure that the justice system responds effectively and efficiently. Judge Marrinan's report provides a basis for us to ensure that that is the case. It is not the only reported crime that has very low rates of prosecution, as well as very high rates of attrition of victims and witnesses. We experience the same thing with domestic abuse and sexual offences. One of the things that I am looking at very actively is having a victims of crime commissioner: someone who can advocate for and support victims who are going through the process so that we ensure that the justice system is responsive to their individual needs.

Mr McCrossan: Minister, the public consultation that was led by Judge Desmond Marrinan reports having received over 1,000 submissions. Notably, 80% of those were described as "online submissions". Does the Minister agree with me that any legislation deriving from the review must take serious account of the growing level of hate crime that is evident online?

Mrs Long: Absolutely. It is something that is fully referenced in the report and the recommendations. As Members will be aware, online hate crime and general online crime is a reserved matter for Westminster. I have, however, already been in touch with the Home Office and spoken with Priti Patel and some of her colleagues, as well as with colleagues in DCMS who are taking forward a White Paper on online hate crime. We want to ensure that they take forward that work on online harms or that they will consider giving the Assembly the power to take forward local resolutions. In this instance, it is probably best dealt with at Westminster level, because I believe that the level of clout that we have with organisations such as Facebook and Twitter is much greater at that level, or, indeed, at a pan-European level, where we have some leverage over what their community standards are. Having seen some of the hate speech that is regularly published on Twitter, Facebook and a number of other similar platforms, I think that, if it were to be published in any normal newspaper, the newspaper would simply not exist. The fact that it is allowed to be posted on those platforms from untraceable anonymous sources in order to pester, threaten and intimidate people, spread hate and incite violence is unacceptable. At times, I wonder what the community standards could be of any organisation that

does not find some of those comments to be in defiance of those standards.

3.00 pm

Dr Aiken: I thank the Minister for her answers so far. Does she believe that the term “hate crime” should now also encompass the term “sectarian”?

Mrs Long: That was the first recommendation that Judge Marrinan made in his report. There is huge merit in what he asked for in that he recognises that there are crimes that are motivated by sectarian hatred in society. It is an aggravating factor in those crimes. The way that he suggests that those crimes and, indeed, all hate crimes be dealt with is as an aggravating factor to an existing crime. For example, assault that is motivated by hate, whether that be sectarian or based on someone’s sexual identity or race, then has a factor attached that would lead to a higher penalty when it comes to sentencing. It is appropriate that sectarianism be included in that mix, because, undoubtedly, there are areas where we see the impact of hate crime and the chill factor, threat, intimidation and violence that goes with it. We also see the stuff that is perhaps more pervasive and that puts people in their place and lets them know who is in control. If we are not in favour of coercive control through domestic abuse in the home, we certainly should not accept coercive control in our communities.

Ms Bradshaw: One of the recommendations was that the definition of hate crime should be extended to include gender-motivated offences. Does the Minister have any initial thoughts on that?

Mrs Long: There are a number of additional areas to that. In addition to looking at sectarianism as a particular form of hate crime, age, sex, gender and variations in gender characteristics or identity could also be added to the list of hate crimes. Again, my Department wants to look at that very carefully through the overall context of the report. However, in the light of what we have seen, even in recent days, with multiple attacks on women during a short period in our own city, there is certainly merit in looking at whether the motivation for an attack is the gender of the person who has been attacked.

I am glad to see that the report also deals with transgender issues. It is incredibly important that those issues are dealt with at the same time as all the others, because that is an area where the number of people who experience hate crimes and, indeed, discrimination is increasing. We have to prepare for that and deal with it adequately.

Prisons: Planned Investment

4. **Mr Newton** asked the Minister of Justice what investment is planned for prisons over the next three years. (AQO 1247/17-22)

Mrs Long: The Northern Ireland Prison Service has a central role to play in seeking to make our community safe as we contribute to reducing reoffending and improving the effectiveness of the justice system. It is essential that we hold those who are in our care safely and securely, and it is equally important that we make the community safer by supporting and challenging people to change as we focus on rehabilitation, resettlement and reintegration into

society. In order to do that, it is important to have the right infrastructure.

There has already been considerable investment in the Northern Ireland Prison Service under the Prisons 2020 programme. That included the construction and opening of Davis House at Maghaberry prison, modernising the fleet that is used by the prisoner escorting and court custody service (PECCS) and significantly improving how modern technology is used to support people in our care. Subject to funding being made available, that investment will continue, and the Northern Ireland Prison Service has identified four priority areas for consideration in the next three years.

Mr Newton: I thank the Minister for her answer. No prison service could achieve the high standards that we all want without the dedication of the staff who are employed in it at all levels. All those staff are agents of change and, indeed, reform, whether that be in the prisons or the young offenders’ centre. What specific investment will take place in order to upgrade the skills, qualifications and knowledge of prison staff at all levels?

Mrs Long: There is a continual improvement programme for prison staff training and to support them in other learning that they may wish to take as part of their continued professional development. That is very important.

We also invest, and will continue to invest, in the well-being of our prison officers because it is an incredibly complex and stressful job that they undertake. I am awaiting the outcome of the review that I commissioned into dealing with mental health, but also other issues that might arise as a result of people working in the Prison Service, to look at the support that we can give people while in service and also after they leave.

Mr Deputy Speaker (Mr Beggs): I call our newest Member Nicola Brogan.

Ms Brogan: Concerns have been raised that Woodlands Juvenile Justice Centre has been used as a place of safety for young people when beds have not been found for them in suitable places by social services. Does the Minister agree with me that the juvenile justice centre, as a prison, is not an appropriate place of safety and should not be used as a children’s home?

Mrs Long: I am not aware of that allegation. However, to be clear: people who are committed to our care come into our custody having first passed through the courts, so someone has made a judgement as to whether they should be committed to our system.

As the Member will know, we are taking forward work on the reform of Woodlands Juvenile Justice Centre to produce a care and justice campus. Many of the young people arriving at the care centre at Loughview and in Woodlands will be the same young people at different stages in their development. So, we are working very closely with the Health Minister to develop a proper campus that will allow for their individual needs and a needs-based approach to be taken to remove some of the stigma that the Member is concerned about around people being committed to custody rather than care.

Miss Woods: Does the Minister support the installation of technology, such as body scanners, in the Northern Ireland Prison Service so that people who are, or,

importantly, are not, carrying illegal drugs and substances on their person can be identified quickly?

Mrs Long: Technology has a role to play, although it may not be as cut and dried as the Member suggests in terms of its ability to determine whether people are carrying contraband into prison. However, we are, of course, always interested in using technology where we can, subject to the budgets available to the Prison Service. We want to maximise the use of technology to enable us to minimise the time that people have to spend in searches, for example. However, it is not a straightforward issue. It will require significant investment in the prisons estate, and that will depend on the outcome of the budget.

Sentencing Review

5. **Mr McCrossan** asked the Minister of Justice what impact her Department's sentencing review will have on people convicted of causing death by dangerous driving or driving while intoxicated. (AQO 1248/17-22)

Mrs Long: A maximum sentence of 14 years' imprisonment currently applies for the offences of causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, and causing death by careless driving and failing to give a specimen.

The report on responses to my Department's review of sentencing confirmed support for an increase in the maximum sentence for those offences, increasing minimum periods of disqualification for the offences; and applying the disqualification period after the custodial part of any sentence has been served.

I am not yet in a position to advise on the impact of the sentencing review on those convicted of causing death by dangerous driving or driving while under the influence of drink or drugs. However, I find the arguments in favour of longer maximum sentences and changes to disqualification periods persuasive, and I expect them to be reflected in any decisions that I might take.

Mr McCrossan: I thank the Minister for that answer and welcome the increase in sentencing and in the disqualification period. I also thank the Minister for meeting Peter Dolan, the father of Enda Dolan, who continues to campaign hard for all those families who have lost a loved one to a dangerous driver or a driver who has been behind the wheel whilst intoxicated.

Given the sentencing to date and how painful it has been for those families, does the Minister agree that the sentences handed down in previous cases have failed many families who believe that sentences were too lenient?

Mrs Long: The Member will appreciate that I cannot comment on whether sentences are too lenient or otherwise, much as I may have personal opinions. As Justice Minister, it would be inappropriate for me because it is a matter for the judiciary to decide on the leniency or otherwise of sentences and, indeed, for the Director of Public Prosecutions to appeal where he feels that that is necessary.

However, I will say that I share the Member's admiration for Peter Dolan and the work that he and his wife have done in respect of campaigns. It will not change their

situation. It will not change their tragic loss of Enda, who had a horrific death due to dangerous driving. However, it will, undoubtedly, bring some comfort to others. The problem with sentencing is not necessarily always whether the sentences are appropriate; the complexity of our sentencing structures often make them impenetrable and leave families unable to understand why sentences have been given and what they mean. That is something that we are taking seriously as we look at the sentencing review, because, for sentencing to be effective, it also needs to be easily understood.

Ms Flynn: Will the Minister give an updated timeline for the next steps of the sentencing review, including how long she believes it will take to complete the programme of work?

Mrs Long: I extend my condolences to the Member; in remarks made during the Minister for Infrastructure's Question Time, I heard about her loss of family members as a result of driving incidents, so I extend my condolences to her and to other families who have suffered likewise.

It is my intention to take decisions, particularly around sentencing, hopefully this side of Christmas. It will then be a matter for us to consult on my preliminary decisions with other Justice partners, and, as a result of that, develop instructions for legislative counsel to take forward to start to draft appropriate legislation. That will be done in two stages.

There are a number of elements to the sentencing review itself, but I intend to accelerate the area around dangerous driving and drink-driving as my priority area, because that was the one area that came through as being a strong priority in the consultation, and then to take through the remainder of the recommendations at a slightly slower pace. I hope that we will be able to at least get to that stage.

Members will be aware that our legislative programme — it sounds strange saying this in 2020 — in the Department of Justice is pretty much full until the end of the mandate. However, that does not preclude us from starting to draft legislation that will then be ready to take forward urgently in the next mandate.

PSNI: COVID-19 Absences

6. **Mr M Bradley** asked the Minister of Justice how many PSNI personnel are off work due to the COVID-19 pandemic. (AQO 1249/17-22)

Mrs Long: As of 1 December, 51 PSNI personnel were absent having been confirmed as positive for COVID-19. There were also 308 police officers and staff in the PSNI self-isolating and one person absent on compassionate leave due to the COVID-19 pandemic.

Mr M Bradley: Does the Minister agree that it is vital that the PSNI does not draw personnel away from investigations into drugs and criminality to police COVID breaches? Are there sufficient numbers available to provide community protection, particularly patrols in the community and in my local area, which is rural?

Mrs Long: The management of resources within the PSNI is a matter for the Chief Constable, not the Justice Minister, and he will determine how those resources are deployed. There has been a challenge, obviously, for the

police in policing the response to COVID-19 and reflecting the demands of this Chamber that they be part of that response where people are breaking the rules. That takes up time from a limited resource, but it is, of course, always important that they continue to deliver against their vision of being a police force that is responsible, visible, accessible and victim-focused.

We have to accept that the police have been pulled in a number of directions, as we all have, during the COVID-19 pandemic, but I have no doubt that they remain committed to serving all communities, rural and urban, on all issues, including regular crime. Even during the pandemic, we have seen some particularly impressive work by the PSNI, whether as part of Operation Arbacia or in detecting other crime in local communities.

Mr Sheehan: Will the Minister give an assessment of how her Department has been affected this year by virtue of the fact that many staff have been absent as a result of COVID-19?

Mrs Long: With respect to the Department, it is always difficult when staff are absent. Our Department is a small one, but it is very much outward-facing, so most of the people in the Department work in contact-facing roles with the public.

Their engagement has also been curtailed as a result of COVID-19 because, where they would normally be out on site, working with people and engaging with communities, that work has been much more challenging.

3.15 pm

We have also had to manage things that we would not normally have to manage, whether that is keeping our prisons, as far as possible, free from COVID, ensuring that we have safe spaces in the courts so that we are able to continue to deliver justice in a timely way, or our wider work in local communities, dealing with some of the outworkings, for example, of lack of access to youth services and some of the diversionary work in which members of my staff are involved, particularly around interfaces and other places.

It has been a challenging year, but I want to give credit to the Department's staff for the amount of work that they have been able to put in. The fact that we have seen so little slippage, for example on substantive work such as our legislative programme and many of the other topics that we are dealing with, is a credit to them and the amount of work that they have put in.

Mr Deputy Speaker (Mr Beggs): That concludes the period for listed questions. We will now move to 15 minutes of topical questions. I advise Members that topical questions 1 and 5 have been withdrawn.

Innocent Victims of Terrorism

T2. **Mr Dunne** asked the Minister of Justice whether she recognises the terrible injustice, pain and agony experienced by many of the innocent victims of terrorism, including the victims of atrocities such as La Mon House, Enniskillen, Omagh, Teebane, the Shankill bombing and the Darkley shootings, when law-abiding, decent people were caught up in terrible events, and to state why there has been no justice in the courts and no public inquiries for those victims and their families. (AQT 772/17-22)

Mrs Long: It is very difficult for me to answer a question that engages the investigation by the RUC, and subsequently the PSNI, of those atrocities; the decisions of the Director of Public Prosecutions in respect of whether cases that are brought to him met the evidential test for prosecution; and the responsibility of judges, who, again, are independent but make decisions as to whether people are prosecuted.

I remind the Member that there are many families — he is quite right — who have not received, and will not receive, justice and truth as a result of the atrocities that were committed during the Troubles, and that is hugely regrettable. It is a source of pain for those families, and I believe that that needs to be remedied and that the remedy needs to be a comprehensive one. The remedy for that was, as best we could get, in the Stormont House Agreement. That has now been resiled from by the UK Government, and we are now in a hiatus and unaware of what the alternative proposition may look like.

Every day that passes without justice being delivered is another day of anguish and pain for those victims. I will repeat what I said to the Secretary of State last night in a call with him. I believe that there is a degree of urgency to this, which is not reflected in how it has been handled since March. I believe that he needs to bring forward his intended alternative mechanisms now.

To be clear, the current justice system, the Department as it is now and our budgets are neither designed for nor big enough to deal with all of the legacy issues that are now arriving on our desks. There is increasing legacy litigation, and there are increasing pressures on staff time and on the number of inquiries that are likely to come forward. It will simply not be possible for us to police both the past and the future.

Mr Dunne: I thank the Minister for her detailed answer. There is a need for justice for all innocent victims of violence. Does she concur with Stephen Farry, her party's MP for North Down, who supported the Finucane inquiry and said that a public inquiry was warranted in that case?

Mrs Long: Mr Deputy Speaker, this is not "Ask Alliance"; this is Justice questions. This is a question about my position as Justice Minister, not about my position as leader of the Alliance Party. In answering, however, I first want to acknowledge the hurt and disappointment of the Finucane family. They will, no doubt, be experiencing that just as — as the Member has said — other families will, as a result of the Secretary of State's decision.

I recognise that the issues are complex and difficult and that they have profound impacts on the families concerned. I spoke with the Secretary of State last night, as I said, and I outlined my concerns to him.

Since March, I have raised with him, on a number of occasions, my concerns about the absence of any coherent and credible plan for dealing with the legacy of the past, despite commitments in New Decade, New Approach. It was a decision for the Secretary of State, ultimately, but it is the justice system here in Northern Ireland that is left to deal with the outcome.

On the substantive point of whether I believe that a public inquiry is necessary: yes, I do. When a Government stands in Parliament and admits and apologises for collusion,

a family has a right to know what involvement that Government and their predecessors had in that collusion.

ROXANNE: PSNI Involvement

T3. **Mr Carroll** asked the Minister of Justice, assuming that she is aware of the issue, for her view of the fact that the PSNI is involved in an EU-funded research project, ROXANNE, and is, therefore, working in tandem with the Israel Ministry of Public Security, including the Israel National Police, the border police and the Israel prison service, which oversees the committing of serious human rights abuses. (AQT 773/17-22)

Mrs Long: Yes, I am aware of ROXANNE, but it is an operational matter for the Chief Constable as to what programmes officers are involved in. It is a European programme that involves a number of EU nation states. The direct cooperation between the PSNI and other EU states is something to be encouraged and welcomed. I am also aware that the involvement of Israel is a separate issue to the main involvement in ROXANNE. However, the Member would be best asking that question of the Chief Constable.

Mr Carroll: It is important for the Minister to comment on the matter since she has declared that PSNI actions were proportionate in cases such as the Black Lives Matter protest. Amnesty International has cited the Israel National Police:

“for carrying out extrajudicial executions and other unlawful killings, using ill treatment and torture (even against children)”.

Sunday was International Day of Solidarity with the Palestinian People — a day on which millions of people across the world engaged in activities to condemn the Israel state and its occupation, aggression and racist laws. Given that other state police forces —

Mr Deputy Speaker (Mr Beggs): Will the Member come to his question, please?

Mr Carroll: — have pulled out of the programme and that the Minister has a duty to uphold justice, will she commit to pressing the PSNI to withdraw from the programme for reasons based on the daily denial of justice for Palestinian people?

Mrs Long: I refer the Member to what I have just said. It is a matter for the Chief Constable and the Policing Board to take that forward. To be clear on the Israeli-Palestine question, I voted for recognition for Palestine when I was a Member of Parliament. I have made very clear my views on some of the actions that the Israeli Government have taken. I detach that from the people, because their Government are often not a good representation of individuals in the country.

I want to be clear about this. It is not my role to direct the PSNI in any of its jobs. I also want to correct the Member, because he has, for whatever reason, latched on to the idea that I said that the policing of Black Lives Matter protests were proportionate. They were not, and I did not say that. I did not say that. I have a list of quotes that I have made on the issue because I knew that the Member would raise it. I said that the policing of COVID generally was proportionate and appropriate. There is a distinct

difference. I also stressed on every occasion that I could not comment on individual circumstances.

Court Cases: Backlog

T4. **Mr Newton** asked the Minister of Justice to quantify the number of cases that, due to the pandemic, could not be taken before the courts and to give a timescale for addressing the backlog. (AQT 774/17-22)

Mrs Long: Prior to the COVID-19 pandemic, there were approximately 8,000 criminal cases in the court system. However, with the closure of some courts during lockdown, that rose to approximately 12,800 cases by early September, which is a rise of about 59%. With the reopening of almost all courts from August onwards, the cases disposed of by the courts have exceeded those received. Consequently, the outstanding caseload has reduced. The most recent real-time management information indicates that the figure stands at around 11,255 cases. The figures also show that recovery is taking place across all areas, and the number of cases in the system is reducing by around 175 cases a week. The figures in relation to outstanding caseloads for civil and family business cannot be generated retrospectively, and, because they include cases that may have been settled privately between parties, they cannot be interpreted in the same way as criminal cases.

Mr Newton: I thank the Minister for her detailed answer. Has any assessment been carried out of the mental health problems of or support offered to the victims of crime who have been waiting such a long time to have their cases dealt with?

Mrs Long: No systemic research has been done on the impact, but action has been taken. For example, Victim Support has been engaged in keeping people updated and offering them adequate support during the time that they are waiting. The Public Prosecution Service has also engaged additional resource to communicate with people who are waiting for cases to come to trial. Every justice organisation has a recovery plan in place to take account of some of the challenges that we will face.

We also meet regularly as the Criminal Justice Board to ensure that our response to the impact of COVID on the courts is balanced across all the different issues. It would have been easy, on the face of it, to reduce the number of cases much more quickly by having quick disposals of simpler cases, but I was committed to the fact that we needed to be able to return to a situation where, as well as dealing with simpler disposals, we could also hear complex cases with jury trials. It is important to recognise that those are some of the most sensitive and difficult cases. Keeping those people waiting a disproportionate length of time, simply to get better statistics, would be unjust in the extreme. Therefore, we have ensured that we are able to continue with jury trials, and we hope to open additional courts in Lagan side over the next number of months.

PSNI Injury on Duty Claims

T6. **Mr Chambers** asked the Minister of Justice, given the understandable delays caused by the pandemic in relation to dealing with PSNI injury on duty claims, to confirm that the appeals are being considered once again and are progressing in a timely manner. (AQT 776/17-22)

Mrs Long: COVID was one of a number of issues in policing injury on duty claims. Progress is being made. I am happy to write to the Member, because I do not have all the detail in front of me, giving him further detail on exactly where we are with that programme.

Mr Chambers: I appreciate that, Minister, and look forward to receiving it. Perhaps you can also address my supplementary question in the letter: are you satisfied that sufficient administrative resources are in place to expeditiously discharge the backlog in cases awaiting consideration?

Mrs Long: Dealing with resources will always be challenging for a small Department with limited resources. We do exactly what we can. We are dealing with several priorities at this time, a number of which have a deadline attached. We are conscious that matters that may have been delayed due to COVID are among those priorities, and we try to progress things as quickly as we can and in as timely a manner as possible.

PSNI Pay Award

T7. **Mrs Cameron** asked the Minister of Justice for an update on the implementation of the PSNI pay award that was announced in February 2020 and was backdated to 1 September 2019. (AQT 777/17-22)

Mrs Long: The pay award for last year has been progressed. I certainly signed off on one of the pay awards earlier this year. The current pay award is still under consideration, but good progress is being made, and it is now between my Department and the Department of Finance. I am happy to write to the Member to confirm the detail of the most recent award.

Mrs Cameron: I thank the Minister for that answer. I would appreciate that clarity because I have had several officers contacting me and looking for that pay award to be made available to them.

Does the Minister agree that issues such as delays in pay awards and the potential impact of the spending review announcements made by the Chancellor will have a negative impact on the numbers in our front-line workforce?

Mrs Long: There are two issues. The first is delay. We have sought to eliminate as much delay as we can. As you will appreciate, a process has to be gone through: the pay remit must go through the Police Remuneration Review Body, then come to the Department, and we must make our case to the Department of Finance.

The wider issue is that stringent measures may be imposed on us from elsewhere. That is a whole other matter altogether. It will be a matter for all Departments, not just mine, and for all who receive funding through central government, to reflect on the fact that we may find ourselves in what is, in budgetary terms, a standstill situation next year, with a not particularly bright economic horizon ahead.

That is the simple reality, and it will require us all to manage our expectations in line with our budgets.

3.30 pm

Organised Crime: Legislation

T8. **Mr Harvey** asked the Minister of Justice, further to the findings in the recently published annual report of the Organised Crime Task Force, to outline whether she intends to introduce new legislation to tackle organised crime. (AQT 778/17-22)

Mrs Long: I thank the Member for his question. A review of organised crime is ongoing in the Department, and we intend to look at introducing new offences at some point after the review is complete. We are, however, doing other things in the interim to tackle organised crime. For example, I have liaised with the Home Office to ensure that the Criminal Finances Act 2017 is commenced in Northern Ireland. That will lead to the implementation of unexplained wealth orders, account freezing and forfeiture, and a number of other financial measures that I hope will act as a disincentive to those who are involved in organised crime because they believe it to be profitable. When it is no longer profitable, I think that we will find a decline in that type of crime.

Mr Deputy Speaker (Mr Beggs): That is the end of our period of questions to the Minister of Justice. I ask Members to take their ease for a few moments before the question for urgent oral answer to the Minister for the Economy.

Question for Urgent Oral Answer

Economy

Collapse of the Retailers Debenhams and Arcadia

Mr Deputy Speaker (Mr Beggs): Gary Middleton has given notice of a question for urgent oral answer to the Minister for the Economy.

I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary question.

Mr Middleton asked the Minister for the Economy what support she and the Executive will provide to local employees affected by the collapse of the retailers Debenhams and Arcadia.

Mrs Dodds (The Minister for the Economy): Debenhams is a name familiar across many towns and to many shoppers in Northern Ireland. The news today about it and Arcadia will have come as a shock to their employees and to the shopping centres — CastleCourt, Rushmere, Fairhill, Foyle side and the Quays — where Debenhams is an anchor tenant. It is important to note that no redundancies have been announced at this point. I intend, however, to write to the administrators to impress on them the need to seek alternative buyers to take on the stores as going concerns in order to retain the jobs and livelihoods of local staff.

We are heading into a very difficult period for the economy in Northern Ireland, the United Kingdom and, indeed, the British Isles. I previously warned in the Chamber that the cycle of restrictions would impact particularly on the young and on female, part-time and lower-paid workers. Unfortunately, today's news shines a light on that.

Mr Middleton: I thank the Minister for coming to the Chamber and answering the question for urgent oral answer. The announcements by Debenhams and Arcadia have come as a huge blow and shock to our high streets, with thousands of jobs now at risk. Many employees are deeply worried and concerned, and our thoughts are with them at this time.

Will the Minister commit her Department to working with the wider Executive, particularly the Minister for Communities and the Minister of Finance, and with local councils to deliver stimulus packages to our high streets to provide them with as much support as we can in the coming months?

Mrs Dodds: The Member is quite right: this is a UK-wide issue. It has been estimated that there are around 12,000 jobs at risk in Debenhams and around 13,000 jobs at risk in the Arcadia Group. That is an enormous blow to the United Kingdom's retail economy. I have a meeting tomorrow with the Business Minister, and I intend to take this up at a national level because this is something that our national Government also need to work on. However, the answer is an absolute yes. I will work with colleagues across the House to ensure that we deliver what we can to

support employees and, indeed, those shopping centres where Debenhams is a significant and important anchor tenant that attracts shoppers into the other stores.

My Department already has the Assured Skills academies and the Bridge to Employment programmes. We are engaging with companies and recruiting for the Assured Skills programme. Since the start of the financial year, 192 young people out of 203 on Assured Skills programmes have gained employment. The programmes are short, sharp, targeted interventions in the labour market that are designed to return high levels of employment. Of course, we continue to operate the Bridge to Employment programmes. The Careers Service will also be on hand to try to help employees match their skills and experience to vacancies, give advice and guidance on reskilling and give information on growth and emerging sectors.

It is clear that a joined-up approach across government is absolutely necessary, and the involvement of the Minister for Communities and the Minister of Finance will be essential. However, the House should be in no doubt that the best way to support jobs in Northern Ireland is to have an open economy.

Mr Deputy Speaker (Mr Beggs): I remind the Minister that she has two minutes.

Mrs Dodds: Thank you.

Mr Carroll: I offer my sincere sympathies to the staff of Debenhams and the Arcadia Group who have lost jobs and to the others who may do so in the near future. Our workers have been treated like dirt. It really says everything about the obscene system that we live under that a man who owns a yacht worth £100 million can play God with the lives of thousands of workers.

Does the Minister agree that those workers' pensions should not be touched or impacted in any way by these announcements? What measures will her Department take to ensure that those workers are financially protected or given the opportunity to get support to access employment, where appropriate, in the future?

Mrs Dodds: The Member makes a very important point about the pensions, particularly those in the Arcadia Group. I intend to take that up with the Business Minister tomorrow in order to ensure that those pensions are protected and that appropriate funding is put into the pension pot so that there are proper resources for people as they retire.

Ms Kimmins: I thank the Minister for her answers so far. As well as this being devastating news for the Debenhams workers and their families, hearing of the number of other retailers that are also in difficulties is another major blow. The news is hugely devastating for Newry, which is in my constituency, where a significant number of those retailers employ hundreds, if not thousands, of people.

The Minister alluded to some of this in her previous answers, but, for clarification, what is the Department doing proactively to engage with workers and to help them reskill and retrain to try to bridge the gap if those redundancies come?

Mrs Dodds: As I said in a previous answer, it is really important that there is a cross-departmental response. The Department for Communities, with all the employment

programmes that it progresses, will be very important in addressing those issues.

As I said, my Department has been promoting the Assured Skills academies, and they are really important in the targeted approach of trying to provide employment for people, as is the Bridge to Employment scheme. It is important that we reach out and help people to retrain as quickly as possible. Because of COVID-19, my Department has, since March, offered more than 5,000 online training places to allow people to upskill and to improve their prospects in the labour market. That is a very significant intervention that we intend to continue, as it has had notable success.

Ms McLaughlin: Thank you, Minister, for coming to the House today to address this serious issue. Like others, I pass on my sympathy to any workers who have got this devastating news. Given what retail workers have gone through in recent months and given that Christmas is ahead of us, it is devastating. I will pick up where my colleague to the left of me left off in relation to Philip and Tina Green.

Mr Deputy Speaker (Mr Beggs): Can you come to your question?

Ms McLaughlin: Minister, this company has a track record of stripping assets from businesses that go into administration, leaving people without pensions and proper redundancy packages. You need to move quickly with the Business Minister to protect the assets of the Arcadia Group so that employees are not left holding pension pots that are worth nothing.

Mrs Dodds: The Member makes an important point about protecting workers' pensions, and I will raise that issue at my quad meeting with the Business Minister tomorrow.

Dr Aiken: I thank the Minister for her remarks so far and for coming to the Assembly. On behalf of the Ulster Unionist Party, I put on record our commiserations and our support for help for the workers in Debenhams and Arcadia who are approaching a particularly poor Christmas and beyond.

Minister, in August, you set up a high street task force, which should now work closely with Land and Property Services (LPS), chambers of commerce, the Federation of Small Businesses, Retail Northern Ireland and councils to come rapidly to a set of outcomes and proposals that should be brought before us here. Will the Minister commit to have that task force, which is now in place, come up with answers and to come back to the Assembly within two weeks to explain how she will support the high street, particularly in the difficult times ahead?

Mrs Dodds: I thank the Member for his question but point out to him that responsibility for the high street task force lies with the Executive Office and with the Communities Department, which are charged with bringing it together. I am sure that they will be happy to answer the Member's question in detail.

In relation to the high street — I have mentioned this on many occasions — over the past number of months, my Department has given out almost £340 million in support to businesses through the £10k grant, the £25k grant, which was specifically targeted at retail and the high street, and the microbusiness fund. Today, I am sending for urgent procedure a scheme in relation to the self-employed, and

we are looking at developing other schemes alongside the schemes operating in relation to the local restrictions. It is important to support businesses and the high street in particular. However, the most important thing that we can do is ensure that our high street is open for business and can trade safely.

I must say, Mr Deputy Speaker — I beg your indulgence on this — that I listened with great hope to the plans for the roll-out of the vaccine. I hope that we can do that as safely and as quickly as possible so that life can return to something more normal.

3.45 pm

Mr Dickson: Minister, key and crucial to any redundancy situation are negotiations with trade unions. I was shocked to hear Paddy Lillis, the general secretary of the Union of Shop, Distributive and Allied Workers (USDAW), say today that neither Debenhams nor the administrators had engaged in any discussions with that union about potential redundancies in this company. Will you take that up with the Business Secretary tomorrow and encourage him to ensure that Debenhams and/or the administrators stand up to their legal obligations to consult the trade unions? While the focus is on Debenhams today, let us not forget those who have been excluded in other areas with regard to employment matters.

Mrs Dodds: Yes, I will. It is extremely important that we are able to speak to the trade unions and that we treat them as partners in an extremely difficult, sensitive situation for many of their members.

Mr Dunne: I think that we all share the pain and the loss of Debenhams and Arcadia and the potential loss to our high streets. Does the Minister recognise the real threat from the internet? I think that we are all guilty of it and we all must admit that we use the internet too much for purchasing, and that is a real risk. What can be done to address that issue, and what further support can be given to the high street? I understand that you are bringing forward a voucher scheme.

Mrs Dodds: Many businesses have indicated to me that they now operate a dual system for their business where they have an online presence and a high-street presence. It is important that we retain the high-street presence, but sometimes the online presence also helps to sustain that business. I talked to businesses in mid-Ulster recently who gave us real examples of that.

Yes, we will bring forward a £95 million stimulus scheme for the high street in the new year. It is aimed at supporting bricks-and-mortar businesses on the high street. You will not be able to use the prepaid card or the funding online. It is aimed at supporting local businesses in local towns and local jobs.

Ms Mullan: I thank my fellow Member for Foyle for tabling the question. I also extend my thoughts to the employees facing redundancy.

Minister, in the summer, Debenhams paid off a number of staff, including staff in Derry — many of them long-term staff — who could have been furloughed at that stage. They treated them terribly. As outlined by Mr Dickson, they would not engage with the unions or with me. Will you engage with Debenhams and the administrators to ensure that workers receive their redundancy entitlements?

Mrs Dodds: I have already indicated to the House that I will write to the administrators who have now taken over responsibility for this to ensure, first, that we try to salvage as much of the business as possible and, secondly, that workers have their rights. Of course, should any of those workers feel that they have not received their rights, they should revert to the Labour Relations Agency, which has a dedicated line to help those people with their employment rights. I urge them to do so.

Mr O'Toole: It is worth clarifying that, while, correctly, the thoughts of us all are with the workers at Debenhams and Arcadia, who have been put in the most appalling situation in the run-up to Christmas, it is worth differentiating between the two businesses. One — Arcadia — is in administration, and the other — Debenhams — is in liquidation. Those are two different things. When the Minister speaks to the UK Business Secretary, can she clarify exactly where they are in respect of the pensions deficit? There is a pensions deficit specifically with Arcadia, which is in administration, that is, in significant part, due to the grotesque greed of Philip Green and his family, who have taken billions of pounds out of that business.

Mr Deputy Speaker (Mr Beggs): Will the Member come to his question?

Mr O'Toole: Can she clarify that she will have conversations about the two specific situations as they relate to the employees in Northern Ireland? We know that, in the Republic, Debenhams employees were let down badly.

Mrs Dodds: I will be happy to do so.

Mr Nesbitt: The Minister on more than one occasion has referenced the fact that Debenhams has been an anchor tenant for a number of shopping centres in Northern Ireland. Can I ask the Minister for her assessment of the viability of those centres without an anchor tenant? What steps might she take to ensure that this news does not provoke further closures and job losses in smaller outlets?

Mrs Dodds: I thank the Member for his question because he describes a real danger. Many of those large stores brought people into shopping centres and then they visited the smaller shops in the shopping centres. That is why I have persisted in saying two things in the Chamber over the last number of months: we should have an economy that is open and shops that can trade, and we should try to do so safely.

The other element, in recognition of the real difficulties on the high street — we use that term generically to include all shops in Northern Ireland — is that there are real difficulties in the sector. One is from persistent rounds of closures, particularly now, in the run up to Christmas, but there is also competition from online sales. That is why we are introducing our high street stimulus scheme and why we want to support Northern Ireland businesses, shops and jobs through that stimulus scheme. I look forward to it rolling out in January and February so that we can signal a recovery as well as the hope of the roll-out of the vaccine. I hope that that will lead us to more hopeful times.

Mr Muir: As others have touched on, many workers in Northern Ireland have already suffered the scars of a Philip Green business going bust. The actions of Philip Green, as Matthew O'Toole outlined, have been grotesque.

He paid his Monaco-based wife billions in dividends, while former BHS workers were left with massive holes in their pensions. Does the Minister agree that it is incumbent on Mr Green to make good his obligations to his employees?

Mrs Dodds: I have said many times that my sympathies, on this occasion, are entirely with those who are impacted and will, potentially, lose their jobs. Many of those jobs are part-time, they are for female workers and they are lower-paid jobs. My sympathy is with them and not, of course, with Philip Green. I have committed to the House that, in my call with the Business Minister tomorrow, I will ask that they ensure that pensions are protected, particularly in Arcadia, and that pension pots are appropriately managed.

Mrs Cameron: I thank the Minister for coming to the Chamber today to discuss this devastating blow to many workers. I declare an interest, as I have a daughter who is employed by Arcadia and is incredibly worried about her future. Does the Minister agree that the best thing that we can do as an Assembly is to support retail to open as safely and as quickly as possible and for as much time as possible through the remainder of the pandemic?

Mrs Dodds: Yes. I absolutely agree. I am on record many times in the House as saying that the best way to support our economy is to have an open economy, to allow our retail and high street to trade and to do so safely for customers and employees. I would like to see retail outlets able to open again in the run-up to Christmas. It is a really important time for retail in Northern Ireland, but, of course, I urge everyone to follow the health advice to keep your distance, wash your hands, wear the face mask and behave appropriately when in retail outlets for the safety of employees and business owners. We need to ensure that our high street can function again as quickly as possible.

Ms Dolan: I pass on my sympathies to the workers and their families at this difficult time. There is no good time for job losses or job insecurity, least of all at the start of December.

Minister, you will be aware that many young people work in Debenhams and in the retail sector generally. Unlike many of their colleagues, workers under the age of 22 will receive less redundancy pay, despite having the same period of service and the same role. In light of that announcement, will you amend the relevant legislation and remove the age discrimination that exists in redundancy pay?

Mrs Dodds: Redundancy pay is a reflection of time served, the position held and wages gained. We are committed to a wide-ranging review of employment legislation, and I am sure that that can be one of the elements. However, we are where we are. It will not impact on the young people who will sadly lose their jobs through the liquidation of Debenhams and the potential administration losses at Arcadia. I hope that we can salvage something for those businesses, for young people, for part-time workers and for the many female members of the workforce there. It is really important that we try to support them.

Mr McCrossan: I thank the Minister for her statement. Minister, this is a devastating blow for our economy, for our constituencies and for the employees and businesses that are affected in the rippling consequences of the closures. The challenges facing business today are unprecedented with Brexit, COVID-19 and the rise in online sales. How

can the high street survive unless we in the House change how traditional town centres and high streets operate?

Mrs Dodds: It would be interesting to have a conversation with the Member about his vision for how we change that and for how high streets operate. I am sure that the high street task force will afford him the opportunity to input to that.

For the here and now, we are very concerned. I have said repeatedly and say it again today that this is a difficult period for the economy. It has been an extraordinary and unprecedented period for the economy, and the best way to help the economy and businesses to survive and to support jobs is not only to open up the economy but to support Northern Ireland jobs, businesses and high streets. I look forward to rolling out the £95 million stimulus scheme, which, I believe, will do that.

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a few moments until the next item of business.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

4.00 pm

Private Members' Business

COVID-19 Vaccine: Preparations

Mrs Cameron: I beg to move

That this Assembly welcomes the recent breakthrough in efforts to establish a safe and effective COVID-19 vaccine; highlights the importance of Northern Ireland retaining full access to the UK Government's supply network, including national distribution plans; stresses that this approach provides the best means of protecting the wider public as soon as possible; believes a professional expert should be appointed to lead on the vaccination programme in order to ensure it is available to front-line staff and those most vulnerable in Northern Ireland at the same time as the rest of the UK; and calls on the Minister of Health to outline a clear action plan for the roll-out, starting before the end of December 2020, of a COVID-19 vaccine in Northern Ireland.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members will have five minutes. Please open the debate on the motion.

Mrs Cameron: I very much welcome the opportunity to propose the motion on behalf of the Democratic Unionist Party, because, today, we have light at the end of the tunnel. I am sure that all our hearts have been lifted in recent weeks with the announcements heralding the groundbreaking development of vaccines to combat the horrendous virus that has lived amongst us for the last 10 months. It is a remarkable feat of science and an answer to the prayers of millions across the world that we now stand but weeks away from administering a vaccine to those on the front line and the most vulnerable.

Sadly, for many families, the vaccine has come too late. We now know that, according to the NI dashboard, over 1,000 lives have been lost to COVID-19. Many homes across Northern Ireland struggle to bear the pain of loss to that awful disease. We know of others for whom the mental anguish of lockdown, the fear of catching coronavirus or the belief that they have contracted COVID-19 and may pass it on to a more vulnerable loved one has been just too much to bear. The number of such lives lost will likely not be captured under the banner of COVID. As we move ahead with plans for a vaccination programme, we do so with the memory of those whom we have lost at the front and centre of our hearts and minds.

Of course, we are very much taking for granted that the regulator will approve the vaccines in the coming days and weeks. However, that process must be thorough and independent. The vaccines must be safe, and they must — absolutely must — have the confidence of the public. If and when that approval arrives, we must be ready to hit the ground running in Northern Ireland in order to protect our people. That is the purpose of the motion: to focus minds and to collectively identify issues and offer solutions.

It is a matter of concern and regret that we are, to some degree, playing catch-up in planning for the roll-out of a vaccine. When you look at Wales, for example, you see that its Health Department and Chief Medical Officer were, months ago, doing some of the work that we are doing now. We need to act with haste because, ultimately, the speed at which we can deliver a vaccine will be a matter of life or death for some.

I will focus my comments on three key areas: getting a plan; the logistics of delivering the plan; and equality of access in the plan. We come at the issue of planning with the comfort of knowing that the UK has one of the world's largest vaccine order books per head of population. The Government have secured early access to over 355 million vaccine doses through agreements with separate vaccine developers at various stages of trials. The NI share of the BioNtech/Pfizer vaccine will be around 1.14 million doses between December 2020 and September 2021. The NI share of the AstraZeneca vaccine will be around 2.85 million doses. For that, we say thank you to our Government at Westminster.

Given the confidence about what is coming, we could have planned to a greater degree, but we have not done so. Our constituents remain largely in the dark about how the vaccine will be delivered. Whilst I understand the need for the public's help in continuing to adhere to the regulations and guidelines until it is safe to do otherwise, it is also vital that we have hope for the very near future. What would be better this Christmas, during a pandemic, than saying that next Christmas could be truly normal?

What shape must the plan take? First, it is vital that front-line health workers and the most vulnerable across our Province — those living in care settings, those reliant on domiciliary care, those with underlying medical conditions and those most at risk — are able to avail themselves of the vaccine at the same stage as those in the rest of the UK, and that means accelerating this work.

Furthermore, it requires a strong, ambitious action plan for getting ready.

That plan should include detail on appointing external professional logistical expertise and support where needed; meeting workforce requirements by ensuring that staffing levels can be scaled up or down and are mobile where necessary; maximising available premises where the vaccine can be administered; procuring appropriate levels of cold storage and transport; having a strong communications strategy that addresses misinformation about the vaccine; addressing barriers to access or proximity for marginalised groups; and preparing digital systems to capture data on who has received the vaccine and how it has affected different groups. I urge the Minister to address those issues in his response to the debate.

The second area that I will highlight is the logistics of the plan. Put simply, do we have the people to deliver the vaccination programme? We are told that our GPs, many of whom have not conducted face-to-face appointments for many months now, have never been busier. We understand that a knock-on impact on workload has emanated from the worst waiting times that NI has ever seen for elective surgery and from the impact of long COVID.

With GPs under pressure, how can they do more? If they are to, can the Minister tell us how much GPs will be

remunerated for administering each vaccination? With GPs under so much pressure, surely we cannot reduce public access to their day-to-day appointments in order to enable them to deliver the COVID vaccine as well. Will others be skilled up to fight the war against coronavirus? If so, will they need to have a background in healthcare?

Let us not forget that many of our front-line healthcare staff, especially our nurses, are simply exhausted, having been at the coalface of the battle for months. At a time when we should be ramping up all aspects of our healthcare system, we cannot draw more people away from that task. The Minister has often said that the health service is short-staffed. The vaccination programme will only exacerbate that.

In that context, I urge the Minister to utilise our nation's military resource to deliver the vaccination programme alongside our medical professionals. With the understanding that the vaccine will require two doses, 28 days apart, it is vital that there are enough hands on deck to deliver and administer it. That is critical to the success of any programme. The deployment of MoD personnel to explore the logistics of rolling out a vaccine in Northern Ireland is therefore a welcome and constructive move.

The third element is equality of access to the vaccine. We have a diverse population: young and old; urban and rural; those who have underlying health conditions and those who do not; and those who work on the front line and those who do not. To meet that reality, the vaccination programme must be dynamic and flexible, owing to the fact that it will be administered in a range of settings to patients whose circumstances will differ. Serious consideration must be given to mitigating any risk, such as that to the 80-year-old with underlying health conditions who is living at home. What about cancer patients? What about the 100,000 people who were named as being clinically vulnerable because of diabetes at the start of the pandemic? Where will they be on that priority list? What about those from an ethnic minority background, who may well be more susceptible to the virus? There are many people who have many questions about how the vaccine will be administered to them, and many will question the safety of it.

We understand that it may not be possible to use certain vaccines in care homes owing to logistical issues. Why is that? Will that lead to a delay in residents being able to avail themselves of the necessary protection that they require? We have also learnt much about the impact of the varying types of underlying health conditions. That begs the question of whether priority for vaccination will be given to those on the at-risk list: those who were previously shielding. I ask the Minister to outline what we have learnt over the past period and whether that learning has impacted on the potential roll-out of the vaccine. Is there a new, nuanced list of at-risk individuals? If so, how will those individuals be made aware? I implore the Minister to communicate and to be as transparent as possible about the roll-out of this life-saving vaccine. We know that some will not take the vaccine. That is their choice, and it should always be their choice. If we want maximum buy-in to the programme, however, communication and openness will be vital.

This is the first day of the last month of 2020. I do not think that any of us has ever looked forward to a new year

as much as we are this year. I look forward to Members' contributions and to the Minister's response in due course.

Mr Gildernew (The Chairperson of the Committee for Health): I, too, acknowledge the individual and family tragedy of every one of the 1,011 deaths that we have sadly recorded to date.

After so many difficult months, I very much welcome the opportunity to consider some much yearned-for positive news, albeit that it will undoubtedly bring additional challenges of its own.

The Health Committee has briefly considered legislation and funding associated with the vaccine and will be briefed in further detail at its meeting on Thursday on plans for the roll-out of the programme. In August, the Committee received correspondence advising us of a consultation on proposed amendments to the Human Medicines Regulations 2012 to support the rapid and effective roll-out of a COVID-19 vaccine and an influenza vaccine. We were advised that that was to ensure that an unlicensed vaccine, once it is deemed safe and effective, could be given temporary authorisation pending the licensing process and subject to strengthened controls. It was also designed to allow a wider range of trained personnel to administer the vaccine, allow for promotion of the vaccine and facilitate its transportation.

The Committee sought information on consultation responses and enquired about liability in the case of any adverse impact of a vaccine. In October, while the Committee was assured that all safety checks were proceeding as normal, we were advised that an individual would be able to claim against the vaccine damage payment scheme, should they meet the eligibility criteria. The Committee was updated on the consultation responses and was advised of changes made in response, including commitments to review the relevant regulation within a year; to specify that a person of appropriate expertise will consider any question of loss of immunity for liability where conditions are breached in respect of vaccine authorisation; and to enhance supervision arrangements for the expanded workforce administering the vaccine.

During discussions on the budget last week, the Committee enquired about costings associated with COVID-19 and the vaccine in particular. We were advised that an initial £140 million had been allocated towards the vaccine but that the British Government had since indicated that it would be purchased by them and that the charge would not be passed on to the Executive. While a lesser amount will now be required to fund the administration of the vaccine, officials stressed that a high degree of ongoing uncertainty about COVID-related costs remains more generally. The Committee welcomed those positive developments and will continue to monitor the next steps.

I would now like to make a few comments in my role as Sinn Féin health spokesperson. We all understand the grave nature of the COVID-19 pandemic and the devastating effects that the virus has had on the health and well-being of our citizens and economy. We understand that an effective vaccine is the best way to combat the virus at this time and to allow our citizens and our communities to return to more normal activities. Around the world, incalculable numbers of lives have been saved by widespread vaccination. Vaccines have all but wiped out smallpox, rubella, typhoid, measles and polio, which

we witnessed in Belfast a number of years ago. Those are illnesses that can cause immense death and suffering.

The science behind any COVID-19 vaccine must be transparent, and there must be no doubt about the safety of the medicine. While the successful development of a vaccine is very welcome, we must ensure that it does not lead to complacency. It cannot be a reason to lose focus on the crucial find, test, trace, isolate, support and communicate strategy that is so badly needed to stop the transmission of COVID-19.

Ms Flynn: Will the Member give way?

Mr Gildernew: Yes.

Ms Flynn: Does the Member agree that countries that have put in place a more robust find, test and trace programme have been successful in protecting not only their people but their economy?

Mr Deputy Speaker (Mr McGlone): The Member has an extra minute.

Mr Gildernew: Yes, there is significant emerging evidence that that is the case, and we should look at that. We look forward to welcoming a panel to the Committee on Thursday who might give us more information.

We must also guard against community complacency at this time about the need for basic precautions to be maintained, including washing hands, maintaining social-distancing requirements and reducing our social contacts where we can. That is particularly challenging as we enter the Christmas period, but it remains as vital now as it has since the outset of the emergency. I appeal again for everyone to do all that they can in that regard.

4.15 pm

The vaccine must be delivered through the public health system with community support. It must be made available to all equally, regardless of age, location or financial means, free of charge, with priority given to the most vulnerable: the elderly, those with underlying conditions, those in areas of high deprivation and front-line workers. It is important that that work be clinically led to ensure that the vaccine is rolled out in a way that maximises its protection.

This horrendous pandemic has shown that we need to transform our health and care system and that austerity has no role to play. A key part of rebuilding must include preparations for any public health emergency that may occur in the future. We must have the staff, equipment, systems, training and preparedness built into the health and social care system —

Mr Deputy Speaker (Mr McGlone): I ask the Member to draw his remarks to a close.

Mr Gildernew: — and the ability to find, test, trace, isolate and support must be central to that plan.

Mr McGrath: I welcome the opportunity to take part in this important debate. Recent announcements of successes in the development of vaccines to treat COVID-19 have brought the greatest injection of hope that the world has witnessed this year.

I concur with the remarks made earlier about the vaccine probably being too late for many people and families. That

will be difficult for them to process, so our thoughts are with those families at this time.

A major impact of COVID-19 has been loneliness — loneliness for those who have been isolating, loneliness for those who live alone and have lost their community support networks and loneliness in the face of winter darkness. The vaccine brings hope that, with the short relaxation of the regulations this Christmastime, it will help us to combat loneliness at a critical time. As we prepare for the celebration of Christmas, knowing that the new year will bring with it hope for the roll-out of a vaccine will bring comfort to many.

Our primary concern, when the vaccine arrives, should be whether we have adequate supplies for those who need it most: our hospital and care home residents and staff; our healthcare staff; and our essential workers. They are the people who need to be protected now, and that is something that we could achieve quite quickly.

We have to remember that a vaccine is not a silver bullet to address all our worries about COVID-19. It will not depoliticise the virus or fix our economy. In the absence of a vaccine, we can follow those crucial steps of hand hygiene, face covering and social distancing to ensure the safety and well-being of the most vulnerable and our key workers. We can keep flattening the curve through our supply of common sense and personal responsibility.

The vaccine will act as another step on the road out of COVID-19. With the delivery of a vaccine will, I hope, come the loosening of the restrictions placed on the public. Important discussions will have to be had for those who want to avail themselves of the vaccine and, just as importantly, for those who do not want to take the vaccine. While it is essential that the North receive the roll-out of the vaccine at the same time as our counterparts in GB, it is also essential that any action plan for the roll-out includes discussion on a cross-border plan. The vaccine does not recognise borders, and it does not generate in predominantly nationalist or unionist areas.

I welcome the fact that discussions with GB are already under way. I also welcome the fact that the Health Minister has conveyed to the UK Government the need for lateral flow device testing kits for the North. Although, regrettably, I have little faith in the Tory Government's willingness to deliver in the interests of the people here, I have faith in our Health Minister. I want to assure him of our support as he continues his work in leading our response to COVID-19, particularly where other Ministers have shirked their responsibility.

The motion suggests that we need an accountable person to lead the roll-out. I appreciate that the newly appointed head of the Civil Service will have a part to play, but I hope that there might be some sort of task force in the Department and a senior named official there to lead the roll-out so that we can interact with that person should we have difficulties in our constituencies.

The best tool that we have to beat COVID-19 is our willingness and ability to come together to form a cohesive approach that all of us can buy into.

We have shown what we are capable of achieving here when we work together with a common purpose against a common foe. Every choice that we make from here on will determine our future, and therefore hope remains. Our

hope for a better tomorrow is our single greatest weapon against this foe. It is that hope that will allow us to endure these difficult days, safe in the knowledge that our best days are ahead. We will reach those days, but only when we stick together. I support the motion.

Mr Chambers: I place on record my admiration and appreciation for the urgent response of scientists in producing a vaccine that will protect our population from COVID-19. This has been a fantastic United Kingdom achievement. It is reassuring that checks and balances have been, and are being, carried out to ensure that it is a vaccine that is safe to use.

What is our expectation of this vaccine? Is it a magic wand? In the medium to long term, it will give community and individual protection. The more people who decide to be vaccinated — I hope that it will get close to 100% — the quicker the spread of this deadly virus will be slowed down and eventually halted. In the short term, we must not allow its arrival to create any sense of complacency in the community. The virus will not go away just because a vaccination programme has begun. The messaging around washing hands, wearing face coverings, social distancing and following the guidance in regulations will still be a vital weapon in suppressing the virus while we seek to vaccinate everyone, starting with our valued NHS and care staff and then our most vulnerable citizens. That is another reason why it is not a good idea to campaign, contrary to medical and scientific advice, for the opening of certain sectors currently closed by legislation.

The motion calls for the urgent appointment of a professional expert to lead the vaccination programme. That is a sensible suggestion that I think has already been addressed by the Minister of Health. I have to say that I was a little bit disappointed by earlier remarks that implied a degree of criticism of the plan to roll out the vaccine in Northern Ireland before it has even begun. It is reassuring that a panel of vaccinators are being recruited from various parts of our health service and that they are receiving the necessary training for the task.

This programme is an enormous challenge, and certainly unprecedented in living memory. It is an exercise that will require the support of the entire Executive and everyone in the House. Any actions or words that compromise this operation, or, indeed, lead to a loss of public confidence, would be unhelpful in the extreme. We have to recognise that there will be local hiccups and not try to use them for political point-scoring. It is correct that those who will be administering the vaccine initially will be the first to receive the dose. There will be some logistical issues around how some of the vaccines produced have to be stored or transported. This will add to the challenge of the task. There will also be challenges in how the vaccine will be brought to nursing and care homes and taken out to those who are receiving care in their homes. These are all issues that the professional experts who are leading the programme will undoubtedly address.

Over recent months, there have been calls for military intervention. The Minister is on record that he would not hesitate to call in such help if it was required. To date, it has not been necessary. However, that may change in this phase of the fight against the virus. The logistics of this operation will be such that I have no doubt that the army will be able to offer support. I am sure that the Minister will be happy to deploy that help and support if

it is needed. As if the roll-out of this vaccine was not a big enough challenge for the NHS, there will also be the development of a mass testing procedure. This testing will slow up transmission of the virus while we strive to protect the community through the vaccine. The pilot scheme in Queen's University, which used lateral flow devices to test students, has been a useful and helpful exercise in informing how this type of speedy testing can be rolled out for general public use.

We have come a long way in the fight against this virus. We have learned a lot about it. We have also come a long way in protecting our citizens. Hopefully, we are about to commence the last lap of what has been a difficult pandemic that has caused much pain, suffering and death within our community. If we stick together in the coming weeks and months, we will get our lives back and be able to do the things that we may have taken for granted before this virus reached our shores. It is certainly not a time to let our guard down or to start to relax. Complacency is the friend of the virus; there is a responsibility on all of us not to do anything to encourage that friendship.

Ms Bradshaw: I rise to support the motion in the hope and expectation that the Assembly will stand united behind vaccination. There are some specific issues around this motion that I want to prioritise, and there are some matters in it that remain legitimately uncertain.

First, the efforts to establish a vaccine have been a remarkable triumph of science. This motion carries, inherent within it, a clear trust of science when it comes to the development of safe and effective vaccines. Those endorsing it must also reflect that we need to trust science when it comes to managing restrictions around social distancing in order to protect public health and the health service during the period between now and increased population immunity, as is to be delivered by those vaccines.

If we are to trust the scientific experts on pharmaceutical interventions, then we must also trust them on non-pharmaceutical interventions. That does not mean that we do not challenge or debate, but it does mean that we should not be ignorant of their advice and the reasoning behind it. Indeed, the motion specifically refers to a professional expert to lead the programme, yet we have seen politicians increasingly try to overrule professional experts in recent weeks on issues as wide-ranging as the closure of gyms and the wearing of face coverings. If we are going to endorse the use of professional experts, then we have to start respecting their professional expertise. We simply cannot have parties overruling the scientific evidence in their partisan political interests on one occasion before demanding that we all trust the science and experts on another.

Secondly, which brings us to the core point that is missed in the motion, I share in the call for all of the parties in the Chamber to get behind a public awareness campaign that is focused on the need for this vaccine to protect the health of the population as a whole, and, particularly, to remove pressure from the health service. Every party leader needs to clearly commit to endorsing the use of vaccines that the regulators have deemed safe and effective and that they will fully and proactively encourage access to, and the use of, those vaccines through the agreed vaccination programme without reservation. I trust that we will soon

hear a unanimous statement from the Executive to that effect.

However, I am unsure why a date — the end of December 2020 — appears in the motion. I am uncomfortable with the treatment of this issue by the UK Government as some kind of competition to get there first. We must emphasise that, while time is clearly important, this cannot be rushed and that the vaccines used must be established by the professional experts to be absolutely effective and safe. We must allow for that in this process. Any vaccine that is used in Northern Ireland or anywhere else will have to have been through that process, and we want that regulation to be clearly detailed and definitive. In practice, that may mean that a roll-out is delayed if further assurances are sought. In our case, that would be by the Medicines and Healthcare products Regulatory Agency. Alternatively, of course, if authorisation proceeds quickly, it may mean that a roll-out can begin imminently, perhaps well before the end of December. However, let us not solely be driven by time; we also need to be cautious about creating false hope that the roll-out will be completely swift. Regardless of where in the world the first jab takes place, it will be well into next year — even in the best case scenario — before we will be able to return to relatively normal lives, which will be thanks to the population immunity that will be delivered by the vaccines.

We should not underestimate the global logistical challenge. Protection only comes from population immunity, which, realistically, will need to apply across as much of the globe as possible, as quickly as possible, to enable the safe resumption of international travel and trade. It is welcome news that at least one of the vaccines can be stored for some days in smaller sites, but the issues around haulage and storage are not to be underestimated, especially as two doses are likely to be required.

The strongest aspect of the motion is the call for a clear action plan to be published for the roll-out of the vaccine. We have surge plans and suchlike, so we need an action plan here that makes it clear who makes up the priority population groups. I welcome that the Health Minister has released the draft potential plan for the roll-out to the Health Committee, and I have had a quick look at that.

With regard to the Minister's recent decision to continue to pause shielding and the placing of that group on the list for prioritisation, I encourage him —

Mr Deputy Speaker (Mr McGlone): I ask the Member to draw her remarks to a close.

Ms Bradshaw: — to ensure that the clinically extremely vulnerable group is well up the list of people who are called forward.

4.30 pm

Mr Easton: We can all agree that the recent news about a number of vaccines being developed is extremely positive. It gives us all hope of a return to normality. I must say that I am quite optimistic and excited about it.

The roll-out of vaccines will be on a scale that we have never seen previously. Given the recent issues with the distribution of the annual flu vaccine, thorough preparation must start now. A clear action plan must be developed in order to achieve a successful roll-out. The motion calls for

the appointment of a medical professional to lead on the programme. I agree with that wholeheartedly. I note that, over the weekend, the UK Government appointed a junior Minister to have oversight of the vaccination in England for that specific reason.

On the delivery of the vaccine, it is obvious that current staffing levels will not be enough to cater for the demand. What discussions has the Minister had on the potential for former NHS doctors and nurses to come back into service to assist in that roll-out? Likewise, has he discussed the potential for current student doctors and nurses to administer vaccines? What about the use of the army? Obviously, training will be required for administering the COVID vaccine. Can the Minister update the Chamber on that? Given that a large number of staff will presumably be involved in administering the COVID vaccination, can he assure the House that GP practices will be able to continue to operate for those who need telephone or in-person appointments?

Another important aspect is prioritisation for the vaccine. I understand that the Joint Committee on Vaccination and Immunisation (JCVI) has released a draft priority list for those who will receive the vaccine, with care home residents and staff, rightly, at the top, followed by Health and Social Care workers and people who are over 80 years of age. However, the list goes on to make a distinction between those who are under the age of 65 and at high risk from the virus and those who are under the age of 65 and at moderate risk from the virus. We have all heard about the conditions that put one at increased risk of hospitalisation: cancer, diabetes and obesity. Can the Minister advise the House which conditions may be prioritised over certain other conditions and whether the body of evidence on which such decisions are made will be published?

I highlight the point following the roll-out of the annual flu vaccine and the shortage of supply. The chairperson of the BMA's Northern Ireland general practitioners committee said that, if the issue in the flu vaccine supply chain had been known about earlier, the over-65s who were most at risk could have been prioritised. Given the potential issues in obtaining a supply of COVID-19 vaccines when one is approved, it is imperative that the priority list is clear and well publicised.

With regard to those who were instructed to shield earlier in the year, some of the practices that delivered the flu vaccine in my constituency allowed those individuals to have their vaccine administered during an appointment. While I appreciate that practices have taken thorough measures to become COVID-secure, that allowed those people who were most clinically vulnerable to avoid the majority of those who were receiving the flu vaccine and to have private appointments. Some of those people may not have left their homes a great deal since the beginning of the pandemic. Some may be very elderly or fearful and daunted by the thought of being asked to attend a site where mass vaccination is taking place. Can the Minister advise the House whether private appointments for vaccinations could be an option for those who were shielding?

That brings me to the issue of location. I am aware that, in England, sites are being readied in preparation for the roll-out of the vaccination. Have universities or other suitable venues, such as leisure centres or church halls,

been identified as potential sites for mass vaccination — particularly in north Down, by the way? On the vaccines themselves, what would happen if more than one vaccine were approved for use at around the same time? We do not yet know the conclusions on the effectiveness of each vaccine. From what I have read, it appears that some vaccines are more effective at reducing an individual's risk of serious illness from COVID-19.

Mr Buckley: I thank the Member for giving way. On that point, does he agree that it is vital that as much information as possible on the individual vaccines available is in the public domain?

Mr Deputy Speaker (Mr McGlone): The Member has an extra minute.

Mr Easton: Thank you very much, Mr Deputy Speaker.

Yes, that is crucial. While the Oxford vaccine has shown signs of reducing the transmission of the virus, are we to prioritise certain vaccinations over others once they are approved? Some vaccines require one dose; others require two. Will there be some logic in deciding which individual receives which vaccine? I would like confirmation from the Minister that the vaccine will be voluntary, which is also very important.

I want to make it clear that I want the funding in place now to roll this out. I want hundreds of trained people ready to roll this out. I do not want any excuses or delays. I want to get back to a normal life, as does everybody else.

Ms Flynn: I apologise that some of my points will be repetitive as other Members have touched on them, but it is important that I cover them. I support the motion and join other Members in welcoming the positive developments to secure a safe and effective COVID-19 vaccine.

Last week, I held engagements in my local area of west Belfast with a number of groups, including a pensioners' group and a youth group with children ranging from the ages of 10 to 18. What I found most interesting was that, regardless of age, the same question was to the fore of people's minds, and it was, "When can I access a vaccine, and when will we begin to see an end to coronavirus?".

Concerns have been brought to my attention, and some Members have touched on this, by people who had to clinically shield during the first wave of the pandemic. Understandably, they have been worried and anxious throughout this whole period, and it is fair to say that many have been living with the constant fear of contracting the virus and with the thought of how serious that might prove for them.

With that in mind, I have submitted a question to the Minister of Health asking which clinically vulnerable groups, apart from those over the age of 65, will be considered as priority groups for receiving the COVID-19 vaccination. I look forward to the Minister's briefing to the Health Committee on Thursday, when, I am sure, we will be provided with such further detail. However, today, I stress to the Department and to the Minister that central to any successful roll-out of this vaccination must be a clear communication strategy with the public on what to expect and when to expect it.

All the groups that I have spoken of — pensioners, young people, those who were shielding — as well as the wider public need firm assurances that, when the vaccine

is ready, it will be safe and free, and it will be made accessible as swiftly as possible to all, regardless of age, gender, financial position or location.

The Minister and the Executive must initiate a compelling, powerful information campaign to generate maximum awareness of the importance and safety of the COVID-19 vaccine. A high uptake of any future vaccination programme will be crucial, as we all know, in defeating this virus.

People need to know and understand that countless lives are saved daily across the globe as a result of vaccines. As referenced earlier by the Committee Chair, vaccines have all but wiped out serious diseases such as smallpox, polio, measles, mumps, rubella and many more. We have a responsibility to make people appreciate and take pride in the fact that this is the chance for our generation to eliminate coronavirus.

I am conscious that today's debate will, as the Deputy Chair of the Committee and others mentioned, be of little comfort to families mourning the death of a loved one who tragically lost their battle with COVID-19. Earlier, Ms Cameron referred to the fact that, sadly, we passed the sad milestone of 1,000 deaths today. However, I hope that, in some small way, the progression of a wide-scale vaccination programme will instil some happiness, contentment or hope in the wider public and that we can all begin to plan and to aspire to live our lives just as we used to before.

Mr Sheehan: This virus has turned all of our lives upside down, and not just here. On the face of the planet, there is barely a country that has not been badly affected by the advent of this new virus. Here, it has shone a light on the inadequacies of our health service as a result of years of underfunding. As we come out of this, and hopefully as the vaccine brings an end to the crisis that we are in, I hope that there will be a complete review of the funding of our health service so that, in the event of any future pandemic of this nature, it will be ready to deal with it. The virus has also shone a light on the health inequalities in our society. As usual, those on the margins are the ones who have been the most adversely affected by the pandemic.

Those are issues for the future. The immediate future, hopefully, is bright. We have a vaccine coming to deal with the virus. We know, and this has been mentioned by a number of Members, how much vaccines have advanced the cause of medicine in the past 100 years. According to the World Health Organization, 28 diseases can be treated, and in some cases almost eradicated, by the use of vaccines, including diphtheria, hepatitis A, B and E, measles, meningitis, polio, rubella, TB, yellow fever and whooping cough. The list goes on. When the virus becomes available, I will certainly be taking it and my children will be taking it.

Mr Swann (The Minister of Health): Will the Member give way?

Mr Sheehan: Certainly.

Mr Swann: We will give you the vaccine rather than the virus. *[Laughter.]*

Mr Sheehan: I beg your pardon. I was getting carried away there. As I said, I will be taking the vaccine and my children will be taking the vaccine. I will be encouraging everyone to take the vaccine, because that is what we need.

One of the questions that we must ask about an action plan, which, I hope, we are going to see more detail on over the coming weeks, is this: who is going to get the vaccine? We understand that the most vulnerable should get the vaccine first, but then where will the vaccine be delivered? Whom will it go to? Will it be care homes, of course, then the over-70s, then the over-60s and so on?

Ms Ennis: I thank my colleague for giving way. He will be well aware of the nightmare situation that those who reside in assisted living settings have had to endure throughout the pandemic. They have effectively been unable to leave the places where they reside owing to the PHA classing them as domiciliary settings or care home settings. I am sure that my colleague will join me in calling on the Minister of Health to ensure that those who live in assisted living settings are among some of the first to receive the vaccine when it is rolled out.

Mr Deputy Speaker (Mr McGlone): The Member has an extra minute.

Mr Sheehan: I could not agree more. That is the type of question that the Minister is going to have to answer at some stage. There is the broader question of who is going to get the vaccine, and then there is the question of at what stage it will be delivered to them.

There is another question: who is going to deliver the vaccine? I do not want to make a political point here, but some of the Members who are advocating the use of the British military to roll out the vaccine are trying to make some sort of political point. I do not envisage the British military being on the Falls Road giving out a vaccine for the virus. That is not realistic. We have enough people, and that part of the action plan that the Minister is going to roll out will need to say who will be administering the vaccine. Will it be GPs? Will it be community pharmacists, who were saying recently that they are at the ready to deliver it if they are needed? Will it be paramedics, district nurses and nurses in hospitals delivering it to staff, patients and so on? All of that detail needs to be clarified.

4.45 pm

Clarity is also needed on where the vaccine is going to be delivered. We already heard talk about leisure centres being used for mass testing. Perhaps GAA clubs or other sports premises, where a lot of people would be confident about going for their job, could be used as needs be. All those things are important.

Hopefully, the vaccine will be here soon. I do not have a lot of confidence in this British Government if they are behind providing and delivering the vaccine here. They have made an absolute hames of everything that they have done concerning the pandemic so far. I hope that they get it right on this occasion, that we get the vaccine soon and that we get our whole population vaccinated. In the meantime, we need to be sure that we have a proper contact-tracing system. I welcome the Minister's acknowledgement yesterday that I have some expertise in that field.

Mr Deputy Speaker (Mr McGlone): Will the Member draw his remarks to a close, please?

Mr Sheehan: Certainly, a LeasCheann Comhairle. It is important that we have that fallback situation in case there are any delays with a vaccine.

Mr McCrossan: I also support the motion. It has been a very painful and difficult year for our society, the world, families, business and those who have lost loved ones. We have heard that in excess of 1,000 people have now lost their life to the virus here in Northern Ireland. The virus has shattered dreams, ripped the hearts from families, devastated our economy, taken people's livelihood and turned our entire world upside down, but, at the heart of the virus, there has always been our heroes in our health service. Those people have stood on the front line and have not only provided the necessary care for people who were in desperate need but have had to communicate with families who were in great pain and drive themselves beyond their own limits — emotionally, mentally and physically. It is important to acknowledge that they have led the fight against the virus and provided support to every person in our society. It has touched our heart in some way for the past nine or 10 months. There is light at the end of the tunnel, and I am very relieved to see it. The vaccine is welcome. The memory of the damage that the virus has caused will live with each of us for the rest of our life, particularly those on the front line who have held the hands of the dying, and those who have lost loved ones.

The vaccine is welcome news. Society can breathe a sigh of relief at last, but not just yet. We still have the Christmas period to get through. The slightest bit of complacency could put a life at risk. The House needs to be clear that the most dangerous period that we have faced in the last year is upon us. The Christmas period, when, naturally, we come together with family and friends, is the most dangerous and critical time. If we are taking this seriously, we need to take every necessary step to ensure that we stick to the advice.

Over the past week, I have raised the importance of getting the vaccine out to the most vulnerable. I echo the words of colleagues across the House in ensuring that that happens. I also welcome that there are five stages to the roll-out, with the first focusing on our dedicated healthcare staff, care home residents and those over the age of 80. It is my understanding that the plan will advance to those over 65, then to those under 65, then to those over 50, and then widened out to the general population. There is a job of work, because, as always, social media has the naysayers who are asking how a vaccine has been developed so quickly. It has been a global effort to save human life, and we need to be very clear that that has been the case. For the next number of weeks, we need to urge people to take the vaccine and to encourage their families, friends and community to do so. The leadership of that message needs to come consistently, clearly and strongly from the House.

As to logistics, I represent rural West Tyrone, and my constituents will be asking themselves how far they will have to travel to access the vaccine. We should also remember that many in my constituency and in other rural parts have no access to vehicles. Therefore, where the vaccine is to be provided will be critical to them in alleviating any anxiety that they may have. That is why ensuring that it goes to the hearts and hubs of communities is important.

Mr Gildernew: Will the Member give way?

Mr McCrossan: I will indeed.

Mr Gildernew: Does the Member agree that, in order to provide accessibility and to build community support, it would be of value to talk to community groups such as the GAA or rugby clubs that provided good support at the start of the pandemic?

Mr Deputy Speaker (Mr McGlone): The Member has an extra minute.

Mr McCrossan: I thank the Member for his intervention. It is clear that we are all in this together. A single life lost is one too many. We all face a huge challenge as we work together to get the vaccine rolled out and to support those with responsibility for overseeing it. That is why, across these island and this island, we need to work with our counterparts to ensure that we have a united approach to battling the virus.

After that, we face big challenges. The battle does not end when the vaccine is rolled out. Work will then start to repair the damage that the virus has left in its path in mental health services, investment in rural services and the health service, as Mr Sheehan rightly pointed out. I do not envy the Minister, but I put it on record that he has my support and that of my party in overseeing a difficult and challenging task ahead. I also put firmly on the record a thank you to our healthcare staff, who have led the battle against the virus.

Ms Armstrong: I welcome the motion, as it provides an opportunity for the Health Minister to confirm his roll-out of the vaccination programme across Northern Ireland.

I will take all of us on a step back. On behalf of the Alliance Party, let me say that we are extremely grateful to the scientists, biochemists, doctors, researchers, nurses, lab technicians and all who have helped to get us to the vaccine.

We all have concerns about circuit breakers and about not being able to see vulnerable family members. Some businesses are at breaking point, and, sadly, some have already closed. In the House, we are acutely aware of the pressure that the Department of Health and all working in it are under. This is the first chink of light, the first real hope of a solution that will bring the misery of COVID-19 under control and, hopefully, lead to the eradication of the virus.

The planned, large-scale vaccination programme is, I am sure, being developed with the engagement of multi-professional health experts across the system, including primary care, general practice, pharmacy, community services, care homes and school health. It is potentially linked to acute services, for example A&E and outpatients. While all that goes on, we need to consider the public. Our population needs infrastructure availability and service capacity, and all those demands need careful consideration. If we are to take forward a vaccination programme, the House wants to learn more about it. As others have said, there needs to be clear guidance for the public. We need to manage their expectations and give them confidence that the vaccine will work.

In considering how the vaccine will be rolled out, I expect that a well-organised system will break down the population into priority groups. It is, of course, vital that healthcare staff be among the first to receive the vaccine, but I urge the Minister to ensure that all key workers and front-line staff, as mentioned by the Chair of the Health Committee, are taken into consideration in the first wave.

That should include the police, public transport staff, people who work in residential and domiciliary care, Prison Service staff, teachers and classroom support and foster and kinship carers. It should come as no surprise to the Minister when I say that the absolutely exhausted, unpaid carers should be in that first wave.

Mr McCrossan mentioned access to the vaccine. I worked in community transport for years before I became an MLA, providing access to services for older people and those with disabilities across Northern Ireland. It will be a key issue to ensure that people who are defined as vulnerable can get to where the vaccine will be administered. It does not matter who says what and whether it is a church or a GAA hall, a school or anywhere else: if you cannot get to it, there is no point in it being there. I ask the Minister of Health to work with the Minister for Infrastructure to ensure that older people, people with disabilities, people with limited mobility and rural dwellers all have access to a public transport solution if needed.

I ask everyone to consider 2013. In 2013, we had one of the heaviest snowfalls in Northern Ireland for years. If that happens in 2021, what will we do? We need to think about the worst-case scenarios and give people an honest-to-goodness solution. I ask the Minister for a clear public messaging campaign that needs to start as soon as he has a clear idea of what the programme will look like. We do not need any more podiums of doom, Minister; we need to look at people and ask them to work with us.

As Mr McCrossan said, there will be naysayers out there and the people who will never take a vaccine. It would not matter what the vaccine was for; they would never take it. They will say that it is all rubbish and that the Government have made it all up. However, this will save lives. Those scientists — our heroes — have come up with something that will save the lives of people across Northern Ireland. We need to ensure that the public come with us, that their expectations are managed and that they have confidence. The best place that they can get that confidence is here in the House. Leadership is unity, and unity is what is needed in the time ahead. We have lost over 1,000 people: we do not need to lose any more.

Mr Carroll: We certainly welcome the news that a COVID-19 vaccine may now become available. We have shared in the suffering and tragedy of the pandemic with people around the world over many months — almost a year. It has been a stark reminder of our common humanity, because, as people have said, the pandemic pays no heed to borders or nationality. It has impacted on all of society, but, as others pointed out, not and never equally. Healthcare workers risked their lives on front lines to save people's lives and sometimes paid tragically with their lives, whilst billionaires, some of whom are stuck on private islands, saw their wealth increase exorbitantly during the pandemic.

The health and safety of the low-paid essential workers who kept society moving during the pandemic were treated as an afterthought by those who were most concerned with how the likes of Randox and other big corporations could profit during the pandemic. The vulnerable and the low-paid have suffered most through botched government health and financial relief policies, while the politically connected rule with one law for them and another for the rest of us. Workers and small businesses have fallen through the cracks time and again, while government

contracts worth billions have been dished out to a corrupt, politically connected golden circle. Shameless profiteering has been ramped up by unscrupulous people in power during the pandemic.

The pandemic has revealed the impact of decades of neglect and attacks by government on our health service, but it has also made clear why our health service and all other public services are vital and so essential. The private sector cannot deal with a crisis on this scale, because it is geared towards profits primarily and not the health and well-being of society. The private care homes debacle has demonstrated why privatisation has failed residents, workers and families. The era of Stormont looking after the likes of Moy Park bosses while crushing the health service into the ground must end. When the pandemic finally ends, a new era of equality must begin in which our health service and all our public services are fully protected and funded; care home residents, their families and workers are kept safe and paid properly; poverty pay and zero-hours contract are ended; students are not treated as disposable; people of colour and migrant communities are treated with the respect that they deserve; and bosses and politicians are no longer allowed to shamelessly profit and make rules and laws, often to suit themselves.

We still face the immediate danger of a life-taking virus, which has been compounded many times over by the catastrophic response of the Governments on these islands, including the Executive. While we certainly welcome the potentially extremely positive news, my party thinks that several points need to be raised. We are unlikely to be able to vaccinate our way out of the pandemic, at least not this year. Therefore, there will be a continuing need to pursue a strategy to protect people. We have joined others in calling for an all-Ireland zero COVID strategy against the policies coming from Westminster, the Dáil and, indeed, Stormont.

The need for an all-Ireland integrated health strategy has been made all the more evident this week as the guidelines in the North and South go in different directions, and that is a continued recipe for disaster.

5.00 pm

Secondly, the distribution programme for a vaccine should not be done in a way that creates disparities. It should be done on an all-Ireland basis, with healthcare workers, the vulnerable and the elderly being first in the line. We cannot have a situation where people are being vaccinated in Derry but not Donegal or vice versa. We need to make sure that the vaccine is safe, and therefore, the patent should be made available for scientific scrutiny. The vaccination science should be transparent, and that is crucial to build public confidence in any vaccine programme and to keep people safe. It is worth mentioning that Jonas Salk who created the polio vaccine said:

"There is no patent. Could you patent the sun?"

It is disgraceful that the profits of major corporations could soar as a result of COVID vaccinations.

Connected to that, we need to invest in education on the scientific and health merits of utilising a vaccine, as others have said. A lot of confusion about the science is swirling around and being promoted by former US President Donald Trump — assuming that he is going to walk out of

office — neo-Nazis and the far right, and other deplorable conspiracy theorists.

Mr Deputy Speaker (Mr McGlone): I ask the Member to draw his remarks to a close.

Mr Carroll: Sure. We should invest in education rather than rely on punitive measures to encourage participation in a vaccine programme. Finally, as I said, my party does not think that corporations should be able to profiteer from the misery that people have been afflicted with this year.

Mr Swann: As Members have said, today we reached another sad milestone in this pandemic, where the number of COVID-related deaths recorded on my Department's COVID dashboard has passed 1,000. We must always remember that we are not talking about statistics but much-loved people who will be desperately missed. My profound sympathies go to every bereaved family. This is a harsh reminder of the threat posed by COVID-19, and no one should underestimate the virus or delude themselves that it can never affect them.

I am very aware that there is a small and vociferous minority who seek to play down the coronavirus risks. To anyone trying to play it down and minimise the impact, I say, please, think again. This vaccine has come too late for those people. So let us not lose or abuse the time between now and when we are able to deliver the vaccine.

I thank Members for bringing this motion, as it provides a timely opportunity to provide the House with the update that was given to the Executive last Thursday. The update will answer many of the initial questions that Mrs Cameron posed when she moved the motion.

When the Executive returned on 11 January this year, no one in the Chamber could have imagined what lay ahead or that we would soon be entering a once-in-a-generation global health crisis that would push all of us — not least our front-line health and care staff — to the extremes. However, while the pandemic has been a health crisis, the impact has been much wider, as has been mentioned. Daily life has changed beyond anything we could have imagined at the start of this year.

We are now in the midst of a further period of extended restrictions. I fully appreciate the huge impact that these restrictions are having across so many sectors in Northern Ireland and the many sacrifices that people are making. However, thanks to those restrictions, the number of infections is starting to come down, although the system is still under significant pressures. As I speak, there are still COVID-positive inpatients in our hospitals and a high, but stable, number in critical care. These are not decisions that anyone wants to take, but they are necessary. They will prevent our health service from being overwhelmed. They will save lives, and not just the lives of patients with COVID but of any patient who urgently needs treatment.

I have listened with interest to Members' contributions, and I should state that I wholeheartedly support the motion. This is an important subject and a valuable discussion, but I am sure that all Members will agree that it is imperative that we get this right.

At this point, I will take a few moments to describe the planning and preparations for the vaccination programme. As has been said across the House, we need experts to lead the House, and, as has been said by most parties, we

need experienced health service professionals who know what they are doing and can act quickly and decisively.

The motion calls for the appointment of a professional expert to lead our vaccination programme. I can confirm that that has already happened. I have appointed Patricia Donnelly, who is a former director of acute services in the Belfast Trust and a highly experienced health professional, to drive and oversee the planning and delivery of our vaccination programme. She has been working extensively with officials and clinicians in the Department, the Public Health Agency and the health and social care trusts for some time, and she gave a presentation to the Executive last Thursday on the advanced stages of planning.

Vaccination plans are at an advanced stage and will be delivered over a number of phases, which will see different groups or age cohorts being invited in to receive the vaccine over the following months. The vaccination programme will build on the Northern Ireland health service expertise in delivering immunisation programmes, as was mentioned by the Chair of the Committee and a number of Members.

As Members may be aware, the UK Government have secured access to seven vaccine candidates across four vaccine types, which could result in 357 million doses of COVID-19 vaccines being made available in the United Kingdom. While I am always open to all-island solutions, the UK did not sign up to an EU procurement process as the Commission confirmed that it was not possible for the UK to pursue parallel negotiations with potential vaccine suppliers. That meant that the UK would be required to stop its negotiations with manufacturers with which the EU had launched negotiations, and I suspect that Members will agree that that would have been a mistake and a challenge.

The UK is well positioned nationally. The Government have secured early access to doses through agreements with several separate vaccine developers at various stages of trials. I can confirm that Northern Ireland will receive its Barnett share — 2.85% — of the total UK stock of COVID-19 vaccines that are eventually approved for use. It is important to say that the vaccines will be deployed only for use when they have passed the required safety and efficacy tests and received authorisation from the Medicines and Healthcare products Regulatory Agency (MHRA). I assure everyone that, while the process is being progressed as rapidly as possible, the experts in the MHRA will provide that approval only when they are assured that the vaccine is safe and effective.

Nevertheless, we expect to have authorised vaccines available for use shortly, and we are ready to begin a programme once sufficient quantities are in place. Realistically, it may be early in the new year before the full vaccination programme is in operation, but we are hopeful that the programme will be launched in only a couple of weeks in each of the four UK countries. As I mentioned earlier, the planned vaccination programme will be a major logistical exercise that will last many months and will take us well into the middle of next year at least.

Members will be aware from media reports of some of the requirements for the different vaccines in terms of storage, transport and other logistical issues. At present, the two vaccines that are expected to be used first require two doses to be given 28 days apart, which answers some of

Mr Easton's questions. We are therefore planning on the basis of a number of scenarios based on different vaccines becoming available at different times. This is a developing situation, and our plans are flexible enough to respond to any emerging developments.

The vaccines will be rolled out to eligible groups as quickly as possible, bearing in mind the limitations of where the Pfizer vaccine can be safely deployed. This will initially involve health and social care workers and care home staff. It will extend to the over-80s and care home residents early in the new year as additional vaccines become available,

In addition, we are rapidly exploring the most effective way to safely deliver vaccines to other priority groups as quickly as possible. The Pfizer vaccine, which is expected to come online first, presents a number of logistical challenges. With colleagues in England, Scotland and Wales, we are continuing to work through those challenges. The handling of subsequent vaccines is expected to be more in line with that of routine vaccines. It will therefore be easier to deploy those outside of the mass vaccination sites, and it should allow them to be delivered by GPs and others, as some mentioned in the House, in the same way as the current flu vaccination programme.

I mentioned earlier the importance of getting this right. The most important aspect of this is to have a systemic, reliable and sustained vaccination programme. While we want this to start as quickly as possible, we also need to minimise waste and, above all, ensure that vaccines are delivered in the correct environment for them to be effective. The vaccination workforce will initially be based mainly on occupational health staff, trust peer vaccinators and GP staff, who have a proven track record of delivering the annual flu programme to thousands of patients over a 12-week period. The exact composition and location of vaccination teams will vary according to the requirements of the different vaccines and the population receiving the vaccine as well as the timescales of the Medicines and Healthcare products Regulatory Agency approval.

On 16 November, an expression of interest was issued to all registered healthcare professionals, including pharmacists, nurses, dentists and allied health professionals, in relation to becoming sessional vaccinators. These individuals will be trained up and brought into the programme as and when they are required. In addition, we are seeking healthcare assistants and admin staff to support the programme and free up the time of the vaccinators. As always during this pandemic, I have been overwhelmed by the commitment and enthusiasm of staff from across the health and social care system. Already, almost 1,000 individuals have registered their interest in helping to deliver this programme, and over 400 applications have now been submitted.

In recent weeks, I have received a number of queries related to how different groups will be prioritised in receiving the vaccine, an issue that has also been raised here today. Vaccination policy in Northern Ireland is based on the recommendations provided by the JCVI, which advises the four UK Health Ministers. Made up of independent experts, it advises the Government on which vaccines the UK should use and provides advice on who should be offered the vaccination first. The JCVI has access to all relevant information on the COVID vaccines

and to the clinical data on the groups who suffer the worst outcomes if they catch COVID-19.

Although we are not strictly obliged to follow JCVI recommendations, up to this point, Northern Ireland has always implemented its recommendations. It is appropriate that we follow its expert advice on who should be offered the vaccine first. On Friday 25 September, the updated JCVI interim position on prioritisation was published. It was produced on the basis of a combination of clinical risk stratification and an age-based approach. It has advised that the vaccine first be given to care home residents and staff, followed by people over 80 and health and social care workers, and then to the rest of the population in order of age and risk. It is expected that this will help to optimise the targeting and the deliverability of the vaccines. The JCVI position is available on its website and will be updated as more information becomes available.

An effective vaccine will be the best way to protect the most vulnerable from coronavirus. It is the biggest breakthrough since the pandemic began.

It is a huge step forward in our fight against coronavirus and will potentially save tens of thousands of lives. Once vaccinations begin, we will closely monitor the impact on individuals, on health service pressures and on the spread of the virus. As large numbers of people from the at-risk groups are given a vaccine, we will be able to examine the impact on infection rates, on hospitalisations and of reduced deaths. If successful, that should, in time, lead to a substantial reassessment of current restrictions.

5.15 pm

In closing, I want to leave the House with three main messages. First, work to deliver the vaccines is well advanced. Our health service is primed and ready to deliver a vaccination programme, safely and systematically, and I look forward to updating the Health Committee in more detail on Thursday.

Secondly, mass vaccination is an enormous logistical challenge, and it will take time. There is no way around that and no quick fix. We expect that it will take many months before the vaccination programme is complete, and we need to recognise that we are not through this yet.

Thirdly and finally, although there is some way to go, the appearance of these vaccines is real grounds for hope. An effective vaccine will be the best way in which to protect the most vulnerable from coronavirus, and it is the biggest breakthrough since the pandemic began. Although the pandemic is not over yet, and there are still difficult decisions ahead, this may, at last, signal the turning of the tide.

Mr Deputy Speaker (Mr McGlone): I call Jonathan Buckley to conclude and make a winding-up speech on the debate and the motion.

Mr Buckley: I begin by thanking Members for their positive contributions to the debate and their support. There have been many dark days in the House throughout 2020, but, even as we debate the motion today, there are glimmers of light. For the first time, and on record, health officials have confirmed that if the Pfizer vaccine is given the go-ahead in Northern Ireland, it will be good to go, with roll-out on 14 December. That is something from which Members can take great heart and solace.

If I had to sum up Members contributions, I would begin with one word and one word only: hope. The proposer of the motion, Mrs Pam Cameron, whom I thank for being a co-signatory to the motion, talked about the light at the end of the tunnel. Those points were echoed right across the Chamber. Colin McGrath talked about an injection of hope. Órlaithí Flynn talked about the hopes of many from different groups in her constituency. That is something that is shared, regardless of constituency or country, right around the world.

Pat Sheehan talked about the bright future ahead. Daniel McCrossan talked of a painful and difficult year of shattered dreams but acknowledged, in a strong contribution, the support and help of the NHS staff who have been on the front line of this battle. Alan Chambers, Paula Bradshaw and Kellie Armstrong talked of their appreciation of the scientific efforts behind vaccine development. It goes on record, from all Members, that we owe a great deal to those scientists who have worked diligently to try to produce a vaccine, safely and efficiently, to deal with this pandemic.

Paula Bradshaw referenced the appointment of professional expertise in the motion and questioned some Members' sincerity on that point. Although there will always be widespread differences on the effects of lockdown from a range of experts in their field, it is right that politicians challenge those viewpoints as well. By "expert", this motion made specific reference to the logistical administration to ensure speed and accuracy of a vaccine programme.

Colm Gildernew, the Chair of the Health Committee, talked about the vital Committee scrutiny that is ongoing and hopefully will continue on Thursday. It is a vital aspect of the engagement required. He also mentioned, along with Órlaithí Flynn and Pat Sheehan, the worldwide vaccines and how they have transformed our world. He referenced 28 worldwide diseases that have been eradicated through vaccines. That is a very important point, and one that we should all bear in mind.

We are all too aware of the challenges at hand. We live in unprecedented times and face a monumental task on many different fronts on the road to a coronavirus recovery.

The effects of COVID-19 and, indeed, the consequential lockdown have presented challenges that will take a considerable time to overcome and may present some that perhaps we have not even encountered yet, sadly.

Almost all families have been affected either directly or indirectly by the virus. Indeed, the development of a vaccine is quite simply a matter of life and death for some, including those who are vulnerable and high-risk and those who are desperately waiting on a return to normality.

Amidst the challenges that we have faced, I welcome the recent breakthrough in establishing a safe and effective vaccine. We all must hope that this is the turning point, as the Minister said, on the road to recovery. That was echoed right across Members' contributions today.

Central to the fight against COVID-19 is our capacity to research, trial and develop a vaccine. From day one, as mentioned, the United Kingdom has been a leading influence in the global effort to develop a vaccine, and, to that end, we can be proud and thankful for local

companies such as Almac, which is in my constituency, for their key role in the clinical trials that led to the first effective vaccines. That is an incredible contribution from the scientific field here in Northern Ireland.

The United Kingdom boasts one of the world's largest vaccine order books per head of population, securing early access to over 355 million vaccine doses through agreements with seven different developers at various stages of trials. Northern Ireland alone is projected to account for a share of nearly four million vaccines from phase 3 of trials from BioNTech, Pfizer and AstraZeneca.

With that supply network in place, it is now essential that Northern Ireland develops a decisive action plan, as outlined by the Minister, on a roll-out of a vaccine so that the wider public and those who are most vulnerable can get the protection that they urgently need. Some Members made reference to that in their contribution. I echo the points about a clear communications plan — I think that that was mentioned by Órlaithí Flynn and others — in order to ensure the safe roll-out of a vaccine and to address some of the concerns that people will, rightly, have about the speed of its development.

The action plan must be —

Mr McGrath: I thank the Member for giving way. Do you agree that, alongside the plan that there is going to be, there needs to be one for easing the regulations, although obviously not immediately for all the regulations? People need to have hope that, as we start the vaccine process, we will also start to have the road back to normality. People may have a concern that we are going to be looking at a vaccine that may take until the summer to deliver, and they are keen to get back to some sense of normality soon.

Mr Buckley: Absolutely, and I thank the Member for his intervention. It is vital that the news of and potential roll-out of a vaccine brings hope about some form of normality in the short term for those many businesses and people right across your constituency and mine who have faced the realities of lockdown and its effects on their business and livelihood.

The action plan must be strong and ambitious, detailing how workforce requirements can be met and how to maximise the number of premises where vaccinations can be administered. Members right across the House made reference to the different types of community settings that have already played a vital role, but, in anticipation of a vaccine, we must be strong and ambitious in how we can mass vaccinate our population in order to ensure that we put an end to this disastrous saga of lockdown and COVID-19.

It is essential that external professional logistical expertise is appointed to lead on a vaccination programme. We simply cannot get this wrong. I welcome the appointment of Patricia Donnelly and the detail of the decisive plan that the Minister outlined. At the Committee on Thursday, I would like to hear how the logistical expertise of the personnel that are involved can be part of that solution with the task force.

With that in mind, we must emphasise that any vaccination programme that is put in place be dynamic and flexible owing to the fact that it will be administered in a range of different settings to patients whose circumstances will,

inevitably, differ. That point was highlighted quite well by Sinéad Ennis about those in a home setting who have not been able to access community facilities because of PHA advice.

I welcome that the initial recommendation set out by the Joint Committee on Vaccination and Immunisation prioritises healthcare and care staff to be among the first to receive access to vaccines.

It is crucial that that be upheld, given the vulnerability of those whom they care for and the grave consequences of the infection being in such settings.

We must take into account the needs of conscientious objectors to vaccines and respect their right to choose. That is vital. While we sell the message of hope, we all must bear it in mind that there are conscientious objectors.

Ensuring that there are enough hands on deck to deliver and administer a vaccine — indeed, some may require two doses weeks apart, as outlined by Alex Easton — is critical to the success of the programme. At a time when the health service's capacity is under pressure, the deployment of personnel, be they from the Ministry of Defence or elsewhere, to explore the logistics of rolling out a vaccine in NI is a welcome and constructive development.

There is absolutely no doubt that the distribution of a COVID-19 vaccine is a large logistical, operational challenge, but it is one that we must act on now and be adequately prepared for. Northern Ireland cannot lag behind any other region or country in its preparations. The first seemingly insurmountable challenge has been overcome. The sun is finally setting on what has been a horrendous 2020. The glimmers of a new dawn await our nation, and I hope that the Executive and, indeed, the world grasp the opportunity with both hands.

Question put and agreed to.

Resolved:

That this Assembly welcomes the recent breakthrough in efforts to establish a safe and effective COVID-19 vaccine; highlights the importance of Northern Ireland retaining full access to the UK Government's supply network, including national distribution plans; stresses that this approach provides the best means of protecting the wider public as soon as possible; believes a professional expert should be appointed to lead on the vaccination programme in order to ensure it is available to front-line staff and those most vulnerable in Northern Ireland at the same time as the rest of the UK; and calls on the Minister of Health to outline a clear action plan for the roll-out, starting before the end of December 2020, of a COVID-19 vaccine in Northern Ireland.

Adjourned at 5.27 pm.

Northern Ireland Assembly

Monday 7 December 2020

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Stalford: On a point of order, Mr Speaker. There are conventions and practices, sir, on the answering of questions tabled by Members. On 2 November, I tabled a question to the Minister of Health, asking him which procedures, other than cancer and heart operations, have been postponed for patients as a consequence of the pandemic. It is now 7 December. Can you guide me as to how I can get a timely answer from a Minister to a very important question?

Mr Speaker: Thank you, Mr Stalford. You are aware that I have limited authority to address those matters. Standing Orders state that Ministers should respond to queries and letters from all Members and that all Ministers are accountable to Members. You have made your point on the record. There are other opportunities for you to follow that up through other forms of questions and so on. The Member has made his point. I always encourage Ministers to respond in a timely manner to all Members' questions at all times.

Mr Givan: On a point of order, Mr Speaker. I am looking for your advice to Members as to how we can seek responses and what the protocol is in light of the Justice Minister's decision not only to register an interest on a policy issue but to recuse herself from that policy responsibility, which has been delegated to the permanent secretary to take key policy decisions. That is unprecedented in Northern Ireland's devolved history; it has never happened before. What are the protocols for Members when seeking responses on that issue, particularly in light of the fact that the permanent secretary does not have speaking rights in the Assembly to deal with a very serious issue?

Mr Speaker: The Member is aware that I have not had an opportunity to look at that. I do not know much about the background, but I know that all Ministers are responsible and accountable to the House for matters that are within the remit of their Department. Whether or not they have delegated authority to a particular civil servant or official to take certain matters forward, the Minister is still accountable to the House and will always remain so. I hope that that satisfies the Member.

Ministerial Statements

Intergovernmental Agreement on Criminal Justice Cooperation

Mr Speaker: I have received notice from the Minister of Justice that she wishes to make a statement. Before I call the Minister, I remind Members that, in light of the social distancing being observed by the parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members still have to make sure that their name is on the speaking list if they wish to be called. They can do that by rising in their place as well as by notifying the Business Office or the Speaker's Table directly. I remind Members to be concise, please, in asking their questions. I also remind Members that, in accordance with long-established procedure, points of order will not normally be taken during a statement or in the period for questions thereafter.

Mrs Long (The Minister of Justice): With your permission, Mr Speaker, I wish to make a statement regarding a bilateral meeting under the auspices of the intergovernmental agreement (IGA) on cooperation on criminal justice matters, which was held virtually on Friday 27 November 2020. This was my first such meeting with Helen McEntee TD, the Minister for Justice, at which I represented the Executive. I intend to continue the practice, which was introduced by former Justice Minister David Ford, of making periodic statements to keep the Assembly informed of meetings held under the auspices of the agreement.

The intergovernmental agreement on cooperation on criminal justice matters provides the framework for North/South cooperation in this area. It provides for meetings between the Justice Ministers, North and South. Such engagement is very important. To a large extent, we share the same justice problems, issues and concerns. This was the first IGA ministerial meeting to take place since November 2016. That long gap came about as a consequence of the period of the Assembly's inactivity and the recent Irish general elections.

The re-establishment of the ministerial meetings is particularly timely given the known impacts that the coronavirus pandemic has had on the justice systems and the as yet unknown consequences that will flow from Brexit. It is an extremely useful forum to maintain relationships with our counterparts in Ireland across a wide range of justice issues. The IGA joint work provides a focus on justice issues related to management of offenders, support for victims, knowledge exchange

between our forensic services, engagement on youth justice developments and policing of diverse communities. Five joint project advisory groups provide the mechanism by which the work in each of those areas is taken forward.

In spite of the hiatus in the publication of a work programme, Minister McEntee and I were impressed by the progress made in those areas since the last IGA meeting. A work programme is normally prepared and published annually under the auspices of the IGA. That requires ministerial sign-off, and I am pleased to announce today that a new work programme has been prepared under the terms of the IGA for 2020-21. The programme was signed off jointly by Minister McEntee and me at the IGA ministerial meeting.

I have spoken often about the importance of working together across the justice system, the Executive and the voluntary and community sector to implement the recommendations of the Gillen report in a way that delivers the reform envisaged. I therefore particularly welcomed the opportunity at the IGA meeting to share the progress that we are making on the implementation of the Gillen review, highlighting some of the current key initiatives that will help to transform and improve the experience of victims and witnesses.

Those initiatives include the introduction of the Committal Reform Bill to the Assembly on 3 November, which will help to reduce delay and the time taken to deal with serious sexual offences cases by removing the use of oral evidence as part of the committal process. It will also avoid vulnerable victims having to give oral evidence and be cross-examined more than once in the process. In addition, the Bill will introduce new arrangements whereby relevant cases can bypass the committal process entirely, thus ensuring that those cases are transferred to the Crown Court at an earlier stage.

I also updated Minister McEntee on the establishment of a new pilot scheme that will provide publicly funded, independent legal advice to adult complainants in serious sexual offence cases. The service will be available from the point that a crime is reported until the commencement of the trial. I recognise that the criminal justice processes themselves can be traumatic for complainants in those cases. I am confident that the new initiative, which should be operational by 1 April next year, will help to support complainants as their cases progress and increase their confidence in the criminal justice system.

We also discussed the work that my Department is taking forward on providing remote evidence facilities in Belfast and Craigavon. I expect those facilities to be operational within weeks, enabling vulnerable adult and child victims and witnesses to provide their evidence to the court remotely. That important step forward will also improve the experience of complainants and vulnerable witnesses.

It will minimise the likelihood of their being re-traumatised by having to meet the accused or give evidence in a daunting courtroom environment at what is undoubtedly a traumatic and distressing time in their life.

Minister McEntee and I agreed on continuing collaboration and on a work programme at official level that is aimed at promoting shared learning on support for victims. So many of the issues and challenges relating to victims and witnesses are mirrored across our two jurisdictions. In each jurisdiction, we face challenges around supporting

victims and witnesses in the criminal justice system; providing timely and accurate information to victims that is relevant to their case; and ensuring that victims and witnesses are consistently able to access their entitlements under their respective charters. There is much merit in continued cross-border cooperation on those issues, and I welcome the ongoing commitment to close cooperation through the support for victims programme advisory group.

We also discussed the impact of domestic violence and the exacerbation of incidents of domestic violence that have arisen during the COVID-19 pandemic. That is something that both Ministers and the two police services see as a priority area of work. We expect some further areas of shared work to develop in that area following the introduction of the Domestic Abuse and Family Proceedings Act in Northern Ireland.

I have attached a copy of the 2020-21 work programme, which was agreed at our meeting on 27 November, to the printed version of the statement. It will also be published on the relevant departmental websites following the statement.

We had an important discussion on the challenges being faced by justice organisations in both jurisdictions as a result of Brexit. As Ministers, we are committed to ensuring that we maintain and build on the good cross-border cooperation that exists, as well as to sharing standards, practices and procedures in areas such as operational engagement, forensics and data exchange. It is critical that those important areas of joint work can continue as we approach the end of the transition period following exit from the European Union.

I will also provide Members with an update on the Joint Agency Task Force (JATF), which was instituted under the Fresh Start Agreement and is led by senior officers from the Police Service of Northern Ireland, and Garda Síochána, the Revenue Commissioners and HM Revenue and Customs. A number of other organisations, including the National Crime Agency (NCA) and the Irish Criminal Assets Bureau (CAB), are also involved in operational activity. That is overseen by a strategic oversight group and an operations coordination group. Six initial priority areas of action were agreed: rural crime; child sexual exploitation; financial crime; illicit drugs; excise fraud; and human trafficking. The task force has advanced our cross-border operational response. At the meeting, we received a copy of the latest six-monthly JATF report, which covers until September 2020. In spite of the coronavirus pandemic, cross-border investigations have continued across a number of crime types, including burglary, armed robbery, hijacking, ATM thefts, livestock thefts and cruelty to animals.

Human trafficking remains a concern in both jurisdictions. A number of cross-border investigations remain active, with potential victims having been identified. The PSNI modern slavery and human trafficking unit (MSHTU) and an Garda Síochána human trafficking investigation and coordination unit (HTICU) recorded 76 persons who presented during the period as potential victims of human trafficking in Ireland and Northern Ireland. During the reporting period, the coronavirus pandemic, because of the international restrictions on the movement of people, has negatively affected the illicit production facilities of organised crime groups (OCGs). That is assessed as a

temporary effect, however, and illicit production remains a significant threat. A number of cross-border excise fraud investigations are currently being pursued by the authorities on both sides of the border.

A total of 15 financial crime investigations are ongoing under the auspices of the cross-border JATF. The investigations are being conducted by the PSNI, an Garda Síochána, the CAB and the NCA, supported by HMRC and the Revenue Commissioners, and they incorporate a range of criminal offending, including drug trafficking, cigarette smuggling, modern slavery and human trafficking, theft and fraud. In addition to criminal investigation powers, non-conviction-based asset recovery powers are being utilised in both jurisdictions to disrupt OCGs and recover the proceeds of crime.

The reporting period witnessed three large law enforcement agency interventions on both sides of the Irish Sea. Those resulted in the seizure of approximately €9.7 million of drugs. Minister McEntee and I will take receipt of the formal six-month update from the Joint Agency Task Force at our next meeting, and I look forward to being able to report on the further success of the task force to the Assembly in May.

12.15 pm

In conclusion, I am committed to maintaining our excellent criminal justice cooperation with Ireland between our respective law enforcement agencies. The strong levels of engagement between our respective criminal justice agencies is all the more important as Brexit negotiations reach a conclusion and we begin our exit from European Union structures.

Mr Givan (The Chairperson of the Committee for Justice): I thank the Minister for the statement and for coming to the House to provide it.

Since long before Brexit, there has been a crime bonanza on the border that has been exploited by criminal and paramilitary organisations. A lot of the issues that the Minister referred to have been taking place for many years. Did the Minister discuss with her counterpart in the Republic of Ireland the measures that will be taken post-Brexit that will demonstrate a serious level of engagement to tackle the criminality that has existed for many years at the border?

Mrs Long: The Chair of the Committee is correct to say that there has been a history of criminality on both sides of the border. That is true of almost all border communities right across the globe, because people will work to exploit differences at the interface in order to continue with criminal activities.

It will be a matter for the future security partnership, if such a partnership can be agreed, to ensure that we maintain the kind of streamlined, effective and efficient cross-border working that we currently have. However, I am reassured that the work that has been done by my Department and the Department of Justice in the Republic of Ireland builds on the good cooperation and collaboration that we have. Through the joint agency task force, there is a real opportunity to bring together revenue and customs interventions as well as criminal justice interventions in order to ensure that we are able to actively and cooperatively deal with cross-border crime.

Ms Dillon: I thank the Minister for her statement. I appreciate some of the issues that were outlined.

For the future, it might be beneficial for us to get a wee bit more information about what is coming from the other side, meaning what is being said by the Justice Minister in the Twenty-six Counties about the updates that Department is giving us.

Will the Minister give some more detail about the new pilot scheme and the legal advice for adult complainants in cases of serious sexual offence, including the number of complainants that might have access to it, where it will be based and how long it will run for?

Mrs Long: I am happy to write to the Member with further details of that. My statement is obviously about my engagement with Minister McEntee. She will make a comparable statement to the Dáil in due course.

Mrs D Kelly: I welcome the Minister's positive engagement with her counterpart in the South, in particular on sexual and domestic violence. However, it is very important, given the week and the day that are in it, that we examine a wee bit more closely the operational engagement of forensic and data exchange in the absence of the agreements that will be lost to us when Britain leaves the EU. I know that there is unprecedented cooperation in the exchange of data on forensics, fingerprints, DNA and the European arrest warrant between the PSNI and an Garda Síochána and the two Ministers. What are the gaps and how will they be filled in the immediate aftermath of the UK exit?

Mrs Long: I thank the Member for her question. As she is aware, there are two main priorities for the Department of Justice. The first is to have an effective and efficient replacement for the European arrest warrant should we not have access to it beyond our exit from the EU. The second priority is for data adequacy agreements to be sought. Data adequacy agreements have been sought by other countries, particularly in relation to General Data Protection Regulation (GDPR), so there is an effective way forward on that. However, we will be the first to seek a data adequacy agreement when it comes to justice measures, so it is, as yet, untested territory. However, both Departments have worked closely together in order to ensure that we have effective mechanisms to continue with our cooperation on a legal basis in the interim while those things are done.

However, it is our view that, should there not be a future security partnership agreed as a result of Brexit, it is important that the Home Office takes forward as a matter of urgency bilateral negotiations under the protocol with the Irish Government in order to ensure that all the various justice measures that may be compromised by Brexit can be streamlined and improved through a bilateral agreement.

Mr Beattie: I thank the Minister for a really useful statement. I apologise if I am straying into the operational side, but I would like to hear her view on this, although I appreciate that she may not be able to go into detail. As you know, a lot of cross-border crime is organised by paramilitaries: financial crime, illicit drugs, excise fraud and human trafficking. How will the JATF coordinate with our own paramilitary task force and feed in to the action plan on paramilitarism, criminality and organised crime?

Mrs Long: The Member makes a very good point. As he knows, the PSNI is the main coordinating body for the paramilitary and organised crime task force. So the work done through the JATF will also be reflected in work on paramilitarism more generally. The Chief Constable is best placed to discuss operational matters for the coordination. However, as the Member will be aware, the Department is also doing work to enhance our capability in areas such as civil recovery under unexplained wealth orders, the freezing of criminal assets in banks, and forfeiture orders, and that will help in the fight against organised crime. As he rightly says, the division between organised crime and paramilitarism is often paper-thin, where it exists at all.

Mr Blair: I thank the Minister for her statement. Cross-border cooperation and policing is a crucial matter at all times, but it is particularly so in the context of Brexit uncertainties. The statement and the planned work programme provided today refer to cooperation on operational engagement, forensics and data exchange. Is similar cooperation taking place at a local level with, for example, neighbourhood teams and district policing teams?

Mrs Long: I thank the Member for his question. It is a consideration that the Department discussed with both the Chief Commissioner for An Garda Síochána and the Chief Constable of the PSNI. There is very good local cooperation between community policing teams on their concerns such as community crime, tensions, fear of crime, and tackling local neighbourhood issues in communities.

As we all recognise, people in border communities live cross-border lives, and what impacts on people on one side of the border will impact on communities on the other side. There is good ongoing working, and the Department believes that that will continue post exit from the European Union and the transition period largely through cooperation at local level between the various policing teams. We have seen that, perhaps to a greater degree than usual, because of policing on COVID-19 issues and trying to cooperate on the use of resources. It is very important that we continue with that on-the-ground cooperation as well as the high-level cooperation that is taken forward with Ministers for operational planning.

Mr Dunne: I thank the Minister for her statement. We welcome the commitment in the joint agency task force that tackling human trafficking is one of the six priority areas. However, there is real concern about the very low number of convictions secured for human trafficking offences, with only nine individuals prosecuted for trafficking and four convictions secured. What more can be done to tackle human trafficking on a cross-border basis?

Mrs Long: First, it is worth acknowledging that the JATF can do a number of things. For example, previous reports have indicated areas where collaborative working has added value. Not only does it increase the ability of law enforcement to target, intercept and seize tangible criminal assets, but to interrupt and disrupt criminal activities, particularly those that will lead to crime groups having financial incentives for their work. Human trafficking falls within that category because, unfortunately, those involved in human trafficking do not treat people with human dignity but as commodities to be traded, and it is hugely important. There has also been enhanced identification of organised crime groups that work across the border, better

communication and stronger relationships between law enforcement North and South, and that is also important.

Whilst there have previously been strong cross-border links, the ability to run coordinated operations has a particular value, particularly with issues like organised crime and human trafficking. There are also opportunities for enhanced and streamlined information- and intelligence-sharing and opportunities for joint training, all of which will impact on human trafficking.

It has to be said that organisations that, as part of their organised crime networks, are engaged in trafficking anything at all will use those routes to traffic drugs, contraband, cigarettes and whatever it might be, and they will use them just as readily to traffic individuals. We need to be very conscious of that. Even the work at a local level in creating more vigilance and more awareness in local communities has been hugely important in exposing suspicious activity, which can then be reported on either side of the border and escalated so that it can be looked into.

Ms Rogan: The Minister has noted that both Ministers and the two police services see domestic abuse as a priority area of shared work, and that is welcome. A particular focus should be on those living, working and residing in the wider border regions. Can the Minister outline some details of her discussions with Minister McEntee about any joint work that was done to tackle domestic abuse during the recent pandemic?

Mrs Long: First of all, quite a lot of work was done on both sides of the border in terms of communication, and that was a key aspect of this, because people will listen to the media, will access Twitter and will access social media and the mainstream media in much the same way regardless of which side of the border that they live on. Coordination of our being able, for example, to bring forward more advertising to raise awareness has also been important.

As the Member may be aware, the Republic of Ireland has also had the O'Malley review of domestic abuse and vulnerable witnesses, particularly in the prosecution of sexual offences. That work very much mirrors the work that was done by Gillen, particularly around sexual offences, and it has been good for us, for example, to be able to look at areas where we have been piloting certain approaches to dealing with vulnerable witnesses and then feeding that through to our counterparts in the South. There are other areas where they are piloting the issues and we are able to learn from their experience. That kind of cooperation and collaboration, whether it is in relation to domestic abuse or sexual offences, is something that we need to build on in the coming weeks and months.

Across this island, there are clearly people who are living in fear in their own homes and are subject to domestic abuse and violence. We want that to stop, and it is very clear that there is a coordinated effort on both sides of the border to ensure that, first of all, we have the right legislative vehicles to ensure that abuse is captured and also that we have the right coordination when it comes to, for example, training of officers who will be dealing with this on the front line. That is another area where cross-border cooperation can be very helpful.

Mr Newton: I thank the Minister for her statement. It was extremely useful. I note, Minister, that cruelty to animals was discussed with your counterpart. Specifically, was

the cruel practice of puppy farming discussed? I note that the mid-Ulster PSNI is running a campaign in this area that it has titled Paws for Thought, and it is indicating in that campaign that it believes organised crime groups are involved in puppy farming. Indeed, the PSNI indicated to me that it is concerned about puppy smuggling across the border. If puppy farming was discussed, perhaps the Minister will let us know, or, if it was not discussed, will she add it to the next agenda?

Mrs Long: It was not particularly focused on at the meeting, though we did talk more widely about animal cruelty and animal welfare, particularly issues around, for example, organised crime group involvement in the theft of animals, the smuggling of animals or the abuse of animals through things like dogfighting. However, I am more than happy to add puppy farms and, indeed, puppy smuggling to the list of issues that we talk about, because it is clear that organised crime groups will diversify into whatever sector they can, and if they have no consideration when it comes to human trafficking, they certainly have no conscience when it comes to how they treat animals.

Ms Dolan: I thank the Minister for her statement. I note and welcome the Department's work on providing remote evidence facilities for vulnerable adults and child victims and witnesses.

Will the Minister agree that the Barnahus model is the gold standard for supporting child victims and witnesses, and can she confirm if there is any work ongoing to introduce such a model here?

12.30 pm

Mrs Long: Yes, I am happy to confirm that we are looking at the Barnahus model, and we would like to see it introduced, in line with the recommendations of the Gillen report. We are building, first, the remote evidence centres, because that is the first bit that we are going to trial and pilot here. That will be done in Craigavon and in Belfast initially, and we will then be able to test the effectiveness of those operations and learn from that pilot. It would then be our intention to look at the wider issues around the Barnahus model to see whether there are more things from it that we can bring forward in due course. However, I would like to believe that, at some point, we will be in a situation where we will not have vulnerable victims and witnesses having to give evidence in court at any of our courthouses in such sensitive and difficult trials.

Mr O'Toole: Minister, thank you for this update. It is, however, mildly perplexing that, with just a couple of weeks until the end of the transition period, Brexit has just three short paragraphs in this statement. To that end, and given the importance of the issues that have been outlined in relation to the end of the transition period, first, can the Minister update us on her reasonable worst-case scenario, which may have been presented to her by officials, for what happens with cross-border law enforcement if there is not a deal by the end of this year?

Secondly, can I invite her to set out her position today to people who are still considering that no deal is a good outcome for any part of the United Kingdom? Can I offer her the opportunity now to make her position and that of the Northern Ireland Executive clear to people who are still toying with that idea?

Mrs Long: I thank the Member for the opportunity to do so. I would not wish people to think that, because it is three short paragraphs in my statement, it did not get sufficient attention at the meeting. I can assure the Member that it certainly did.

The first thing that I want to say is that a lot of preparatory work has been done in my Department and with the Department of Justice in the South on how we can reinforce our cooperation, how we can ensure that we are able to continue with joint operations and, indeed, how we can ensure that we are able to continue to share data on a legal footing because, of course, goodwill is not enough when it comes to Brexit. However, it is clear that significant obstacles would be presented to us in both delay and in cost were we not to have a fully agreed future security partnership. As we know, that future security partnership is inextricably linked to having a wider agreement.

I have no difficulty in saying that I believe that leaving the European Union without an agreement would be an act of folly and recklessness. It would do harm not just to the economy but to the justice system, and it would inhibit our ability to cooperate. It is important for people to recognise that many of the fallback positions that we will take as a safety-net position when we exit the European Union, if we were to do so without a future security partnership, would leave us reliant on protocols and on conventions that were agreed in the 1950s.

I have to say that it is difficult to fight crime in 2020 with the tools that were available in the 1950s. Those tools are still operational and are still effective. They would still allow us to, for example, extradite people, but the length of time that it would take to do so would multiply greatly. One of the key indicators that we are trying to address in the Department of Justice is delay in the court system. It seems to me to be utterly bizarre that we would introduce, potentially, an additional two to three years for extradition, during which time, we have to remember, there could be victims and witnesses who are waiting for a trial to take place.

So, on all of those scores, we will do our best to work within structures that are available to us to keep people safe and to protect the local community. No one should be under any illusions about the loss of capacity that could result if we do not get agreements around things like access to the European arrest warrant through the future security partnership and access to the databases such as Prüm and the European criminal records information system (ECRIS) that we will otherwise lose and, indeed, if we do not get access to a data-adequacy agreement. It would have direct implications for the administration of justice, mainly in cost and in time, although we may be able to work at a slower pace in some areas. The PSNI and an Garda Síochána have done a huge amount of work to ensure that they will be able, under existing arrangements and future arrangements, to continue to share data as far as possible. You will understand that, until we have clarity about what is expected, it is very difficult to give people the reassurance that they will rightly seek on these issues.

Mr Frew: Public protection arrangements in Northern Ireland (PPANI) manage sexual offenders, and there have always been concerns, problems and blind spots about offenders travelling across the border multiple times. That has nothing to do with Brexit, of course. Will the Minister enlighten the House on improvements over the last number

of years on the management of sexual offenders between two jurisdictions?

Mrs Long: I thank the Member for his question. He will be aware that there was a meeting of various public protection agencies last week, including the Probation Board and the Probation Service. I was able and very pleased to attend that meeting prior to meeting Minister McEntee under the IGA. The public protection advisory group (PPAG) carries out its work in a positive, progressive and professional manner, with representatives from probation, the police, prisons and the Justice Departments in Northern Ireland and Ireland. Staff training and development opportunities are being explored across the justice agencies on a cross-border basis, and PPANI-related training on domestic violence and sexual offenders is being progressed and developed.

The annual PPAG seminar is now in its eleventh year, so considerable work has been done in that time. The theme for this year is emerging North/South needs and the development of criminal justice practice. It was hosted by colleagues in the South via a virtual platform on 27 November, and Minister McEntee and I were present at the event. I was encouraged by the level of cooperation, on a cross-border basis, between all the agencies. It is absolutely crucial, as the Member rightly said, that we continue to share data, evidence and intelligence to keep people safe in their communities.

Ms Kimmins: My question follows on from the previous question on sexual violence and the impacts across both jurisdictions. Minister, based on what you have said, will you commit to the development of an all-island strategy to tackle sexual violence, mainly for the issues that have been outlined.

Mrs Long: Close coordination and cooperation are very important. Northern Ireland and the Republic of Ireland are at different stages in the roll-out of our various strategies. We try to keep pace with each other. I certainly have no objection to an additional strategy if it were to bring added value. However, the working groups already established under the five-strand approach to the IGA are probably more effective because they drill down at operational level to what cooperation and collaboration we can bring about and what learning we can take from each other. I am happy to talk to the Member further if she believes that additional value can be drawn from having a more coordinated approach.

Mr Durkan: I thank the Minister for her statement, which heralds the success of law enforcement agency interventions, which have seen the seizure of almost €10 million worth of drugs. Such seizures are very welcome in reducing the amount of drugs in our communities. In my opinion, real success should be measured on the arrest and apprehension of big-time drug dealers and the dismantling of drug gangs who continue to flood our communities with dangerous drugs that ruin lives. Does the Minister agree, and does she know how many arrests were made with regard to these interventions?

Mrs Long: I do not have those figures, but, if I can obtain them, I am happy to write to the Member. The figures will be held in different formats in different jurisdictions, but I will endeavour to get some indication. I agree entirely with the Member that it is not enough simply to take the drugs out of the community. That is a huge issue, but it is also

important to take the drug dealers out of the community and ensure that they face justice. All partners in the JATF are absolutely committed to that task. Part of the strategy is to disrupt criminal gangs so that they can no longer profit from dealing in drugs or, indeed, human misery via human trafficking. However, the Member is quite right that it is also important that those responsible are brought before the courts. Unfortunately, disrupting their activity is often not sufficient to disabuse them of their interest in continuing with it.

Ms Anderson: Gabhaim buíochas leis an Aire as an ráiteas. I thank the Minister for her statement. As you know, Minister, I concur with your view that Brexit is folly, reckless and wrong.

Picking up on what you said in a previous answer, am I right in understanding that losing access to key EU justice and security cooperation arrangements means that the North will be left with substandard tools to tackle cross-border crime, that we could become more susceptible to criminality at the end of the transition period and that there will be no good Brexit, whether there is a deal or no deal?

Mrs Long: The Member makes an important point but I want to reinforce a couple of things. First and foremost, we have worked very hard within the Department of Justice and with the Department of Justice in the South to ensure that, wherever possible, we are able to find alternative means of doing the work that we currently do, because we do not want people to feel unsafe, nor do we want to send a message to criminals that life will be any easier post the Brexit transition period than it is currently. Our intention and that of all the agencies involved in cross-border cooperation is that we will find those alternative means. However, if we do not have a justice and security partnership fully negotiated between the UK and the EU, there will potentially be gaps in the system. That could affect our access to certain databases of information held in the EU and some of the measures and tools available in the EU. That would drive us back to relying on older conventions, such as the Lugano convention from 1957.

Those conventions work — I do not want people to think that they do not — but they take much longer. For example, an extradition under the Lugano convention can take many, many more months than an extradition under a European arrest warrant. That multiplication factor has an impact on those accused of crime and on the ability of alleged victims of crime to seek justice. It also has a cost implication because it is much more onerous for us to manage. There are genuine challenges there.

If a future security partnership is not agreed as part of the current talks, we fall into the situation where it would be for the UK Government to enter bilateral negotiations with the Irish Government to try to find a way forward. We would certainly lobby very strongly, and we have been lobbying the Home Office and others, that that should be the first priority and that the first country whose door they should knock for a bilateral agreement is Ireland. It is, by far, our and the UK's largest customer when it comes to issues like extradition and data sharing. It would make sense to start with Ireland and work from there, rather than starting elsewhere and working backwards.

We are very clear that there are a number of routes to get to where we want to be, which is good, continued cooperation. However, there are a number of obstacles

to be overcome in order to get there. It is clear to me that huge energy and expenditure are involved in trying to get us to where we want to be. That is regrettable when that money and attention could instead be focused on the job that other Members referred to: trying to put criminals out of business.

Mr Allister: I read in this statement that the intergovernmental agreement proclaims a focus on support for victims. Does that extend to seeking truth for IRA victims who died because the Dublin Government assisted in the spawning of the Provisional IRA? Does it extend to those who failed to obtain justice because the Dublin Government denied extradition for decades and allowed collusion between the gardaí and the Provisional IRA? Does any of that interest the Minister enough to have pressed her Dublin counterpart for truth and justice for such victims, whom she should represent?

Mrs Long: I thank the Member for his question. No, it does not extend to that particular issue. It is about support for victims who are going through the justice system and are involved in live cases. Of course, some of those will be legacy cases, and therefore it would extend to some of those cases.

The Member asked whether it interested me sufficiently that I would be willing to press my Irish counterparts on that. The answer to that, of course, is yes, because I believe that truth and justice for all victims matter and that legacy issues need to be comprehensively dealt with. I have stood in this place many times, and I assure the Member that, wherever collusion may come from, whoever may be behind it, wherever the information comes from and whether it requires a public inquiry or another form of legacy investigation, I am in favour of that happening.

12.45 pm

I reassure the Member that I, not only as leader of my party but as Minister of Justice, recognise fully that our not being able to resolve legacy issues is having a toxic effect on our ability to deliver justice in many communities in the here and now. It is polluting our ability, through the new start that we had for policing and justice, to move forward. It is therefore incumbent on the British and Irish Governments and all the parties in the Chamber to find a comprehensive way forward, be that through the Stormont House Agreement, which is what we signed up to, or through an alternative proposition that is to be put to us and that we have yet to see. It is important, and incumbent on all of us, to find a way forward that delivers for all victims by providing truth and justice. It cannot continue to be dealt with in a piecemeal fashion. That is not fair on victims, and they should be at the forefront of our consideration of those matters.

Mr Speaker: That concludes questions on the statement. Members, please take your ease for a moment or two. Thank you.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

North/South Ministerial Council: Inland Waterways

Mr Deputy Speaker (Mr McGlone): I have received notice from the Minister for Infrastructure that she wishes to make a statement.

Ms Mallon (The Minister for Infrastructure): With your permission, Mr Deputy Speaker, in compliance with section 52 of the Northern Ireland Act 1998, I will make a statement about the North/South Ministerial Council (NSMC) inland waterways meeting that was held on 11 November 2020 in the North/South Ministerial Council joint secretariat headquarters in Armagh and by videoconference. The Executive were represented by me, as Minister for Infrastructure, and Robin Swann, the Minister of Health. The Irish Government were represented by Darragh O'Brien TD, Minister for Housing, Local Government and Heritage, and Malcolm Noonan TD, Minister of State for Heritage and Electoral Reform. The statement has been agreed with Minister Swann, and I am making it on behalf of us both.

The meeting was chaired by Minister O'Brien and dealt with issues relating to inland waterways and the constituent agency, Waterways Ireland. The following topics were discussed and decisions taken, where appropriate. First, we noted the response of Waterways Ireland to the challenges posed by COVID-19. The Council was advised that there had been an increase in user numbers along towpaths and trails during the period of COVID-19-related restrictions and noted the role of Waterways Ireland in leading a user-engagement project through the Network of Inland Waterways of Europe (NIWE) to achieve a greater understanding of the increased recreational use of inland waterways since the onset of the COVID-19 pandemic. The Council also noted the increasing popularity of inland waterways as a holiday destination for the domestic market. The Council further noted Waterways Ireland's preparations for Brexit in the context of its status as a North/South implementation body.

We noted the comprehensive progress report provided by Waterways Ireland that covered matters including the management and maintenance of waterways, capital expenditure projects and an ongoing programme of replacing existing jetties and lock gates and installing new ones along the navigations. Ministers also noted plans for blueway developments and restoration work on the Ulster canal and that Waterways Ireland had successfully hosted the World Canals Conference in Athlone in September 2018.

In terms of corporate governance, the Council noted Waterways Ireland's annual report and accounts for 2016, 2017 and 2018, which have been laid before the Northern Ireland Assembly and both Houses of the Oireachtas. We also noted that Waterways Ireland's annual report and draft accounts for 2019 have been submitted to the Comptrollers and Auditors General in both jurisdictions and, following certification, will be laid before the Assembly and both Houses of the Oireachtas.

The Council approved Waterways Ireland's corporate plan for 2017-2019 and associated business plans, which were prepared in accordance with the guidance issued by the Department of Public Expenditure and Reform and the

Department of Finance, and it recommended the budget provision for each.

We noted that Waterways Ireland's 2020-22 corporate plan and 2020 and 2021 business plans have been prepared and, following necessary approvals, will be submitted to the NSMC for approval before the end of 2020.

We also noted the process for the recruitment of the chief executive officer for Waterways Ireland. The Council consented to a number of property disposals and received a progress report on the restoration of the Ulster canal and the development of the Ulster canal greenway. We noted the progress that was achieved in the restoration of the Ulster canal, including the completion of phase 1 of the restoration from Upper Lough Erne to Castle Sanderson, the ongoing work and future plans for the restoration from Clones to Clonfad and the development of the Ulster canal greenway.

The Council agreed to hold its next NSMC inland waterways meeting in early 2021.

Mr Deputy Speaker (Mr McGlone): Go raibh maith agat, a Aire. We will now move to Michelle McIlveen, Chair of the Committee for Infrastructure.

Miss McIlveen (The Chairperson of the Committee for Infrastructure): Thank you, Mr Deputy Speaker. I thank the Minister for her statement. While I understand that there is a format for recording those meetings, it is somewhat disappointing that, given the time that has lapsed since the last update and the work that has been carried out in the interim by Waterways Ireland, all that we are receiving today is a list of noted reports. That said, will the Minister outline the main priorities for Waterways Ireland in Northern Ireland in 2021 and provide details of the properties that the Council has agreed to dispose of? Will she indicate whether she would be prepared to share the reports with the Committee?

Ms Mallon: I thank the Member for her question. The properties that were disposed of included a lease agreement for the airspace at Grand canal dock; the portion of the cantilevered office development of Waterways House, which extends over Grand canal dock; three separate lease agreements for the lease of airspace at Grand canal quay for the redevelopment of Bolands Mill, which will encroach into Waterways Ireland airspace over Grand canal quay at Barrow Street, Dublin; to facilitate the development of a pedestrian boardwalk and 10 residential balconies and two cultural exhibition balconies; and a 999-year lease of airspace at Grand canal quay for the development of the Mill 2 Dock Mill apartment development Barrow Street, Dublin into apartments with balconies and an incorporated lower deck.

Also disposed of was a lease of airspace at Grand canal dock for the portion of the cantilevered office development at the Malthouse, which extends over Grand canal dock; an easement of the installation of a polyethylene pipe at Rathangan across the Grand canal to facilitate storms outfall; a lease for the erection of a pedestrian bridge to service a new railway station at Pelletstown railway development, Dublin 15; an easement for an installation of a docked housing; and a power cable to provide power to the rail lines at Pelletstown railway development, Dublin 15. The Council also disposed of a 35-year lease for a revised area of land to facilitate the construction of an access gangway and retractable pontoon at Ballyvollane, Mountshannon Road, Annacotty in County Limerick; a

lease to facilitate the continued construction of the Royal canal greenway; an easement to facilitate a prescribed right of way to the domestic residents and land at Moyvally, Enfield in County Kildare; an easement to formalise a right of way to access land at Bracklin Little, Kilbeggan in County Offaly; the granting of a 99-year lease and sale of an area of ground along the shoreline at Priors Point, Carrick-on-Shannon, County Leitrim; and an easement to facilitate a right of way to a property at Clogheen, County Kildare, that they purchased from Waterways Ireland.

Also disposed of was an easement to formalise a right of way to access lands in Mullingar in County Westmeath; an easement in respect of a 500 millimetre diameter and 300 millimetre diameter rising main under the Grand canal using an existing 1,500 millimetre culvert as part of the Upper Liffey Valley sewerage scheme; an easement for surface water and foul sewer pipes under the Royal canal at Branniganstown; an easement to facilitate access to their property at Skirtean, County Kildare; a right-of-way easement to facilitate access to the property at Jigginstown, Naas, County Kildare; and an easement to facilitate access to their property at Rogerstown, Edenderry, County Offaly. It also disposed of a 99-year lease for the erection of a road bridge crossing the Barrow River as part of the Athy distributor road scheme; and the granting of a supplemental lease of an area of Shannon waterway in County Roscommon.

All the disposals were in the South of Ireland. None was contentious. Some were financially significant, and each property is, naturally, subject to valuation prior to disposal to ensure that best value for money is achieved.

I am happy to share the reports with the Committee and with Members.

Ms Ennis: I thank the Minister for her statement. On the issue of waterways, what plans are there for a lifting bridge at Newry southern relief road as well as at Narrow Water to ensure continued access to Newry canal?

Ms Mallon: I thank the Member for her question. That issue was not discussed at the meeting. However, the Member will know that I have been engaging with local stakeholders on the issue. Most recently, I met representatives of all political parties in the council to hear their views on a lifting bridge. I am continuing with that focused engagement to ensure that we get the right project for the Newry southern relief road. The Member will also be aware of my commitment to a bridge at Narrow Water.

Mrs D Kelly: I thank the Minister for her statement. She will be aware that, in my constituency, there has been a campaign for many years to extend the Ulster canal to Portadown. I look forward to hearing about that in a future statement. The canal is a commitment in New Decade, New Approach, so can the Minister provide an update on the Ulster canal greenway?

Ms Mallon: I am happy to provide an update on the Ulster canal greenway. As the Member rightly points out, the Ulster canal restoration project is a commitment in New Decade, New Approach, as is the Ulster canal greenway.

Waterways Ireland, in collaboration with Monaghan County Council, Armagh City, Banbridge and Craigavon Borough Council, and East Border Region Ltd, took the lead in submitting an application for INTERREG funding for the

project. The application was successful, and just under €5 million was allocated towards the cost of the greenway.

The Ulster canal greenway strategy, devised by Waterways Ireland in collaboration with local authority partners along the Ulster canal corridor, identified 12 potential greenway routes totalling almost 200 km in length, and two of them comprised this project: Smithborough to Monaghan, and Monaghan to Middletown.

The annual socio-economic value of improved health outcomes from local population access to those 200 km of greenway for walking and cycling is estimated at £14.4 million, so they are projects with huge multiple benefits. That fits into my priorities as well in ensuring that we have a green recovery from COVID-19.

Mrs Barton: Thank you, Minister, for your statement. It is quite a large project. What conversations have there been with the Northern Ireland Tourist Board to promote the project in Northern Ireland?

Ms Mallon: I thank the Member for her question. Waterways Ireland is committed to working in partnership with local authorities and their tourist representative bodies. The Ulster canal greenway, and the canal itself, are projects that will deliver multiple benefits, not only for physical and mental health but also in attracting visitors to the area, so they are hugely important for their tourism benefits. Waterways Ireland will, no doubt, continue to work with all key partners in the delivery of the project.

1.00 pm

Mr Muir: I thank the Minister for her statement. My question is on the Ulster canal greenway. Phase 2 is Smithborough to Middletown, and the Minister said that that is on course for delivery in 2021. Is the Minister confident that that will occur? Are there any timescales for future phases and completing the entire project?

Ms Mallon: I thank the Member for his question. I have not received any information on the time frame other than what has been set out, but I am happy to come back to the Member with further details if that does not prove to be correct.

Mr Hilditch: Thank you, Minister, for your statement. Can you advise whether the recruitment competition for the chief executive post has begun? If so, when will it be concluded?

Ms Mallon: The CEO post in Waterways Ireland became vacant with the departure of the former postholder. As a result of the absence of the NSMC at that time, a successor could not be appointed, so the post was filled on an interim basis and with a fixed-term contract. I can confirm to the Member that a recruitment competition was launched by the Public Appointments Service on 23 October; the closing date was 12 November. Following the normal process of shortlisting and interview, the successful candidate will be appointed by the NSMC.

Mr Boylan: Cuirim fáilte roimh ráiteas an Aire inniu. I welcome the Minister's statement and the announcement in relation to the Middletown section. There are question marks over whether it is Middletown to Monaghan and then on to Smithborough. Did that discussion come up on the day, Minister? Is that the whole route? Will the Minister give a commitment to work with local councils to get that project under way as soon as possible? This will be a game changer for Middletown, with big opportunities to

promote tourism and everything else. It will certainly help that wee border village.

Ms Mallon: I thank the Member for his question. I agree that it is a game changer and that there are huge benefits. My understanding of the route is as he has set out, but I am happy to provide further detail to the Member as we move this project forward.

Mr K Buchanan: Minister, I have a rundown of every culvert and pipe in all the counties throughout Ireland, and I appreciate the work that is going on down there. However, can you confirm what the priorities are for Waterways Ireland here in Northern Ireland in 2021 and beyond?

Ms Mallon: Waterways Ireland is obviously about ensuring that we maximise our blue infrastructure. The Member will be aware that, particularly during COVID, we have seen a huge increase in the number of people who are accessing our local heritage and our local blue and green infrastructure. It is about ensuring that that is safe and that we are able to invest in that infrastructure so that we grow it. One of the things that we have seen during COVID is a huge increase in the number of visitors and the number of people who are using this infrastructure as part of their staycations. I would like to see us build on that, and I know that Waterways Ireland is committed to that. It has been engaging across Europe and looking at international best practice to ensure that we are able to showcase our blue infrastructure, our navigations and our canals in a way that ensures maximum benefit to health and well-being, but also for tourism — for people who live here, but also for when we are able to open up again and invite people from around the world to come and see the many assets that we have.

Ms Anderson: Gabhaim buíochas leis an Aire as an ráiteas. I thank the Minister for her statement. Minister, you said in the statement that you discussed the status of Waterways Ireland. However, given that the North will lose EU oversight, perhaps by the end of today, did the North/South Ministerial Council discuss issues relating to improving and maintaining the quality of Waterways Ireland's waters and protecting that from further environmental harm? We know that there will be no good Brexit for the North of Ireland.

Ms Mallon: I thank the Member for her question. It is absolutely clear that there should be no reduction in any of our environmental standards. When we spoke about Brexit, we examined the preparations that Waterways Ireland has undertaken for the end of the transition period. We also talked about the impact that it may have. Although there is no possible outcome from Brexit that will impact solely on Waterways Ireland, there are various outcomes that will impact on the organisation. EU directives will no longer apply to GB and NI, which may lead to an incremental divergence in legislation between the two jurisdictions over time. GB and NI will also not have to comply with the EU procurement directives, so some rules may be changed. In the short term, following the exit, our rules are likely to remain the same; however, they may change in the medium term. The additional procurement regime will also bring added administration and Waterways Ireland has considered the implications of the need to migrate to a new tender advertising portal and platform.

As the Member highlighted, EU funding will no longer be available in the North, except for PEACE PLUS, which the EU has committed to continue to allocate. Of course,

any changes to the common travel area arrangements would impact on Waterways Ireland staff whose area of work covers both jurisdictions, as well as on users of the navigations, particularly the Shannon/Erne waterway that runs through Counties Leitrim, Cavan and Fermanagh. To assure the Members, those issues were discussed.

Mr Catney: Minister, thank you for your statement. I live on the towpath, and it is a real asset. I was on it yesterday on my new electric bike, which you also made legal.

I noted the increase in the capital budget that was provided to Waterways Ireland. Will the Minister tell us more about why that was provided?

Ms Mallon: I thank the Member for his question. It is great to hear that he is embracing the active travel agenda — literally on his e-bike.

Waterways Ireland has a statutory duty to engage, maintain, develop and promote the navigations for which it is responsible, mainly for recreational purposes. To fulfil that statutory duty, the navigational infrastructure must be fit for purpose and meet health and safety requirements and customer expectations. Severe weather events, particularly the more frequent incidences of flooding in recent years, as well as ongoing usage, causes the deterioration of infrastructure. DFI capital allocations to Waterways Ireland are invested in repairing damage to the infrastructure — replacing jetties, moorings and other facilities that are beyond repair — and providing additional facilities to accommodate the increasing number of users on Lough Erne and the lower Bann.

Specifically, in the years 2017 to 2020, Waterways Ireland delivered a number of capital projects on Lough Erne and the lower Bann. Toome lock house was refurbished and opened as a waterways heritage centre and cafe that is operated by Toomebridge Development Amenities and Leisure Limited, a local community association. Existing jetties were replaced, some with floating jetties, at six sites on Lough Erne, and access ramps were also replaced where necessary. A leakage and the swing bridge were repaired at Portna lock and an automated lifting device was installed. Work will commence on the rehabilitation of Carnroe weir in spring 2021 with an anticipated completion date of autumn 2022.

It is also important to note that Waterways Ireland has reported an increase of 3,288 boat registrations since 2016. That demonstrates the increasing popularity of our inland waterways.

Mr Beggs: I thank the Minister for her statement. It refers to the draft accounts for 2019, which are not yet completed. That is some 11 months after the accounts were closed. In accounting for public money, it is helpful to have timely reporting. Given that Waterways Ireland does not have a board, who can be held to account for that late finalisation of the accounts and expenditure of public money?

Ms Mallon: The Minister of Finance here had cleared the accounts. The Minister of Finance in the South did not have time to clear them in advance of the meeting, but I understand that they have now been cleared. Therefore, those accounts will be laid in the Assembly and the Houses of the Oireachtas.

As to there being no board, the Member will know that North/South bodies were established under the North/South Co-operation (Implementation Bodies) (NI) Order

1999. Two of the six bodies were established without a requirement in legislation to have a board, one of which was Waterways Ireland. At the NSMC plenary meeting on 15 June 2012, Ministers endorsed the St Andrews review recommendation that sponsor Departments should consider options for the setting up a board to direct Waterways Ireland's affairs, and an options paper was presented to Ministers for consideration at the North/South Ministerial Council meeting on 19 June 2013.

I am advised that Ministers agreed that the existing governance arrangements should be strengthened but that there was no requirement for the appointment of a board at this time. I assure the Member that steps have since been taken to strengthen the governance arrangements. An annual service level agreement has been put in place between Waterways Ireland and sponsor Departments, and Waterways Ireland provides biannual assurance statements to sponsor Departments.

Mr McGuigan: Like everybody else, I welcome the announcement and information on the Ulster canal greenways. I am a bit jealous of Pat getting out on his bike yesterday. The rural roads of North Antrim were very frosty yesterday, but the gritting of rural roads is an issue for another day. Can the Minister update the House on the Ulster canal restoration works, particularly phase 2 of the project, and when it is estimated that the restoration of the canal to Clones will be built?

Ms Mallon: I thank the Member for his question. As he will know, in 2007, the Irish Government gave a commitment to fund the total cost of the restoration of the Ulster canal from Lough Erne to Clones. In the same year, Waterways Ireland was given NSMC approval to explore the possible restoration of the Ulster canal from Lough Erne to Clones. Phase 1 — the restoration of the stretch from Lough Erne to Castle Saunderson — was completed in spring 2019 and is now open for navigation. Phase 2 — the restoration of the stretch from Clones to Clonfad — is under way. A commission to investigate the source of a sustainable water supply for the marina has been completed. Waterways Ireland is satisfied that a suitable supply has been sourced in order to facilitate the development. Creative design is also ongoing to develop a vision for the canal in Clones. Work relating to land requirements and purchase arrangements for that section of the restoration has also commenced. I will briefly mention phase 3. Work will commence on the restoration of the stretch from Castle Saunderson to Clonfad when phase 2 is complete. All three phases of the project have been funded by the Irish Government.

Mr McCrossan: Before I ask the Minister a question, I wonder whether Pat Catney would bring his e-bike to Stormont and give us a demonstration going up and down the mile a few times.

I thank the Minister for her very useful statement and also for her huge efforts over the past number of months to support communities during the pandemic. I know that COVID-19 has had a particular impact on services. Can the Minister tell the House what impact the restrictions have had on Waterways Ireland?

Ms Mallon: I thank the Member for his question. It points to something that has been very positive during the pandemic. Where counter metrics are available, comparisons with the 2019 figures showed a 110% increase in user numbers on towpaths and trails along the

navigations from March to August 2020. Where counter metrics are not available, feedback from local government and community partners indicated an unprecedented increase in the number of users, many of whom were using the facilities for the first time. During August, all boat hire companies reported 100% bookings, solely from the domestic market, as the inland waterways became a popular option for staycations. In previous years, the domestic market accounted for, on average, 22% of boat hire business. Bookings for September and October were at 80% to 90%, again from the domestic market. It is important that we build on that momentum and success.

A number of times, I have talked about the “quiet revolution” during COVID, whereby people are re-engaging with nature, having a more active lifestyle and getting a renewed appreciation for their shared home place. I am really pleased that Waterways Ireland has been part of the delivery of that and that it will continue to build on that success and the positive feedback from visitors and local communities, because we have a real opportunity to make inland waterways a more integral part of the local community as we build the green recovery in the post-pandemic era.

Mr Allister: I want to return to the question of openness and transparency with regard to Waterways Ireland. The Minister has told us that it has no board. That means that there are no minutes that any member of the public could ever read. In fact, when my office phoned Waterways Ireland to ascertain how one could follow its work, we were told to read its annual report. Read its annual report? The 2016 report has just been published this year. We are in the ridiculous situation where even the Chair of the Committee has to come to the House to ask what projects are under way. If there are no minutes, no accountability and no oversight, how is a member of the public meant to follow the work of Waterways Ireland as it spends our public money? Is it not a farcical situation?

1.15 pm

Ms Mallon: I thank the Member for his question. Waterways Ireland is accountable to the Department for Infrastructure, the Department of Housing, Local Government and Heritage (DHLGH) and the North/South Ministerial Council. Ministers discharge their oversight responsibilities in respect of Waterways Ireland through the NSMC. That includes consideration and agreement of the budget, of corporate and business plans, and of progress towards agreed business targets and project milestones.

Quarterly monitoring meetings are chaired by senior civil servants from DFI and DHLGH. The chief executive officer and appropriate directors attend to account for business performance and corporate governance. Waterways Ireland’s audit committee meets quarterly. The committee, which has an independent chair and two external members, has unrestricted access to the internal and external auditors. It also has access to the work of internal audit, approves the internal audit work plan and receives reports on various aspects of internal control.

Mr Deputy Speaker (Mr McGlone): That concludes questions on the statement. I ask Members to take their ease while we move to the next item of business.

Executive Committee Business

The Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2020

Mr Murphy (The Minister of Finance): I beg to move

That the Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2020 be affirmed.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on this debate. I call on the Minister to open the debate on the motion.

Mr Murphy: The purpose of this legislation is to raise the limit on the amount of property that certain organisations are permitted to distribute on the death of a member without the necessity for probate or other proof of title or where the deceased has nominated a specific beneficiary.

The Administration of Estates (Small Payments) Act (NI) 1967 is the relevant legislation that falls within the remit of my Department. The legislation applies to certain payments made by industrial and provident societies, credit unions, trade unions, councils and Departments. It allows the organisation to release money to a nominee or beneficiary up to a fixed value to which the deceased or the deceased’s personal representative was entitled without that nominee or beneficiary having to prove title or seek a grant of probate through the probate office. The primary legislation vests the power to make this order in my Department. However, as the legislation relates to bodies associated with several other Departments, Executive colleagues were consulted, and they have approved the proposed increase in limit.

The limit was originally set at £500 in 1967. It has been reviewed and increased a number of times since, most recently in 2004, when the limit was raised to the current figure of £10,000. Sixteen years have therefore passed since the last review, and a recent short and targeted consultation revealed that the existing limit is posing problems for affected parties. It is now much more frequent for amounts of a little over £10,000 to be left by a deceased person, meaning that beneficiaries need to seek a grant of probate. That adds costs, which takes away from the amount of the estate that is left to distribute. For those with minimal resources, those additional costs can be significant and can delay access to the estate at the most difficult of times, not least now in the light of the COVID-19 pandemic. In some cases, beneficiaries may have to forgo receiving the whole amount to which they are entitled, because the cost of obtaining a grant of probate is greater than the amount in excess of £10,000 that is available.

Raising the small payment sum will assist with some of the difficulties that beneficiaries may experience with the deceased’s estate. It will result in a quicker and more efficient process of the payment of money to nominated persons or beneficiaries. Having had the opportunity to consider those issues, I think that raising the sum to £20,000 is proportionate and takes account of inflation and the concerns that stakeholders raised.

Article 2 of the order, which revokes the 2004 order, therefore increases the small payment limit to £20,000.

By virtue of section 6(2) of the 1967 Act, the order applies to deaths occurring or nominations affected after the expiration of a period of one month beginning on the date on which the order comes into operation.

This is a short, technical yet important piece of legislation that will assist many people during difficult times. I therefore recommend that the Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2020 be affirmed.

Dr Aiken (The Chairperson of the Committee for Finance): The Committee considered the policy proposals in the Administration of Estates (Small Payments) (Increase of Limit) Order 2020 at its meeting on 21 October. It considered the benefits of increasing the limit on the amount of money that may be released to the beneficiaries of a deceased person from that person's estate by certain organisations without the need for a grant of probate.

I put on record my thanks to the Irish League of Credit Unions (ILCU) for responding to the Department's consultation. Indeed, it was the only organisation to do so. The ILCU response outlined the difficulties caused by the current limit of £10,000, whereby credit unions required deceased members' families to apply for grants of probate or letters of administration from the court. Such decisions can be difficult for recently bereaved next of kin or personal representatives, because the cost of obtaining a grant of probate can often exceed the remaining estate. The Committee noted that the increase in the limit to £20,000 will enable payments to be made directly to the nominated person without partial payments being made in lieu of waiting for a court-answered grant of probate for the remaining moneys.

I also thank Mr McHugh MLA, who is a member of our Committee, for his assistance in helping the Committee come to its decision on the order. His wide experience of the credit union movement helped the Committee in its deliberations. The Committee considered the statutory rule at its meeting on 2 December and agreed that it be affirmed by the Assembly. Finally, I put on record the Committee's sincere appreciation of the work that credit unions do, much of it on a wholly voluntary basis, in providing responsible and affordable financial services at a local level for the benefit of their members and the communities that they serve. I commend the motion to the House.

Mr Frew: I also support the move. It is common sense, and, having looked through all the evidence at the Committee, I am satisfied that it is the right thing to do. It seems to be needed as a result of progression in inflation throughout the years, and, in most decades, the legislation has been amended. It is therefore common sense and right and proper. When people pass on, their affairs can sometimes be tricky, and you have grieving families and other persons in amongst it all. The order will allow a good bit of latitude for all those financial institutions that deal with this type of thing, so, as a party, we must welcome it.

Mr McHugh: I speak in support of the motion as someone who has experience, as mentioned by the Chair of the Finance Committee, of credit unions. I was a founder member of Mourne Derg Credit Union in Castlederg in the 1970s, when four of us came together to set up a credit union in order to address the needs of our local people. It

not only facilitated them to receive low-interest loans but it encouraged them to be thrifty and to take responsibility for their own affairs.

That is what credit unions represent in so many ways. People could, over time, build up savings in excess of £5,000. You might wonder why I mention that figure. It is a feature of credit unions that, in the event of a death of a member who is under 65 years of age, their shares are doubled and forwarded to their next of kin. That would immediately bring them over that limit of £10,000. I am not one bit surprised that the credit union movement was the only organisation that replied to the consultation, given that this provision is in the interest of all its members. Very often, its members are people who do not have large savings, but those are still their life savings. In the event of their death, particularly if it is untimely, that is all the more reason why those resources should be available to their family without them having to go to the extent of looking for a grant of probate.

I welcome the opportunity to support the motion, because it is at a time like that that those people desperately need to be able to access funding to, for example, cover the cost of a wake and funeral and to maybe purchase a grave and a headstone in memory of the person who died. It is so easy for that figure of £10,000 to be surpassed, and it is only appropriate to have legislation to accommodate that.

Mr Catney: I also welcome the motion. Although the proposed change through order is small, its impact should not be understated. A death in the family is a time when we should come together to grieve, support each other and celebrate life; it is not a time to have the added worry about financial difficulty or long and difficult court proceedings.

The Assembly has, rightly, increased the limit of funds that can be released by certain organisations without probate or another proof of title in order to allow families to cover pressing costs like funeral expenses. However, the last increase was 16 years ago. Without going too far off the point, I will say that the cost of funerals is spiralling and has become a burden to everyone, regardless of wealth. It is certainly sensible to increase the limit in order to allow families a small bit of relief at the most difficult of times.

Furthermore, the cost of accessing probate put it out of reach for some of our low-income families. That is not fair, and it should be tackled in the wider context of access to our justice system. In addition, the time that it takes from the application to the granting of probate can be lengthy, which can add stress and worry for families and create financial difficulties for beneficiaries as funeral costs, which I mentioned, mount up. That situation has been exacerbated by the COVID-19 pandemic, with getting access to solicitors to effect probate and to court proceedings incredibly difficult. It should also be noted how stressful it can be going to the courts. It is not a normal activity for a lot of our community, and it is certainly not a burden that should be allowed at a time of grief.

I do not know whether this is a conflict of interest, but I said at the Finance Committee that I am a member of the credit union in Lisburn. On Friday morning, I met Atlas Women's Centre, which is across the road from our credit union. A crowd of people was waiting to get in. That shows that it is much needed and much welcome in our community.

The current limit has had a great impact on the operations of our credit unions. I thank the credit unions for their

support for the increase as well as for the good work that they do in general to support our communities at this difficult time.

Mr Deputy Speaker (Mr McGlone): Anois iarraim ar an Aire Airgeadais conclúid a chur ar an díospóireacht. I call the Finance Minister to conclude the debate.

1.30 pm

Mr Murphy: I thank the Chair of the Committee and all the Committee members who spoke in the debate for their support for the change to the legislation and for their work in analysing the proposition before them. I concur with the views that the Chair and others expressed in relation to the credit union movement. I am a member of a credit union and know that it provides a valuable service, particularly to those who, although they have little, what they have is precious to them; and for assisting families during bereavements. As Members said, the point of the change is to ensure that timely and correct support is available to families.

This is a technical but, nonetheless, useful change to the law, which will greatly assist those in need in our community to access property on a death without the need to seek probate in the circumstances that I have set out. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2020 be affirmed.

Mr Deputy Speaker (Mr McGlone): I ask Members to take their ease while we make changes for the next item of business.

(Mr Speaker in the Chair)

Domestic Abuse and Family Proceedings Bill: Further Consideration Stage

Mr Speaker: I call the Minister of Justice, Mrs Naomi Long, to move the Bill.

Not moved.

Mrs Long (The Minister of Justice): It is with regret and disappointment that I beg not to move the Further Consideration Stage of the Domestic Abuse and Family Proceedings Bill today.

Members will be aware that good progress was being made through the amendments proposed to the Bill as a result of ongoing and constructive engagement with the Justice Committee to approve a number of provisions in the Bill. As a result of our collective and collaborative efforts, I had intended to bring forward a number of positive amendments to the Bill today. Those amendments would have further strengthened how offences would operate as well as further detail on potential regulations for the safeguards and protections to be afforded to victims of domestic abuse, including through new domestic abuse protection notices and orders, on which I launched a consultation today.

Unfortunately, however, I now have no choice but to postpone the Further Consideration Stage of the Bill. I asked the Chair of the Committee not to move amendment No. 15, but he refused to give me that assurance this morning. There are potentially significant financial ramifications for the Executive from the amendments on legal aid. At the end of last week, I was made aware that the Treasury's Budget guidance would put the entire cost of doing something that has repercussive implications for other parts of the UK on to the Northern Ireland block grant. Those issues would normally be examined and addressed during policy development and economic appraisal processes for any new policy. However, due to the way in which the legal aid provisions were added into the Bill — via a Member amendment at Consideration Stage — that due diligence was not able to be completed, and, without it, it is not clear whether the legal aid provisions in the Bill, and the further amendments that were to be tabled at Further Consideration Stage — in particular, amendment No 15, which would prevent commencement of the Bill without the legal aid issues — would have financial repercussions on other legal aid schemes. If they were to do so, the impact on the Executive's Budget would be potentially catastrophic. It would be RHI on steroids. It is imperative, therefore, that we do not proceed unless either amendment No 15 is withdrawn or we have time to investigate this important issue.

Many in the House and outside, including myself, key stakeholders and those affected by domestic abuse, will be disappointed by these developments and our inability to complete the Final Stage of the Bill before the end of this year, as I had intended. However, given the risks posed by the legal aid provisions in the Bill at clause 27 and some of the further proposed amendments, particularly amendment No 15, which was to be tabled today, I consider it vital that further time is taken to more fully ascertain the consequences and the best way forward. As has been the

case to date, I wish to continue to work with the Committee on a resolution of the matter to ensure that this important legislation can be put on the statute books as soon as possible. I beg not to move.

Mr Speaker: Thank you, Minister. The Further Consideration Stage of the Domestic Abuse and Family Proceedings Bill has not been moved. Therefore, we will move on to the next item of business. I have given some latitude, but I understand that the Committee is of the same view as it was last weekend, so there will be no movement in that regard.

Given that the next item of business is Question Time, I propose to suspend —.

Mr Givan (The Chairperson of the Committee for Justice): On a point of order, Mr Speaker. This is a shameful course of action by the Justice Minister. What she is doing today in respect of this issue is a disgrace. This was a Committee amendment, not a Paul Givan amendment. It is not my position to act unilaterally when the Committee has reached a decision. This is an abuse of the democratic process, and caught in the middle are victims of domestic abuse. That is what makes it all the more despicable. The Minister should be moving the Further Consideration Stage. It is for the Assembly to decide whether it votes for amendments that are tabled. The actions of the Minister today do not bode well for the way in which she has conducted herself in respect of this legislation.

Mr Speaker: As I said earlier, I gave latitude to the Minister, so, in deference to the work that has been ongoing, I gave latitude to the Chair of the Committee.

Mrs Long: On a point of order, Mr Speaker.

Mr Speaker: I will take a point of order, but I am not going to continue this discussion any longer.

Mrs Long: Mr Speaker, will you confirm that the Minister has the right to withdraw and beg not to move, and that there is nothing disorderly or disrespectful in what I have been forced to do today in respect of the Bill?

Mr Speaker: Of course the Member, as the Minister, is in order not to move. The Minister did not move, so we are not progressing through the debate.

Mr Frew: On a point of order, Mr Speaker.

Mr Speaker: As I said, Mr Frew, I am not taking any further points of order on the matter, because I am going to close it. I allowed quite a bit of latitude to the Minister, in the circumstances, and likewise to the Chair of the Committee, who encapsulated the Committee's thinking on the matter. It is unfortunate that we have reached this moment — this predicament — that we are in, but we are in it. I commend all Members for their hard work throughout this complex Bill, as was testified to last week by Members from every party. I hope that, in due course, that due diligence will return to the debate and that we can try to proceed with this important Bill in a fair and respectful manner. The matter is closed. The Bill has not been moved today. The next item of business is Question Time.

Mr Allister: On a point of order, Mr Speaker.

Mr Speaker: I am not taking a point of order on this matter.

Mr Allister: It is not on this matter. It is on a different matter.

Mr Speaker: Let me finish this. The next item of business is Question Time, which will commence at 2.00 pm. I, therefore, propose, by leave of the Assembly, after Mr Allister's point of order, to suspend the sitting until then.

Mr Allister: Last week, I asked the Business Committee to list, for this afternoon's business, the Further Consideration Stage of my private Member's Bill. The Committee refused to do so. Yet now, we arrive at a point where, after Question Time, there is no business for the House.

Why did the Business Committee not, as a precaution, list a second piece of business, so that that Bill could have been progressed? Now, neither Bill is to be progressed. What sort of management is that?

Mr Speaker: I do not know whether that is a point of order. The fact is, Mr Allister, that you have been around the Assembly long enough to know that the Business Committee, respectfully, schedules the business for the Assembly. You are well aware of that, and recently it has had to accommodate sittings that lasted well into the night and into the early hours of the morning. It has been trying to juggle Members' time and the orderly business of the Assembly. I take no issue with the Business Committee's decisions thus far whatsoever, and I have every confidence in its ability to continue managing business well.

The circumstances today are unexpected. As I said, I regret that they have arrived and the way in which they have done. Let us hope that we can get back to this Bill in a respectful manner that resolves the outstanding issues, so that victims of domestic abuse and violence will be safer in the future.

The sitting was suspended at 1.41 pm and resumed at 2.00 pm.

(Mr Principal Deputy Speaker [Mr Stafford] in the Chair)

Oral Answers to Questions

Agriculture, Environment and Rural Affairs

Mr Principal Deputy Speaker: It is time for questions to the Minister of Agriculture, Environment and Rural Affairs. As Members are aware, the Minister is not available today. I am sure that all Members will join me in wishing Mr Poots a very speedy recovery. The Speaker has received notification from the Minister for the Economy that she will respond to questions today on Minister Poots's behalf.

Farm-gate Prices

1. **Ms Sugden** asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of farm-gate prices in Northern Ireland. (AQO 1258/17-22)

Mrs Dodds (The Minister for the Economy): I thank the Member for her question. Mr Principal Deputy Speaker, with your permission and before we start, I inform the House that I am happy to stand in for my colleague and that I spoke to him this morning. He had his toast and porridge, was in very good form and is looking forward to getting out of hospital. Obviously, he had quite a traumatic period over the weekend. We will do our best to answer your questions as they arise.

The Department publishes statistical reports that contain the latest average farm-gate prices in Northern Ireland. Each of those reports average prices for the latest period, along with comparisons against prices in previous periods. Those reports show that average beef, lamb and pig prices from January to September 2020 were higher than those of the same period in 2019, whereas average milk prices have been 0.9p per litre lower. They also show that average prices since September have remained around or above prices of the previous year for each of the farm products that are reported.

Ms Sugden: Thank you, Minister, and please pass on my best wishes to Minister Poots for a speedy recovery. It is quite fortunate that the Minister for the Economy is answering these questions. If the Principal Deputy Speaker will indulge me, can I ask the Minister for the Economy to give her assessment of farm-gate prices in Northern Ireland given that agriculture is one of the largest industries in Northern Ireland and underpins our local economy?

Mrs Dodds: Thank you for the question. In many ways, agriculture was an area of policy that I looked at for many years in the European Parliament. I really enjoyed meeting and talking to the sectors right across Northern Ireland. We understand, from the published statistics, that milk prices are, on average, a little lower. Although milk prices for September were 1.59p higher than in September 2018, the average price across the period is 0.9% lower. That represents volatility and shows that the price is lower than the rest of the United Kingdom. It also represents the market and the exposure that Northern Ireland milk prices have, for example, to the commodity market. In GB, much greater supplies of milk go into the liquid market and

supermarkets and producers can have longer and more stable contracts.

We understand that, for the week ending 21 November, beef prices are 13.2% higher than for the same period last year.

That is a difference of £150 per finished head of cattle and is a significant uplift in beef prices. In fact, we probably are third in the EU league table for beef prices. Nevertheless, and again from a processing point of view, this is typically a low-margin process where issues of competitiveness and productivity are hugely important.

Pig prices have remained much the same, and —

Mr Principal Deputy Speaker: I am afraid —

Mrs Dodds: — dropped calf prices are round about, or slightly higher, than we would have expected.

Mr Principal Deputy Speaker: I am loath to interrupt the Minister, and she will probably give me a kicking for it afterwards [*Laughter*] but it is important that we try to stick to two minutes or less.

Mr Allister: Looking forward, Minister, under the iniquitous protocol, overheads and production costs will be very adversely affected by reason of feedstuff and fertiliser imports. What is the likely consequence for profitability, for farm-gate prices and, indeed, for consumer prices, of the gallows for the Union that Mr Poots is building at our ports?

Mrs Dodds: Of course the ports issue is an implementation rather than an end of the transition period issue. For Northern Ireland as a whole, let us be absolutely clear that my party believes that having a free-trade deal and zero quotas and zero tariffs is in the best interests of Northern Ireland. We think, and we want people to understand, that there are issues under the protocol that could be sorted out. We want to see unfettered access between us and our main market. I understand that the Internal Market Bill is being reintroduced in Parliament today and that there is a legislative route for that in the United Kingdom. However, there are also routes for that in the Joint Committee. Sensible, practical, pragmatic approaches by the EU could ensure that those things happen. We want to understand that goods at risk will be sorted out in the Joint Committee and that, as the Member quite rightly says, goods coming into Northern Ireland for input into the agricultural sector are treated as not being at risk of going into the single market.

Mr McGlone: I join others in wishing Edwin all the very best for a speedy and full recovery. It is a tricky enough situation that he found himself in over the weekend.

Minister, I do not necessarily expect you to know the answer to my question because it is a bit complicated. However, I was contacted this morning by a sheep farmer who has bought hundreds of sheep that are in the UK. Before the sheep can be brought over here, they have to be a year old and that year will take them into the new year. With everything that is going on at the moment, he finds himself in a new year limbo as to whether he may bring them over. He has invested hundreds of thousands of pounds in that stock. We spoke earlier about productivity, but we need the product in order to be productive. Perhaps the Minister could get back to me with some clarity on that.

Mrs Dodds: Yes. Thank you for your good wishes to Edwin. I will certainly pass on the good wishes of the

House when I speak to him later and give him an update on how we got on.

In fact, the Minister updated the Executive on this issue at our EU meeting on Thursday, as he has been working on it over the past number of days. As yet, there still needs to be a resolution, but I will, of course, ask the Minister to write to you specifically on the issue and on any ways of resolving the impasse.

Mrs Barton: Minister, if you could also pass on my good wishes to Mr Poots and wish him a speedy recovery.

Might an oversight body similar to the Groceries Code Adjudicator, in place throughout the United Kingdom but tailored for Northern Ireland's needs, improve farm-gate prices in future?

Mrs Dodds: Again, I thank the Member for her good wishes.

There has been much talk about minimum-price legislation and about Northern Ireland primary producers being price-takers as opposed to price-makers in the whole supply-chain system. Personally, I think that, while the Groceries Code Adjudicator had the potential to do good things, the lack of any kind of enforcement powers meant that, although it sounded good, it did not actually have the powers to respond to the needs of the supply chain. Therefore, if we were to have more of that, it would need to have much more legislative power to take remedial action.

Ms Sheerin: This follows on from the question asked by my constituency colleague Mr McGlone. I have written to your colleague Mr Poots about the fact that sheep are now being brought in from Scotland, the majority of which are blackface sheep that require scrapie monitoring. I just want to impress upon the Minister the urgency of the situation, given that, as Mr McGlone mentioned, this involves thousands of pounds for local sheep producers, who are depending upon sheep that they have already bought from Scotland.

Mrs Dodds: Again, I know that the Minister is alive to the situation and will respond to it. On a general point, this demonstrates the issues with the protocol and how some in the House who call for its full implementation are creating rods for the backs of some of our farmers.

Illegal Dumping

2. Mr Humphrey asked the Minister of Agriculture, Environment and Rural Affairs what steps are being taken to strengthen legislation and expedite proceedings in response to illegal dumping. (AQO 1259/17-22)

Mrs Dodds: Thank you for the question. Responsibility for dealing with illegal dumping is shared between the local councils, which deal with low-level waste offences, and the Northern Ireland Environment Agency (NIEA), which deals with large-scale waste criminality and hazardous waste. While there are no plans at present to strengthen the legislation around illegal dumping, officials are working with councils to consider the effectiveness of the existing legislation and explore how they can work together to make best use of the powers that it provides. That may create opportunities to deal more quickly and effectively with lower-level offending on a local level through fixed penalty notices rather than being reliant on court proceedings, the timings of which are outside our control.

Mr Humphrey: I thank the Minister for her answer. Over the summer, some 200 tons of illegal rubbish was dumped at Edenderry industrial mill on the Crumlin Road in my constituency of North Belfast. That led to a plague of rats, a swarm of flies and noxious smells, with people feeling and taking ill. Belfast City Council was too slow in its response, and the Northern Ireland Environment Agency was somewhat secretive in passing information to and sharing information with elected representatives. The situation simply was not good enough, and it took an intervention from the Minister to resolve it. I ask the Minister, in responding for her colleague Mr Poots — to whom I, too, sent my regards for a speedy recovery this morning — what more the Department, working with local councils, can do to ensure that, if such a situation arises again — sadly, it is happening more often in Northern Ireland — there is a more effective and speedy response.

Mrs Dodds: I thank the Member for his question. I followed the story and how it impacted on the lives of local people in that part of the Shankill. It really is quite disgraceful that such things continue to happen. The answer lies in the closer working relationship between district councils and the NIEA. While the NIEA is responsible for larger waste criminality, councils can take a proactive approach to fly-tipping. It is about trying to bring the two together so that one does not pass the responsibility on to the other, and we then see a situation like we had in the Shankill where the Minister had to intervene. The additional powers that the Minister is looking at include giving councils discretionary powers to take enforcement action in respect of illegal waste disposal other than littering and to provide them with more robust penalties as this works through the system.

2.15 pm

Dr Aiken: I thank the Minister for her comments so far. Can she pass on our good wishes to Edwin? It is good to see that he will be getting some first-hand knowledge of how well our NHS is coping at this moment in time.

Is there any information to confirm that waste from the Republic of Ireland is being illegally dumped in Northern Ireland?

Mrs Dodds: I thank my colleague for his good wishes for Edwin, but I remind everyone that he is a former Health Minister and is acutely aware of how amazing our National Health Service has been in response to the pandemic. His wife is a nurse, who has many years of service in the National Health Service.

I do not have specific information on that. If there is information in the Department, I will, of course, ask the Department to write to the Member on that specific area. I am aware that there have been various news stories on the issue, and we need to make sure that criminality of this sort is dealt with, appropriate penalties are levied and costs are directed to where they should be.

Mr Boylan: I thank the Minister for her answers so far. I extend my good wishes to Minister Poots and wish him a speedy recovery.

In my constituency, in the Fews Forest, at a nature spot called Carrigatuke viewpoint, there have been over 50 incidents of illegal dumping over the last 18 months. Will the Minister take it back to Minister Poots that we need a cross-border approach, because there is clear evidence

that there is illegal dumping of material from across the border?

Mrs Dodds: Yes, I fully accept and agree. The Minister will talk to his counterpart to ensure that that kind of criminality does not take place, that we can levy appropriate fines and make sure that costs are apportioned appropriately and sensibly in the matter. I am sure that the Department will write to you about any specific incidences that have occurred at the beauty spot that you spoke about.

Ms Bradshaw: Minister, given that we appeared to see an increase in illegal dumping during the COVID lockdown, how is the Department working with the Northern Ireland Environment Agency (NIEA) and the councils to look at the broader issues around waste management?

Mrs Dodds: The councils, NIEA and the Department are looking at how effective the legislation is, and they will bring forward further proposals on that. As I said to my colleague from the Shankill, where there were some very serious incidents, additional powers would perhaps be conferred on councils to allow them to have an immediate response to littering and illegal dumping.

UK Trade Deals: Japan and Canada

3. **Mr Dunne** asked the Minister of Agriculture, Environment and Rural Affairs to outline the benefits to the agri-food sector of the recent UK trade deals with Japan and Canada. (AQO 1260/17-22)

Mrs Dodds: The UK-Japan Comprehensive Economic Partnership Agreement (CEPA) was signed on 22 October 2020 and is largely based on the existing agreement between the EU and Japan. Similarly, the agreement in principle with Canada, announced on 21 November 2020, will roll over the provisions of the existing Comprehensive Economic and Trade Agreement (CETA).

These agreements have still to be fully ratified, but once that has been done, they will give certainty to agri-food businesses that are exporting goods and will ensure that they can continue to benefit from the existing trading arrangements. For example, CETA includes tariff-free trade on 98% of goods that can be exported to Canada, including beef, fish and seafood. The CEPA agreement with Japan secured tariff-free access for more agri-food goods and protection for some of our iconic products. Commitments on tariffs for the UK and Japan have largely been transitioned from the EU deal without changes. That deal sees tariffs for UK exports to Japan fall on beef, pork, salmon and a range of other agricultural exports, subject to staged tariff liberalisation, which is in line with the EU agreement.

Mr Dunne: I also pass on my best wishes to the Agriculture Minister, Edwin Poots. I got a message from him today saying that he is receiving great service, so he appreciates the health service to which he contributed as Minister.

I thank the Minister for her answers. I welcome the great news and the opportunities for the agri-food sector in Northern Ireland. Can she give the House an assurance that incoming products to Northern Ireland will continue to meet the required high quality standards?

Mrs Dodds: Northern Ireland will meet the standards because it will continue to employ EU single market rules.

I suppose that the wider issue to which the Member refers is the potential for wider UK free trade deals. What we would really like to see is the United Kingdom as a whole not accepting agricultural produce that is produced to a lesser environmental standard or social standard in terms of employment than it would expect of Northern Ireland or other member states from the United Kingdom. It is important that we do not make Northern Ireland produce — indeed, United Kingdom produce — uncompetitive by undercutting it with cheap imports.

Dr Archibald: I also extend my good wishes to Edwin to get well soon.

The Minister said that the UK-Japan agreement largely replicates that between Japan and the EU. Does she accept that, due to the fact that no new tariff rate quotas (TRQ) were agreed, some exporters could be at a disadvantage under the agreement?

Mrs Dodds: The Japan agreement largely replicates the agreement that the EU has with Japan. Commitments and tariffs have been transitioned largely without changes. That will see tariffs for UK exports to Japan fall on pork, beef, salmon and other agricultural produce. For butter, milk and milk powders, where there were UK exports in 2019, UK exporters will continue to access Japan's market via their WTO TRQ.

Mr Chambers: I join in the good wishes to Minister Poots. It is reassuring that the NHS was there for him in a timely manner when he needed it.

Minister, following 1 January 2021, will Northern Ireland food products for export be labelled "UK" or "EU"?

Mrs Dodds: Those matters will be worked out in the Joint Committee.

Mr Principal Deputy Speaker: Mr John Stewart. Sorry, Mr John Blair. I am on autopilot.

Mr Blair: Thank you, Mr Principal Deputy Speaker. May I associate myself and my colleagues with the good wishes expressed to Minister Poots for a full and speedy recovery?

I think that the Minister has clarified that what is being talked about is, at the very best, a replication of existing EU arrangements for Canada and Japan. More specifically, from an economic or agricultural perspective, can she tell us whether any data is available to show whether there is any benefit at all for trade or the economy with the new arrangements?

Mrs Dodds: I presume that the Member means in relation to the trade deals with Japan and Canada. Canada is one of our largest partners. The CETA deal means that 98% of all products that pass between the countries, and now the United Kingdom, are tariff-free. That is a huge boost to the economy of Northern Ireland and the wider economy of the United Kingdom.

The good news about the Canada deal is that Canada is committed not only to the rollover of the deal signed in November but the renegotiation of parts of that deal so that it is bespoke to the rest of the United Kingdom. It is a really important trade deal for Northern Ireland.

The Japan trade deal is also important. Japan is one of the largest importers of agricultural produce in the world. There is an enormous opportunity to take our product to

that market. That is another extremely important trade deal for the Northern Ireland economy. The crux of the matter for Northern Ireland will be making sure that we are a full part of those trade deals, notwithstanding the implications of the Northern Ireland protocol.

Mr Principal Deputy Speaker: Once again, I apologise to the Member for getting his name wrong. There is only one John Blair.

Gorse Fires

4. **Mr McGrath** asked the Minister of Agriculture, Environment and Rural Affairs to outline the impact of gorse fires on mountainous areas such as the Mourne. (AQO 1261/17-22)

Mrs Dodds: I thank the Member for his question. Gorse fires or wildfires in mountainous areas in Northern Ireland have a significant impact on the environment and are a risk to life and property. Semi-natural habitats often affected by such fires include heathland and blanket bog. Many of these areas are important nature conservation sites. Indeed, between 2010 and 2019, 64 wildfires were recorded in areas of special scientific interest.

These habitats can be damaged by fires, with impacts ranging from gradual change in species composition arising from surface burns to complete loss of vegetation and seed banks in severe, deep burns. In surface burns, the shift in vegetation composition can be undesirable, such as increases in gorse or bracken. In deep burn, the impacts can lead to long-term erosion due to lack of vegetation cover. The wildlife living in these areas is also negatively impacted. The impacts include the loss of foraging areas and the destruction of the nests and eggs of important breeding birds such as hen harriers. The damage caused to habitats and species can take many years to recover, and some may be lost for ever. Such fires also threaten life, property, forestry, agricultural land, public water supplies and other public utilities. They impact on emergency response services at the cost of millions of pounds to the public purse.

Most wildfires are the result of human activities and are preventable. Proactive steps to recognise and address the risk of wildfires have been, and will continue to be, taken by the Department, other stakeholders and landowners. Those steps include public messaging and awareness raising, the establishment of wildfire groups, such as those in the Mourne and Belfast hills, and the development of wildfire management plans in areas of special scientific interest. Officials have gained considerable expertise in wildfires through liaison with local landowners and knowledge exchange with other European countries. We will continue to develop ways forward.

This year, 2020 —

Mr Principal Deputy Speaker: Minister —

Mrs Dodds: May I add one important fact? This year, 2020, was the worst year for wildfires since 2011. To May of this year, the Northern Ireland Fire and Rescue Service had to deal with over 600.

Mr McGrath: I thank the Minister for her comprehensive response and add my weight to the remarks wishing Minister Poots well. Does the Minister agree that something has happened? The number of wildfires in

mountainous areas across the North and the island of Ireland is substantially increasing. Events supposed to happen only once in 100 years or once in 50 years are happening annually and costing millions of pounds. Does the Minister agree that climate change is playing a part and that we must respond accordingly?

Mrs Dodds: As my answer made clear, a range of factors is involved, including pressures from climate change. However, human behaviour, such as people walking in the mountains etc, is also a factor. We need to ensure that we work together and properly disseminate information about not only the dangers of the fires themselves but the dangers to our environment and the cost to the public purse.

Mr McAleer: I also associate myself with extending best wishes to Minister Poots. I sent him a message earlier today and am glad to note that he is moving in the right direction. I also want to commend Minister Dodds for coming in at short notice. You have done a good job so far, so fair play to you.

2.30 pm

Unfortunately, earlier this year, at the beginning of lockdown, when the weather was incredibly warm, we witnessed many gorse fires, many of them in my district. It is important that the Department, and, indeed, all the Departments, educates and informs people about the damage that such fires do to people's lives and to biodiversity. When those who are impacted on by the fires try to engage with compensation services, it can become a legal quagmire. Does the Minister agree that it is important that everyone do their best to educate and inform people about those fires and their impact?

Mrs Dodds: We are very privileged to live in one of the most beautiful parts of the world. Like the Member for South Down, my whole family are from the Mourne area, so I know exactly the beauty of the areas. It is therefore really disappointing when people abuse the privilege of walking and spending time in the hills.

We need to have a multi-agency approach among the NIEA, the Northern Ireland Fire and Rescue Service (NIFRS), the Forest Service and the other rescue services to try to get the strategy right so that people can be safe in those beautiful areas but also respect them. I agree with the Member that that will require information campaigns so that people understand their responsibilities.

Mr Principal Deputy Speaker: We now move on to topical questions. Before I call the first Member to ask a topical question, I say to Members that they will know that I am a relaxed and fairly easy-going sort of person and do not stand too much on formality or anything like that, but I impress on Members the need for short, sharp questions. For a perfect example of that, I call Mr Daniel McCrossan.

Mr McCrossan: You may judge that in a minute.

Meenbog Landslide

T1. **Mr McCrossan** asked the Minister of Agriculture, Environment and Rural Affairs, after associating himself with the comments to wish Minister Poots well and a speedy recovery and putting on record his sincere appreciation for the fact that Minister Poots visited Meenbog outside Castleterg following the slippage

that caused huge difficulties, where they had a good meeting that he was glad to attend, for an update on the Department's work on the Meenbog landslide, specifically progress on the clean-up, work to confirm the root cause and work to prevent such a thing happening in future. (AQT 781/17-22)

Mrs Dodds: I read some of the newspaper reports of the visit to Meenbog. It is only over the past 12 hours, however, that I have become much more tuned into the issues involved there.

I am happy to tell the Member that Loughs Agency staff are continuing their investigation into the recent major water pollution incident at Meenbog. The incident appears to be the result of significant slippage of an enormous quantity of peat and soil at the upper end of the catchment around the waterway. The nature and type of remedial measures will depend on the environmental assessments that are under way. Those include assessments and evaluations of water-quality data, fisheries, invertebrates and riverbed silt that will take some time to complete. It is, however, an issue that the Minister has taken on board and on which he has met his counterpart from the Republic of Ireland to discuss, so it is being worked on and taken forward by the Loughs Agency as a matter of priority.

Mr McCrossan: I thank the Minister for her answer. I absolutely acknowledge that the Meenbog slippage was a catastrophe. It affected Killeter, Aghyaran, Castlederg, Ardstraw and the surrounding areas quite significantly. The meeting between Minister Poots and Minister McConalogue was very effective and showed a great sign of strength and unity on that cross-border issue.

Minister, one particular business was impacted on very badly by the slippage. I am not sure whether you will be aware, but will you update us now or at a further stage on whether there is any form of compensation that could help with the pressure that has been put on that business?

Mrs Dodds: While I am aware of measures that the Loughs Agency is undertaking on the remedial issues that need to be resolved because of that, I am unaware of that particular business. I will, of course, ask officials from the Department to contact you to talk through the issue that is of interest to you.

Clean Air Strategy

T2. **Miss Woods** asked the Minister of Agriculture, Environment and Rural Affairs, after wishing Minister Poots all the best as he recovers and thanking the Minister for the Economy for standing in, to outline how rural perspectives were considered when drafting the clean air strategy. (AQT 782/17-22)

Mrs Dodds: As with all these strategies, a number of wide-ranging perspectives is taken into account. If the Member has a concern that a particular issue was not addressed, I advise her to write to the Minister so that it can be properly considered.

Miss Woods: I thank the Minister for her answer. Why was a population of 10,000 chosen as the threshold beyond which air quality assessment would be conducted, even though that would exclude most rural areas from assessment and risk agricultural pollution not being fully measured?

Mrs Dodds: I presume that the modelling indicated that that number was acceptable in that instance. Of course, I advise the Member to contact or write to the Minister to advise him of her concerns.

River Blackwater: Works

T3. **Mr Beattie** asked the Minister of Agriculture, Environment and Rural Affairs, after stating that it is good to see the Economy Minister supporting her ministerial colleague and telling the House that he looks forward to the day when Ministers from across the Floor will support each other, to outline whether, following the successful works on the River Blackwater catchment, there are any plans to expand those works along the River Bann. (AQT 783/17-22)

Mrs Dodds: I would, of course, be very supportive of that from a constituency point of view. I consider the River Bann and our particular part of it to be one of the most beautiful parts of Northern Ireland. Since I walk along the river with the dogs quite a lot during the week, and this is a personal view, I consider that to be important.

I will report the issue to the Minister, and I will say on a general basis that really good work has been done with remedial tidying up and dredging so much of the rubbish that has been unnecessarily dumped in the river and so on. From a general point of view, we want to see cooperation in order to make sure that those things do not happen and that people act responsibly to ensure that the beautiful environment that we have is maintained.

Mr Beattie: Minister, I kept my questions local because I knew that you were standing in. As you know, local constituent Jon Medlow has been working hard with volunteers to clean the River Bann. I believe that you might have met him. Does the Minister have any plans to give financial aid in order to allow volunteers like Jon and other groups to carry on that important work?

Mrs Dodds: I agree that it is important work. Caring for, sustaining and future-proofing the assets that we have is hugely important. I speak not just as a local but as the tourism Minister, because we need to ensure that we make the best of those assets. That is what brings people to Northern Ireland. I commend the groups for their work and what they do. Of course, I will pass on to the Minister your concerns about funding for such groups.

Litter

T4. **Mr Dunne** asked the Minister of Agriculture, Environment and Rural Affairs to clarify, as we all strive for a cleaner and greener environment, who has responsibility of cleaning of litter and detritus from our public footpaths and roadsides. (AQT 784/17-22)

Mrs Dodds: As the Member said, we all have our part to play in that. I know that the Minister is committed to education and to building civic pride around our beautiful environment.

The Department works closely with councils and other NGOs to support educational and promotional campaigns that achieve behavioural change in reducing litter.

DAERA's environment fund supports Keep Northern Ireland Beautiful, which runs a series of successful programmes, including Eco-Schools; Live Here, Love

Here; Clean Coasts; and Adopt a Spot. More than £3 million has been awarded to Keep Northern Ireland Beautiful since 2007, with additional current funding of more than £1 million to support educational and promotional campaigns. The Clean Neighbourhoods and Environment Act enables councils to issue fines of up to £80 for litter offences or £2,500 fines for cases that have to be dealt with through the courts. They are very important issues and impact on everybody's everyday lives, and I thank the Member for raising them.

Mr Dunne: I thank the Minister for her answer. Can she assure us that, under the Litter (Northern Ireland) Order 1994, the NIEA will use its influence on local councils to ensure that public footpaths and roadways are clean and safe for all road users? There seems to be a reluctance by some councils to clean public footpaths on roads where there is extensive traffic.

Mrs Dodds: I am sure that the Minister will agree with the Member that it is extremely important that we use every power available to us to make sure that we have done our best to ensure that roads, footpaths etc are clean, fit for purpose and suitable for the beautiful environment that we have in Northern Ireland.

Anaerobic Digestion Plants

T5. **Mr Lunn** asked the Minister of Agriculture, Environment and Rural Affairs, after asking the Minister for the Economy to pass on his best wishes to his constituency colleague Edwin Poots, to outline the potential impact on the provision of anaerobic digestion plants in light of the fact that Minister Poots has let it be known more than once that he does not think that Northern Ireland needs an incinerator. (AQT 785/17-22)

Mrs Dodds: There is a debate about the incinerator, and I have no intention of engaging in it today. However, my Department is responsible for a new energy strategy, and looking at different types of energy and how they can be inputted into the grid will be key to it. We hope to bring out that strategy for consultation in March 2021, and the Member will, I am sure, contribute his views on anaerobic digestion and waste and energy to it.

Mr Lunn: The Minister will know that the jury is out on anaerobic digestion as a long-term solution to our needs, particularly in view of the carbon footprint of the whole process, the extent to which anaerobic digestion plants depend on government subsidy at the moment, and the limited life of the plant involved, which, I believe, is no more than about 10 years. There is also huge cost involved in replacing it. So, are we quite sure that Minister Poots should not exclude totally the requirement for an incinerator because an awful lot of academic information seems to indicate that we need one, and fairly quickly?

Mrs Dodds: I am sure that the Member will make his views on waste known to Minister Poots. As I said, the energy strategy will be out for consultation in March 2021, and I look forward to receiving various views on all those issues.

Rural Poverty and Social Isolation

T6. **Mr Storey** asked the Minister of Agriculture, Environment and Rural Affairs, after passing on his best wishes to his colleague Edwin Poots and adding to the Minister for the Economy's comments about the

River Bann, in that she will know that it runs through his constituency, where Drumaheagles, which is adjacent to the River Bann, is a beautiful part of Northern Ireland, where, no doubt, she has enjoyed some happy times, to provide an update on the initiative to tackle rural poverty and social isolation, which has become an issue that the Minister will be well aware of through her ministerial responsibilities, particularly given the impact of COVID over the past number of months. (AQT 786/17-22)

2.45 pm

Mrs Dodds: I thank the Member for his question on rural poverty and social isolation. Isolation and loneliness in particular have been exacerbated by the COVID restrictions, and there are some very touching stories of how that has impacted on folk, particularly older folk, in isolated rural areas. The tackling rural poverty and social isolation (TRPSI) programme continues to provide support for a range of initiatives in collaboration with other Departments, statutory agencies and the community and voluntary sector. That has helped, on average, 60,000 rural dwellers to address poverty, isolation and health and well-being issues. An additional £5 million has been confirmed to help rural dwellers and communities and to assist businesses to recover from the impact of the COVID-19 pandemic. That brings the TRPSI programme budget for 2020-21 to almost £11 million. That increase in financial support has enabled the Department to approve a number of schemes to bolster the rural economy and sustain and increase its capacity.

Mr Principal Deputy Speaker: There are 30 seconds left, Mr Storey.

Mr Storey: Will the Minister clarify whether there has been collaboration with the Department for Communities in relation to this initiative?

Mrs Dodds: Yes, the Department works closely with the Department for Communities and with local councils as delivery agents in relation to the initiative. It is very valuable for rural dwellers in Northern Ireland.

Mr Principal Deputy Speaker: That concludes questions to the Minister of Agriculture. Members may take their ease for a few moments before we move to questions to the Minister for Communities. If you are leaving the Chamber, do not forget to clean the surface where you were sitting.

Communities

Intimidation Points System

1. **Mrs D Kelly** asked the Minister for Communities when her Department will publish alternative proposals to replace the intimidation points system, as outlined in her statement of 3 November 2020. (AQO 1272/17-22)

10. **Ms Dillon** asked the Minister for Communities whether the revised system of housing allocation points will include intimidation points for the victims of domestic violence. (AQO 1281/17-22)

Ms Ní Chuilín (The Minister for Communities): Mr Principal Deputy Speaker, with your permission, I will group questions 1 and 10.

I will publish a consultation outcome report on the fundamental review of social housing allocations next week. That will include a preliminary time frame for the implementation of the proposals. I have publicly stated that I will not proceed with the removal of intimidation points. I want to retain those points for those who really need them. There is a strong perception that the intimidation points system is being abused, and I want to see alternative mechanisms implemented to strengthen the verification process and put an end to that abuse.

That may require the establishment of an independent body, once options have been developed.

It is unacceptable that victims of domestic violence are not currently treated with the same priority as those who receive intimidation points. I want that to change as soon as possible.

Mrs D Kelly: Minister, many people in my constituency have 130 points and more, such is the housing shortage and crisis for many families, even without intimidation points. I am sure that you are well aware of that in your constituency. I welcome the particular regard that you paid to victims of domestic violence in your answer. Will you put in place a process or framework to ensure that domestic violence victims are not disadvantaged in any way by any review?

Ms Ní Chuilín: I thank the Member for her question and supplementary. As she knows, in my constituency, some people are sitting on 240 points without intimidation, with no prospect of going anywhere. I think that there was a broad assumption that people who were subject to domestic abuse and violence were allocated intimidation points. That is not the case. The issue did not come up in the consultation as strongly as I felt that it would, but it certainly came up once people realised that that was not the case. After I publish the consultation report next week, I will move straight to options with officials, and, hopefully, I will have something in the coming months. It is really important that that is changed.

Ms Dillon: My question has been answered by what the Minister has just outlined. I was well aware that, unfortunately, domestic abuse points are not included in intimidation points. I think that you, Minister, have just given a time frame, but, to clarify, when might we expect those points to be in place? It has been an outstanding issue, certainly in my constituency, for a long time.

Ms Ní Chuilín: I thank the Member for her question. As she will be aware, as part of the recent statement that I made here about the overall housing transformation, the case of the fundamental review was certainly highlighted. The changes outlined in that statement need to be made within this mandate, and I am, with others, progressing work in that regard. I hope that, in the coming months, we will have a completely different system for the allocation of points, which will include intimidation points for victims of domestic abuse and violence.

Mr Dickson: Thank you very much, Minister, for indicating your strong priority for victims of domestic violence in the future. Do you agree that there were disgraceful scenes in the House earlier today, when the Chair of the Justice Committee attempted to derail important domestic violence legislation, and that that will exacerbate the situation that you find yourself in?

Ms Ní Chuilín: I will take the Member's last point first. I did not see it, so I will look at it. The start of his question was about why people have waited for so long. Going by his and others' responses, I think Members will agree that it is quite appropriate that intimidation points are kept for people who have been subject to domestic abuse and violence.

Business Adaptation and Improvement Grant Scheme

2. **Miss McIlveen** asked the Minister for Communities whether additional moneys will be made available to local councils to administer a further business adaptation and improvement grant scheme. (AQO 1273/17-22)

Ms Ní Chuilín: I thank the Member for her question. My Department's COVID-19 recovery revitalisation programme has already allocated £17.6 million to councils to enable them to create a safer environment for shoppers, visitors and workers. It includes contributions of £5 million and £2 million from the Department for Infrastructure and the Department of Agriculture, Environment and Rural Affairs, respectively. The programme was designed to be as flexible as possible to ensure that each council delivers a plan that addresses the specific needs in its area. Every council plan has included a small grant scheme to help businesses to provide a more COVID-secure environment for their customers. The eligibility criteria and value of the grants were determined by each council in consultation with local stakeholders. The total value of the grants across all councils is approximately £6.9 million.

Miss McIlveen: I thank the Minister for her response. The previous tranche of funds that was distributed to Ards and North Down Borough Council, which covers the majority of my constituency, was available only to businesses in the designated town centre. That was at the suggestion of her Department, and it left many dozens of businesses without the benefit of assistance. In fact, there were 22 businesses in one street in Comber alone. Will the Minister do anything to provide assistance to those businesses, which by virtue of a line on a map were unable to avail themselves of that funding?

Ms Ní Chuilín: I am sorry to hear that. The Member will be aware, given her previous role, that I am responsible for townlands and villages with a population of 5,000 and over. Edwin Poots — I wish him the very best — and I did this scheme jointly to ensure that no one was left out. I will find out what happened and write to the Member. Hopefully, whatever happened, whatever gaps there are will be closed. I will get the detail and talk to the Member personally.

Mr Catney: Will the Minister provide a breakdown of the number of businesses that the money has already reached and give examples, if possible, by council area?

Ms Ní Chuilín: I do not have that detail to hand, but I will write to the Member. When I was talking to some businesses about how they were hoping to avail themselves of support, they were looking at additional sanitisation and infrastructure for safe social distancing. A number of them were looking at outside heaters, street furniture, awnings, gazebos and things like that in order to help to bring customers in safely. Again, I do not have the details to hand as to what each council got, but I will get them for the Member.

Ms Ennis: We know that there has been a delay with some of the financial support schemes that were established recently. Will the Minister set out the steps that she is taking to ensure that councils receive those allocations quickly?

Ms Ní Chuilín: I thank the Member for her question. That is why I was a bit surprised to hear Michelle McIlveen's concerns. The onus was on Edwin Poots, Nichola Mallon and me to ensure that those schemes, unlike others, got out as quickly as possible through the councils, which have been funded by my Department to ensure that they in turn can provide front-line services as quickly as possible.

Unlike with other schemes, the councils, to be fair to them, have acted very quickly. We have made the application as simple and straightforward as possible while respecting and honouring due diligence and ensuring that each council was as flexible to the needs of their local businesses as possible. Again, as each tranche is rolled out, we have ensured that speed has been of the essence. I hope that that is the case across the board and look forward to ensuring that it is.

Winter Support for Vulnerable People

3. **Ms Mullan** asked the Minister for Communities to outline her plans to support the most vulnerable people over the winter period. (AQO 1274/17-22)

Ms Ní Chuilín: I thank the Member for her question. My Department has a number of supports in place, including an automatic one-off COVID-19 heating payment of £200 to people who are in receipt of pension credit or the highest rates of disability benefits; a £10 Christmas bonus, which is paid to people who are in receipt of a qualifying benefit; a winter fuel payment of between £100 and £300 for eligible older people; and a cold weather payment of £25. The universal credit allowance has also been increased. I have increased the annual income threshold for discretionary support and introduced a self-isolation grant for people who have been diagnosed with COVID-19.

The provision of food support remains a priority for me, so I have provided almost £800,000 to FareShare, which is a food redistribution charity. I have allocated £750,000 to councils to provide access to food. My Department has also allocated a further £3.5 million to support access to food, and I hope to make an announcement in the not-too-distant future about our warm, well and connected policy, which will operate throughout December and January.

Ms Mullan: I thank the Minister for her answer and for her work and ongoing support for those who are most vulnerable. I also want to thank her for meeting the community and voluntary sector in Derry and Strabane with me last week. Will she outline her intention to work collectively with other Departments and agencies to ensure that long-term and targeted support is provided to those who are most in need?

3.00 pm

Ms Ní Chuilín: I thank the Member for her question. It was a pleasure to meet, along with the Member and Martina Anderson, the many workers from across the community in the Foyle constituency. It is important to put on record — this is also in response to the previous question — that Edwin Poots, Nichola Mallon and I are working on the

revitalisation fund for councils; and Naomi Long, Robin Swann and I are working on supporting people, particularly in relation to homelessness. From an Executive point of view, I have enjoyed the full support of each Minister for every substantial allocation of money that has gone to sports and arts. It is important that we use public money to get better outcomes for people. I reassure the Member, and other Members, that I will continue to take that approach.

Mr Durkan: Will the Minister confirm whether a household can receive multiple heating payments if more than one eligible individual is living at the address?

Ms Ní Chuilín: It is for one household. The COVID heating payment is a one-off, and the household is the applicant. It is on top of the winter fuel payment, which is anything from £100 to £300. This payment is in addition to what is already there. Given that people have had to isolate for a lot longer than we thought in March would be the case and the fact that we are going into a very, very cold spell, I am sure that the Member will agree that it is important that people stay not only warm but safe and well.

Mr Beggs: Are individuals who are in receipt of a supplementary payment, due to the complete loss of their award when transitioning from DLA to PIP, entitled to the additional heating payment?

Ms Ní Chuilín: The payment is for anybody on pension credit, higher rates of disability or higher rates of PIP, and it includes the children. People who are currently in receipt of any of those, never mind what they are transferring to, meet the criteria and should receive the payment. If the Member has examples of where he feels that that may not be the case, he can drop them up to my office.

Ms Bradshaw: The Minister will recall that, approximately this time last year, she, Christopher and I met with the —. Sorry.

Sign Language Legislation

4. **Ms Bradshaw** asked the Minister for Communities for an update on the proposed legislation on sign language. (AQO 1275/17-22)

Ms Ní Chuilín: It is too close to Christmas, Paula.

Ms Bradshaw: I know. I am sorry.

Ms Ní Chuilín: Yes, I recall that. A draft framework and policy proposals for legislation on sign language were consulted on prior to the publication of 'New Decade, New Approach', which committed us all to introducing a sign language Bill. I hope to introduce a sign language Bill very soon, within this mandate. My officials are engaging with the Office of the Legislative Counsel with a view to establishing a timetable and preparing instructions.

Ms Bradshaw: Thank you, and apologies. The Minister will recall from the evening that we spent in a church hall in my constituency how important the sign language Bill will be. I am sure that she will have heard from many constituents about the loneliness that they have felt during lockdown. To what degree will access read across not only to public services but to wider societal issues such as sport and community life?

Ms Ní Chuilín: The Member will be aware that I brought forward the framework in my last year in DCAL. That

framework was widely consulted upon, and it touched on different sectors. That sign language framework will help to inform the Bill. This has been widely consulted on, and, if we have heard anything from the sector, it is that we should, "Just get on with it".

Ms Sheerin: Will lessons be learned from what has been done in the South of Ireland and Scotland? Will the Minister commit to meeting with the sector on the implementation of the Bill?

Ms Ní Chuilín: All other jurisdictions and legislatures have been consulted. Not only have any Bills, Acts or pieces of work that they have brought forward helped to shape the framework, they will help to shape the Bill.

Not so long ago, I met with people who are deaf or partially deaf. I made a point of meeting as many people from the sector as possible, including parents who have children who have lost their hearing or who do not have hearing. I am more than happy to meet more people in that situation, particularly given that the framework is not on a statutory footing. There is therefore a denial of rights, particularly for families. People communicate through sign language, and we definitely need legislation to enable that.

Water Leak Claims

5. **Mr Robinson** asked the Minister for Communities whether the Northern Ireland Housing Executive or third-party contractors are responsible for paying tenants' claims for goods damaged due to a water leak. (AQO 1276/17-22)

Ms Ní Chuilín: I thank the Member for his question. For a payment to be made in a public liability claim, some degree of negligence must be established. Depending on the circumstances giving rise to a water leak, in some cases that negligence may attach to the Housing Executive, while in others it may attach to the contractor. It is also possible that negligence could be established jointly against both the Housing Executive and the contractor. Tenants are advised to have contents insurance in place, but that is not always affordable. The Housing Executive provides useful guidance and information on public liability claims on its website, and I welcome comment on that content from anyone who looks at it.

Mr Robinson: I thank the Minister for her answer, but will she undertake to ensure that clear guidance is issued to tenants? At present, there is confusion and frustration over the fact that there is no clear pathway for Northern Ireland Housing Executive tenants.

Ms Ní Chuilín: I will certainly have another look at it. The Member tells me that it needs cleared up, so I will need to have a look at it. I will write to the chief executive and the chair of the board thereafter. Any guidance on a departmental website needs to be as clear and plain as possible so that people can access the information and services that they need.

Mr Nesbitt: I wonder whether the Minister can inform the House, either today or in writing, of the average amount paid out in recent years because of damage that is the responsibility of contractors.

Ms Ní Chuilín: I will have to respond in writing, because I do not have that information. When responsibility is contested, the situation can become protracted, and it is

tenants who are, unfortunately, caught in the middle. I do not think that anyone thinks that is a satisfactory position to be in. I will get the information in writing to the Member.

Ms Kimmins: Will the Minister advise whether public liability claims against the Housing Executive are a frequent occurrence?

Ms Ní Chuilín: For anyone who has been subjected to water damage and leaks, particularly if a contractor has been in, once is enough. As I said to the Member for Strangford, Mr Mike Nesbitt, I will provide the Member with a breakdown of what has happened, even for 2019-2020, and I will share it with Mr Robinson, who asked the listed question, to determine whether the Housing Executive was responsible or the contractor was responsible, and what the outcome was, if any.

Mr McGlone: I ask the Minister about the importance of updating tenants on their responsibilities to have proper insurance cover for contents and the like. We are coming into really cold weather. We have had a wee sample of it. We do not want people being left literally wet and caught with no cover at all, and their house possibly ruined through flooding or another circumstance that has occurred in their home as a result of poor weather.

Ms Ní Chuilín: The Member probably heard what I said at the start of my answer to Mr Robinson. It is about affordability. For many families who are on low income and living in poverty, they are often dealing with a decision either to pay for house insurance or to feed their kids. It is the tenant's responsibility — it is in the tenant's handbook — and housing associations and the Housing Executive constantly remind tenants of it. When you are talking about families living in poverty, however, house insurance is not at the top of their list.

Financial Hardship: Christmas Support

6. **Ms Bunting** asked the Minister for Communities how her Department will support people facing financial hardship over the Christmas period. (AQO 1277/17-22)

Ms Ní Chuilín: I thank the Member for her question. My Department has a range of initiatives to support people facing financial hardship over the Christmas period. In my answer to Karen Mullan, I gave a breakdown of the supports that are in place, including the winter fuel payment; the cold weather payment, if there are prolonged cold spells; a Christmas bonus payment of £10; an increase in discretionary support; and access to food and other supports that my Department funds through the councils. I hope to announce other additional supports very soon.

Ms Bunting: I am grateful to the Minister for her answer, and I noted her earlier answer. At this stage, I am asking particularly about food banks and the people who use them. In East Belfast, we have Manna and the Larder, which are both run by churches and are doing sterling work, but, regrettably, they provide a vital service. The Minister will know that, as more people struggle, there are more desperate people in need and fewer people who can give, and the food banks are running short of supplies. Is there anything that her Department can do directly with food banks, or can she advise how food banks can tie in with FareShare?

Ms Ní Chuilín: Both. FareShare has received money from my Department, and most community food banks, if not them all, work very closely with FareShare. In the Member's constituency, money has been coming to food banks from my Department through allocations made by Belfast City Council. I am looking at additional supports.

I want to put on record that, ideally, there should not be food banks. That is the bottom line: there should not be food banks. We need to put more money into people's pockets so they can make their own choices. However, while we are in this situation, I am sure that the Member will agree that, from right across the Executive, substantial support for bids has been provided through my Department for me to help people with food support and other essential items.

Ms Hunter: I thank the Minister for her answers so far. If someone should need to claim universal credit in December, given that there is usually a wait of six weeks for a payment, will her Department take any steps to ensure that people receive the payment more quickly so that no one will be left penniless at Christmas?

Ms Ní Chuilín: Absolutely, and the contingency fund is available. People should not wait five weeks for their UC payment, and they should not be offered loans either. There is the contingency fund, and there is also discretionary support so that people can get a payment. No one should be sitting like that over Christmas. I remind people that, while a wait of a few weeks for universal credit is in the legislation, people should not be offered a loan first; they should be offered money from the contingency fund, and, if that does not suit, they should be offered money from the discretionary fund.

Mr Butler: I thank the Minister for her answer. On the back of Ms Hunter's question, as you pointed out, the discretionary support fund is a vital support mechanism. However, I am aware that applications are taking over seven days in some instances. Will the Minister advise what steps she will take to reduce the time taken to process applications this side of Christmas?

Ms Ní Chuilín: I am genuinely sorry to hear that. I was, and am, keeping a close eye on the average payment time. It worked out at about four days, and I still felt that we should try to get a payment out as quickly as we could. I assure the Member that staffing and training have been increased, and the staff are dedicated and committed to ensuring that no one is left without food or money, particularly in these very cold days and in the run-up to Christmas.

Ms Rogan: I thank the Minister for her answers so far. Minister, what is your Department doing to ensure that people are aware of the benefits that they are entitled to and take up the help that is available to them?

Ms Ní Chuilín: I will give Advice NI a plug and say that it has been very good at publicising benefit take-up campaigns and publicising what is available. I know that anyone who is involved in the independent advice sector will be letting people know, as will Age NI, NICVA and many other organisations. The difficulty is that you will always find people who do not have access to social media and who may not be connected to those groups. The Department publishes information. If the Member or anybody else knows of groups or individuals who have found out about a benefit after the fact, they should come

back to me so that we can close the gaps. I do not want anybody to be left sitting destitute or without.

3.15 pm

Job Start Payment Scheme

7. **Dr Archibald** asked the Minister for Communities to outline progress in delivering a scheme similar to Job Start in Scotland, which takes account of local circumstances and needs. (AQO 1278/17-22)

Ms Ní Chuilín: I thank the Member for her question. I am pleased to advise that we will be providing increased funding to help to remove barriers to work for people who receive income-related benefits. For example, in Scotland, the Job Start scheme payment is a grant of £250, or £400 if the recipient is the main carer for a child or children. That is available only to those aged 16 to 24. Here, the adviser discretionary fund can provide up to £300 to remove a barrier to work. I am increasing that limit to £1,500 in a 12-month period and expanding the range of supports that it can be used for.

Dr Archibald: I thank the Minister for her response. That is useful information. Can the Minister provide any assurances about participation in Job Start programmes?

Ms Ní Chuilín: I am not sure: is the Member asking about sanctions? This is not about sanctions. This is about a voluntary programme that, hopefully, young people aged 18 to 24 will avail themselves of. If they cannot — rather than do not want to — avail themselves of it, they will not be sanctioned, which was the problem, particularly for young people with educational challenges, those with mental health issues, and those who are leaving care or being looked after. They were in the bracket of young people who were more sanctioned than others. It is about the fact that some of them cannot make their appointment, rather than that they just did not bother turning up.

Charity Sector: COVID-19 Support

8. **Mr Newton** asked the Minister for Communities how she intends to support the charity sector through the COVID-19 pandemic. (AQO 1279/17-22)

Ms Ní Chuilín: [Long Pause.] Sorry about this; we are flying through these questions.

Our local charity sector is vital to us as a community, especially now. I know that charities have been struggling financially because fundraising is down. In June of this year, I put £15.5 million into the charity fund, and I am pleased to say that 501 successful applicants received a total of £8.8 million. I am acutely aware that charities still face significant financial challenges, and I am working on making an announcement shortly on a further phase of funding to support them.

Mr Newton: The Minister will know that, although the number of charities that she quoted have been supported, quite a number have not. It seems that there are charities that, even though they are independent in Northern Ireland, because they operate nationally and the national body has reserves, the local body is perceived to be ruled out of getting funding from the Department for Communities. Will the Minister look at the situation so that local bodies that are tied to national bodies are eligible for funding from the support that she has on offer?

Ms Ní Chuilín: I am sorry to hear that, because having reserves does not exclude any charity from applying to this fund. If the Member has any examples, I will be happy to receive them. This is about how people try to raise money here for charitable purposes and to provide good outcomes for people. Charity fundraising has been greatly inhibited, almost to the point where it has ceased, so I would be really disappointed, particularly given the work that people are doing on our behalf, if they did not get any support at all.

Mr Principal Deputy Speaker: We now move on to topical questions.

Grassroots Sports

T1. **Mr Hilditch** asked the Minister for Communities to clarify the situation with grassroots sports, particularly on the younger side, given that there has been a lot of talk and communication about elite sports, which have got back on the road again, albeit with barriers in place. (AQT 791/17-22)

Ms Ní Chuilín: I thank the Member for his question. I know about his interest in grassroots sport. I will, hopefully, get a bit more detail on that today or early tomorrow. The number of spectators has increased, but I think that the Member is asking me whether training and so on can recommence. I am still waiting on those regulations to be sorted out.

I hope that they will be sorted out as soon as possible, because I know that a lot of the sporting bodies, and particularly the smaller clubs, have been excellent at social distancing and at providing sanitisers for the youngsters and trying to keep them as safe as possible.

Mr Hilditch: I appreciate the Minister's answer, and I am sure that she will appreciate that kids are now developing from around five or six years of age through to early teens before they go into the older age groups, so I am talking about that very young element, who have lost out so much this year. I am seeking the Minister's support for that to be looked into as quickly as possible and clarity sought.

Ms Ní Chuilín: The Chair of the Communities Committee is here, and, when those regulations are brought forward and further clarification and guidance is offered, it will be copied to the Committee. I will make sure that it is copied to you as well.

Business Rates

T2. **Mr Beggs** asked the Minister for Communities, given that retail forms an important social and community space and element in our town centres, albeit that all retailers, whether multinational or local independents, are struggling with the shift to online shopping, what action she has taken to contact the Minister of Finance to achieve a long-term reduction in the rates that are charged so that more realistic rents will be charged, with more businesses able to survive and provide a service to the community. (AQT 792/17-22)

Ms Ní Chuilín: I have not had a conversation with the Finance Minister about the long-term trajectory of rates. We are more focused on, first, the fact that there has been rates relief. We have had his support and the support of all of our Executive colleagues, including your colleague, for the revitalisation fund, which gets money out to help,

in particular, small and local businesses. I am happy to copy the section from Hansard containing your question to Conor Murphy.

Mr Beggs: I thank the Minister for her response. Considerable pressure will be ongoing beyond the COVID period, and that is why I am asking the question. Similarly, has the Minister made contact, or in conjunction with the Finance Minister made contact, with the Chancellor so that online large retailers such as Amazon pay fair taxation and are unable to continue to shift their profits offshore and use complex tax avoidance methods, leaving local retailers at a disadvantage?

Ms Ní Chuilín: I would not ever contact the British Chancellor, because the normal protocol is that it goes through the Finance Minister. I have absolutely no doubt that the matter of supporting our local businesses has been raised. The issue of big global companies coming here and paying very little tax is one that has been with us for a long time, and I agree with the Member. I do not think that they pay their fair share. In fact, there have been court battles, which are probably still ongoing, around some of those big names. They are not paying their fair share. Their employees are, but, as companies, they are not, and that is not right.

Sports Hardship Fund

T3. **Mr Butler** asked the Minister for Communities for an update on the sports hardship fund and any other work that her Department has undertaken, given that she has been very vocal and supportive of sporting groups at all levels and will share his fear that some groups, whether grassroots, amateur or elite, are coming under viability pressures at this time. (AQT 793/17-22)

Ms Ní Chuilín: I thank the Member for his question. I share his concern about the impact of what, indeed, David Hilditch raised. This year has been horrendous for many people, particularly young people, who have lost out on quite a lot of socialisation with their friends. There is no better example of when they are with their friends as when they are playing sport.

On sports hardship, I am sure that the Member will be aware that I have put a significant amount of money forward. Indeed, £25 million is going into sport. I met the governing bodies and the Northern Ireland Sports Forum last week, along with Sport NI. We want this process to be as straightforward as possible. The applications are open, and, hopefully, awards will be made at the end of January or the beginning of February to help people not just with their loss but with the impact of COVID. The best thing that we can do is to get this guidance sorted out as quickly as possible so that people can get back to doing what they want.

Mr Butler: I thank the Minister for her answer. I have had a number of emails and letters from constituents who are concerned about the viability of the Belfast Giants at the SSE Arena, which has been a great success for Northern Ireland and one of the sports that truly unites us here. Can the Minister outline whether she has had any contact with Belfast Giants or if she is aware of any assistance that has been sought? Would she consider any application that was made?

Ms Ní Chuilín: Like many others, or maybe not, I was shocked to find out that the Belfast Giants have been here

for 20 years. Time has gone in the blink of an eye. I will not receive any applications; it will be Sport NI. I am aware that they will make an application because I saw it covered in a local news bulletin. I will not mention the name in case I give them an unfair advantage. It is something that many groups have been talking about because they need some support. The Belfast Giants are more than aware of the application process.

Sports Hardship Fund

T4. **Ms P Bradley** asked the Minister for Communities, in a follow up to Mr Butler, and after welcoming the sports hardship fund, which opened last Friday, to outline the rationale behind the fact that the groups, organisations and clubs have to go through their governing bodies, which might benefit some of the larger organisations such as football, GAA and rugby but could make it more difficult for some of the smaller groups and clubs whose affiliated bodies might be in other parts of the UK or in the Republic of Ireland. (AQT 794/17-22)

Ms Ní Chuilín: To assure the Member, the governing bodies are not making decisions on the applications; they are supporting them. The Sports Forum deals with a lot of other governing bodies — the smaller ones — and, indeed, Sport NI usually deals with the elite athletes and others. It is also to help smaller groups, in particular, with the template. For example, a small five-a-side football team should not have to go through the same due diligence as Linfield. That is not fair, but the IFA should be there to help them and, indeed, anybody else. That was the rationale behind that.

Ms P Bradley: I thank the Minister for her answer. In the same vein, what conversations has the Minister had with the Finance Minister? I was recently made aware that a cricket club had applied, through the Finance Minister, for that stream of funding but was told that it had to apply through the sports fund. Will there be an even playing field? Whether it is a working men's club, social club or sports club, will they not be disproportionately affected by applying through the sports fund, instead of through the Department of Finance funding?

Ms Ní Chuilín: The primary function is about sport. A working men's club that does not have any attachment to sport, other than its name, need not apply. You would not be surprised at some of the queries I have had. In my opinion, this needs to be as straightforward as possible because people have had a tough enough year. If anybody is in any doubt, they should go to Sport NI to ask for support with the guidance. If they are not getting support from a governing body, or they do not get enough and maybe need more detail, they should go straight to Sport NI, because it is primed and ready to take any queries. I got that assurance last week because it was one of the things that I asked.

Arts Funding

T5. **Mr O'Toole** asked the Minister for Communities, in relation to arts funding and the different funds that have been announced, to state how much of the £29 million has been allocated and how many grants have been given out. (AQT 795/17-22)

Ms Ní Chuilín: I do not have that information to hand, but I will write to the Member. I want to assure him that we

will make, and have made, additional funding available for individuals and freelancers because they are going through a difficult time. They do not normally receive public money. With regard to the breakdown, I am not saying this to be smart, but the Arts Council has published it on its website. I will get a breakdown of the grant given under each heading, but I suggest that the Member also goes to the website.

Mr O'Toole: I thank the Minister for her answer. Will she give some assurance that all the allocation will be given out to artists and creatives, whether or not they are technical? I have dealt with constituents who, for example, run stage crews. A wide range of people have been completely excluded from other schemes and are a vital part of our creative industries. Is the Minister confident that all that money will be given out before the end of the financial year and that people who need help will get it, because some of these schemes are not opening until the new year?

Ms Ní Chuilín: I want to assure the Member because I have heard speculation, not only about when the sports funding will be available but when the arts funding will be available. The Arts Council has got that out to people as quickly as possible.

Some of the feedback that I have received from individuals is that they have been helped at the right time with the appropriate amount of money. I assure the Member and everybody else that the process has been as open and transparent as possible and has been supported and made easy by the staff of the Arts Council.

3.30 pm

Intimidation Points

T6. **Ms Dolan** asked the Minister for Communities to outline how the proposals in her statement on 3 November — to establish a statutory body to oversee the verification of intimidation points and greater PSNI involvement in the intimidation points system process — will be progressed. (AQT 796/17-22)

Ms Ní Chuilín: I thank the Member for her question. That was one of the first questions asked by Dolores Kelly and Linda Dillon at today's Question Time. We need a robust scheme that is properly verified because some people have abused intimidation points. While some people abuse the system, other people are lying on sofas with four generations under one roof. Some of us have constituents with over 200 points who have not received intimidation points, and they need to be supported. We need to ensure that the system is robust and that it verifies anyone's claim for intimidation points.

Ms Dolan: Go raibh maith agat. Thank you, Minister for that answer. It will clearly will take time to develop new proposals. Will interim arrangements be put in place during that development phase?

Ms Ní Chuilín: It will take time to develop the proposals. Next week, I will announce the consultation on the fundamental review of housing allocation points. My officials and I will meet Housing Executive officials to look at next steps. I want the proposals to be brought forward as soon as possible, particularly for victims of domestic

abuse and violence to ensure that they are not further penalised as a result of the current system.

Councils: Loss of Income

T7. **Ms Anderson** asked the Minister for Communities what support has been put in place for councils, including Derry City and Strabane District Council, to deal with loss of income in 2020-21. (AQT 797/17-22)

Ms Ní Chuilín: At this stage, I am counting to well over £85 million, and we are still going. This money is needed. It will keep the councils open and essential functions going. In the Member's constituency, she will see that the council is the funding conduit to get money out for food and essential support for the community. The Executive have completely supported that. I met representatives from the Society of Local Authority Chief Executives (SOLACE) and the NI Local Government Association (NILGA). I have no doubt that they will put in more bids, and my Department has fully funded each of their requests.

Ms Anderson: Go raibh maith agat, Minister, for that answer. What decision-making model has the Department put in place for income support allocations for each council?

Ms Ní Chuilín: The model has been that, when the first application went in, when Deirdre Hargey was here, there was strong due diligence to ensure that any asks of the councils were tested by our financial mechanisms and procedures. They withstood that due diligence. The requests are coming in based on councils' needs, and, to be fair, that relationship has been respectful and inclusive, and it has worked. All 11 councils have received the full amount for which they applied to my Department.

Mr Principal Deputy Speaker: Mr Gary Middleton: one question and one answer.

Subregional Stadia Programme for Soccer

T8. **Mr Middleton** asked the Minister for Communities when funding from the subregional stadia programme for soccer will be allocated. (AQT 798/17-22)

Ms Ní Chuilín: The short answer is this: as soon as I get the final business cases. My officials, Sport NI and the IFA are working very closely together. I hope that an announcement on the subregional programme will be made in the spring or early summer.

Mr Principal Deputy Speaker: That concludes questions to the Minister for Communities.

Mr Givan: On a point of order, Mr Principal Deputy Speaker. I would appreciate the Speaker's Office investigating the Alliance Party Member for East Antrim, Stewart Dickson, who, during question 1 to the Communities Minister, made very serious allegations and maligned my character when he said that I had sought to derail the Domestic Abuse and Family Proceedings Bill in earlier proceedings today. Mr Principal Deputy Speaker, you can confirm that it was the Justice Minister who decided not to move the Further Consideration Stage, thus preventing the Assembly from considering this important legislation.

Members will know that Chairmen, or Madam Chairs, of Committees do not act unilaterally, and the decision in respect of that amendment was supported by the SDLP,

the Green Party and the Ulster Unionist Party. It also had conditional support from Sinn Féin. Had the Justice Minister's legal aid amendment been successful, Sinn Féin, too, would have supported the commencement order associated with that amendment.

To that effect, Mr Principal Deputy Speaker, will you insist upon the Member for East Antrim coming to the House, retracting his outrageous statement and apologising to me and the House for misleading Members?

Mr Principal Deputy Speaker: Thank you. Standing Orders 36 to 42 deal with the procedures of the House in relation to the scheduling of Bills. What the Member said — I am not getting into the debate — about the legislation not being moved by the relevant Minister is accurate. In relation to the comments made by Mr Dickson, I suggest that the best way to proceed is to allow Mr Speaker to review Hansard — I am not calling for a basin of water — to see whether any breach occurred and take the appropriate action arising from that. I hope that that satisfies the Member.

Adjourned at 3.36 pm.

Northern Ireland Assembly

Tuesday 8 December 2020

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Speaker: I have been advised that junior Minister Gordon Lyons will be moving the motion to approve a draft statutory rule on behalf of the Minister of Agriculture, Environment and Rural Affairs. The motion was relaid by the First Minister and the deputy First Minister to facilitate that arrangement. A revised Order Paper was issued this morning.

Mr Buckley: On a point of order, Mr Speaker. I am sure that you, and the House, will be aware of this being a hugely significant day, with the roll-out of the first COVID-19 vaccinations across Northern Ireland. I commend all those who are involved with that triumph.

Can you advise, Mr Speaker, on Standing Order 18A(5) on oral and written statements? I find it bizarre that the Minister of Health is not before the House today to make an oral statement. I am sure that, like me, Members have many questions on logistics, storage, communications and addressing vaccine hesitancy, to which they rightly deserve answers.

Mr Speaker: I thank the Member for his point of order. It is always the Minister's prerogative to come to the Chamber, and I would always encourage Ministers to do so as often, as early and in as timely a manner as possible, given the importance of all their business. The Minister has not come here to make a statement, and that is his choice. In fairness to him, however, it was only last week that he was here in response to the debate in the House, and the issue was thoroughly aired at that time.

The Member has made his point. It is a very good news story and an important development for all of us in how we combat the virus. There will be debates on the health regulations later today, as the Member will know. I dare say, given the wisdom and intelligence in the Chamber, that Members will find opportunities to raise that very important and positive development. The Member has made his point, and I thank him for that.

Mr O'Toole: On a point of order, Mr Speaker. Can you advise on the best way in which MLAs can secure a debate, given the gravity and urgency of the Brexit negotiations and their effect on Northern Ireland? I have submitted two Matters of the Day that, as is your right, you have not granted. It is really important, however, that we have a debate, given that civic society and business groups across Northern Ireland came together yesterday to urge the UK and the European Union to do a deal, which is in the vital and solemn interests of everybody whom we serve. I was wondering whether the Speaker could

advise on how we can, given the week that is in it, with the European Council meeting at the end of this week, secure a debate in order to make our voice heard on how important this is for all the people whom we represent.

Mr Speaker: I do not think that the Member expects me, in response to that point of order, to rehearse arguments on Matters of the Day. I know that you recognise that it is the Speaker's decision to do that.

There are opportunities at all times for Members to raise these matters. It would be wrong to suggest for one second that that matter has not been addressed repeatedly in the Chamber, as is appropriate, given its importance. The Member should reflect on other opportunities to raise the matter in the House on an appropriate basis. Thank you for that.

Executive Committee Business

The draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Mr Lyons (Junior Minister, The Executive Office): I beg to move

That the draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

Mr Speaker: The Business Committee has agreed that there should be no time limit to the debate.

Mr Lyons: I send my best wishes to the Agriculture Minister, and I am, obviously, standing in for him. I know that many Members have passed on their best wishes already, but I want to pass on mine and, I am sure, the best wishes of everyone in the Chamber.

I am seeking the approval of the Assembly to make the Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020. I am bringing this draft legislation before you under the affirmative resolution procedure, as the statutory rule (SR) gives the Department a legislative power.

The proposed legislation would transfer to DAERA powers that would allow the provision of legislative functions from two EU directives that are not in annex 2 of the Northern Ireland protocol to be exercised by DAERA. One relates to the marketing of propagating material of ornamental plants, and the other relates to the marketing of vegetable-propagating and planting material other than seed. The SR will ensure that domestic legislation can be operated in propagating material and plant-propagating material, ornamentals and vegetable plant material after the EU exit implementation period (IP).

To give some background, as a result of those directives not being in the Northern Ireland protocol, the EU powers that are used to make and amend legislation relating to the directives will not be available to DAERA post-implementation period completion day, which is, of course, 31 December 2020. If no action is taken, the Department will not have sufficient powers available to make domestic legislation in propagating material and plant-propagating material.

The transfer of functions to domestic legislation can be done under section 2(2) of the European Communities Act 1972, provided that it occurs before the IP completion day. The powers are used in the SR to transfer the legislative functions from the two EU directives that I referred to, which are not in the Northern Ireland protocol, in order to give the Department the powers to make and amend the relevant domestic legislation.

The draft regulations confer powers to DAERA through a transfer of legislative functions that would not be available to the Department after completion day. That will enable DAERA to make and amend relevant legislation in the areas that I mentioned. The making of the SR does not make or amend policy in those areas.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome

the opportunity to speak as Chairperson of the Committee for Agriculture, Environment and Rural Affairs and to outline the views of the Committee.

The European Union (Withdrawal Agreement) Act 2020 means that it has been necessary to review plant health legislation in order to take account of the protocol. DAERA currently uses section 2 powers of the European Communities Act 1972 to make legislation on the marketing of plant-propagating and planting material. Those powers will not be available after the end of EU exit implementation period.

While powers are available under the European Union (Withdrawal Agreement) Act for matters that are in annex 2 of the protocol, Council directive 98/56/EC, which regulates ornamental plant-propagating material, and Council directive 2008/72/EC, which regulates vegetable-propagating and planting material other than seed, are not in annex 2 of the protocol.

The AERA Committee considered a written briefing on an SL1 for a statutory rule on the Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (NI) 2020 at its meeting on 22 October. It is that SR that we are considering today. At the meeting, the Committee indicated that it had no concerns or objections to the rule. The Committee has been advised that this instrument will allow DAERA, as the appropriate authority in this jurisdiction, to exercise legislative functions here after the end of the transition period equivalent to legislative functions exercisable by the Commission and the Council.

The instrument sets out DAERA's powers to set conditions with which ornamental planting material must comply; set labelling and document requirements for plant material; modify the regulated species of vegetable plant materials; set conditions with which vegetable plant material must comply; and derogate in the event of temporary supply difficulties. These regulation-making powers will enable the Department to amend marketing requirements after the end of the transition period to ensure that those statutory requirements can keep pace with scientific and technical knowledge and be responsive to market conditions.

The Committee considered the draft SR at its meeting on 3 December and was advised that no public consultation had taken place. The SR has been screened for equality impact, and there is no impact on business, charities, voluntary bodies or the public sector. A regulatory impact assessment has not been prepared. The regulations will have no financial implications for businesses. It has no human rights implications, nor is it incompatible with EU law. The order is, therefore, deemed to comply with the requirements of section 24 of the NI Act 1998. The report of the Examiner of Statutory Rules did not identify any issues in relation to the statutory rule. Therefore, the Committee was content with the proposals from the Department and recommends that the statutory rule be confirmed by the Assembly.

Mr Irwin: I send my best wishes to Edwin Poots and wish him a speedy recovery. The two motions before the House represent the latter stages of the Brexit transition process as we accelerate towards 1 January. It is important that we have these regulations before the House. In respect of the draft Marketing of Plant and Propagating Material motion, the Committee had its opportunity to discuss these points.

There was a general acceptance that what is before the House is necessary, as is much of the legislation coming from DAERA, given the approaching deadline.

Powers being transferred include setting labelling and documentary requirements for plant material and derogations in the event of temporary supply difficulties. As the clock ticks down towards the deadline, I note that efforts are intensifying. At this late stage, there is still time for the Prime Minister and his negotiating team to ensure that, post-transition, our economies across the United Kingdom are protected and that trading arrangements remain frictionless and without costly barriers.

I have raised in recent weeks the issue of seed potatoes and ware potatoes and the absolute necessity for the east-west supply route to remain open and frictionless. I would welcome the Minister's update in that regard. I know that his Department has been in direct contact on the matter. I welcome his continued work on that front, given the importance of this market to, for instance, the hundreds of fast-food outlets across the Province that utilise potatoes from the south of England.

The Minister may also want to spell out to the House the wider implications of not progressing the legislation on plant and propagating material. As I have stated, we have little option, given the countdown to 1 January, which is just a few weeks away.

Mr McGlone: The SDLP accepts the amendments to the regulations on the marketing of plant and propagating material. The Chairperson has gone into the processes at the Committee in quite a bit of detail. The amendments are some of the many required by Brexit that the Assembly has had to scrutinise in a limited period. Indeed, there is a limited period for some of this stuff. The pace at which we were expected to scrutinise the statutory instruments, with the limited detail that we had, and return them to Westminster was, frankly, a disgrace. Those who think that Brexit was a good idea in allowing us time to scrutinise should reflect on that.

The regulations will transfer functions to the Department to allow for legislation in those areas after the end of the transition period. As the amendments are largely technical, we do not see a problem with agreeing to them; in fact, they are practically necessary. However, those powers should not be left in limbo or surrendered to Westminster at any stage. It will be for the Assembly to scrutinise any future legislation that the Department chooses to bring forward as a result of these and future amendments.

10.45 am

Mrs Barton: The SR is required in Northern Ireland to transpose EU law into domestic legislation and ensure that the UK fulfils its obligations. It deals with regulations for the marketing of ornamental plants and propagating material and the marketing of vegetable-propagating and plant material other than seed. The SR does not introduce new policy. Therefore, the Ulster Unionist Party supports it.

Mr Blair: I thank the junior Minister for laying out the detail of what is before us. I will speak initially as a member of the AERA Committee.

As has been explained, the statutory rule was laid before the Committee. It was content with the merits of the policy and agreed that it should move to the next legislative

stage. The SR contains provisions relating to the marketing of ornamental plants and propagating material and vegetable-propagating material other than seed.

The statutory instrument will allow DAERA, as the appropriate authority in Northern Ireland, to exercise legislative functions in Northern Ireland after the end of the transition period. It sets out DAERA's powers to set conditions with which ornamental plant material must comply, including set labelling and document requirements for plant material. It also modifies the regulated species of vegetable plant material, sets conditions with which vegetable plant material must comply and allows the Department to derogate in the event of temporary supply difficulties.

The statutory rule is mainly technical; nevertheless, in the run-up to Christmas, it is a useful opportunity to thank DAERA officials for all the work that they have done on our behalf to make legislative preparation for the EU exit process, often in the face of much uncertainty.

In closure, speaking on behalf of the Alliance Party, I have no objections to the rules or regulations.

Mr Speaker: No other Members have indicated that they wish to speak on the matter. I invite junior Minister Lyons to conclude the debate and make the winding-up speech on the motion.

Mr Lyons: Thank you very much, Mr Speaker. I thank Members for considering the motion. It appears that the House is in broad agreement with what has been proposed, and I do not intend to go over the points that have been made. To summarise, the regulations will transfer legislative powers to DAERA and do not make any policy changes. It is important that the SR be made before the implementation period ends to ensure that the Department takes powers to make and amend legislation in that policy area. I commend the motion to the Assembly and ask it to approve the draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020.

Question put and agreed to.

Resolved:

That the draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

The draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Mr Speaker: I have been advised that junior Minister Lyons will move the motion on behalf of the Minister of Agriculture, Environment and Rural Affairs. The First Minister and the deputy First Minister relaid the motion to facilitate that arrangement. A revised Order Paper was issued this morning.

Mr Lyons (Junior Minister, The Executive Office): I beg to move

That the draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

Mr Speaker: The Business Committee has agreed that there should be no time limit to the debate.

Mr Lyons: The draft regulations are to be made under powers that were conferred by the European Union (Withdrawal) Act 2018. They will ensure that Northern Ireland's primary legislation that governs plant health and animal health and welfare continues to operate effectively at the end of the transition period in a way that aligns with the Northern Ireland protocol.

The draft regulations are one of a number of SRs that will be laid before the Assembly over the coming weeks to ensure that Northern Ireland has a functioning statute book on and after 1 January 2021. As the draft regulations amend primary legislation, the 2018 Act requires that they are subject to the draft affirmative resolution procedure. That means that they cannot be made until the Assembly approves them.

The amendments that are made by the draft regulations are technical in nature. Before I explain what they do, it may assist Members if I provide a brief overview of the legislative background. In 2018 and 2019, a number of statutory instruments (SIs) were made at Westminster to ensure that domestic legislation could operate in the event that the UK left the European Union without an agreement. Some of those SIs amended Northern Ireland legislation for which the Department has responsibility. They were taken forward at Westminster to ensure transparency and scrutiny in the absence of a fully functioning Assembly and are due to come into operation at the end of the transition period.

While there are some provisions in those SIs that are still needed because they reflect the fact that the UK is no longer a member state of the European Union, some changes that are made in them do not take account of the Northern Ireland protocol. The draft regulations revoke some of those provisions. They also make some technical amendments to primary legislation relating to plant and animal health and welfare to ensure that it aligns with the Northern Ireland protocol. The draft regulations amend three separate pieces of primary legislation: the Plant Health Act (Northern Ireland) 1967; the Diseases of Animals (Northern Ireland) Order 1981; and the Welfare of Animals Act (Northern Ireland) 2011.

I will now speak briefly to the amendments to be made to each of those pieces of primary legislation. I will turn first to the amendments to the Plant Health Act (Northern Ireland) 1967. Sections 2 and 3 of that Act currently

provide the Department with powers to make legislation to prevent the introduction of plant pests to Northern Ireland and their spread within or from Northern Ireland. The Department can exercise those powers if it believes that it is necessary or because it is required to do so to implement an obligation under EU law, referred to in the 1967 Act as a "Community obligation". Following the end of the transition period, those EU laws relating to the spread of organisms that are harmful to plants or plant products specified in paragraph 41 of annex 2 to the Northern Ireland protocol will continue to apply here. It is, therefore, important that the Department continues to be able to exercise its powers to make legislation under the 1967 Act to implement any obligations that may arise under those EU laws. The draft regulations achieve that by making technical amendments to sections 2 and 3 of the 1967 Act. They replace the references to "Community obligation" in those provisions with a reference to:

"retained EU law or relevant Protocol"

obligation. For clarity, they also define what is meant by "relevant Protocol obligation". In a nutshell, the draft regulations ensure that, at the end of the transition period, the Department continues to have the powers necessary to fulfil its obligations.

The draft regulations make similar changes to the Diseases of Animals (Northern Ireland) Order 1981 and the Welfare of Animals Act (Northern Ireland) 2011. I will speak to those amendments together, as they are almost identical in nature. Article 46A of the 1981 order and section 28 of the 2011 Act provide powers for inspectors to enter premises to investigate alleged breaches of European Community obligations relating to animal health and animal welfare respectively. Following the end of the transition period, those EU laws relating to animal health and welfare listed in paragraphs 36 to 40 of annex 2 to the Northern Ireland protocol will continue to apply to Northern Ireland. The draft regulations ensure that the powers that inspectors need to investigate compliance with those EU laws can continue as they do now at the end of the transition period. Again, that is achieved by replacing the phrase "Community obligation" in the relevant legislative provisions with a reference to:

"retained EU law or relevant Protocol"

obligation. Given those changes, it is necessary to revoke some provisions in one of the no-deal statutory instruments that I mentioned earlier: the Animal Health and Welfare (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. The 2019 regulations amended article 46A of the Diseases of Animals (Northern Ireland) Order 1981 and section 28 of the Welfare of Animals Act (Northern Ireland) 2011 to reflect the UK's departure from the EU. They did not, however, take account of the Northern Ireland protocol. The amendments to the 1981 order and the 2011 Act, and these draft regulations, mean that the changes made by the no-deal SI are no longer needed.

Finally, the draft regulations make a very minor amendment to a reference to the phrase, "other member States", in schedule 2 to the 1981 order to reflect the fact that the UK is no longer a member of the EU.

The Examiner of Statutory Rules has considered the draft regulations and has not raised any issue with them in

her report. They have also been approved by the Office of the Legislative Counsel and were scrutinised by the Agriculture, Environment and Rural Affairs Committee on 22 October 2020. The Committee agreed that the regulations should proceed to the next legislative stage, which is the approval of the Chamber.

In conclusion, the changes contained in the draft regulations are technical and do not represent a change in policy. They ensure that the relevant legislation can continue to operate at the end of the transition period as it does now.

I commend the draft regulations to the Assembly.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): At the outset, I add my best wishes to those being sent to the Minister. Yesterday, I recorded my best wishes and was also in contact with him. I wish him well and commend Mr Lyons, who is looking very comfortable at the Dispatch Box as the replacement Minister of Agriculture, Environment and Rural Affairs.

I welcome the opportunity to outline the views of the Committee. Plant health and animal welfare fall under the protocol. Primary legislation in this jurisdiction is required to align with EU obligations in accordance with the protocol so that it can continue to operate effectively at the end of the transition period.

I want to be clear that the primary legislation that we are referring to is the Plant Health Act (NI) 1967, the Diseases of Animals (NI) Order 1981 and the Welfare of Animals Act (NI) 2011. The AERA Committee considered a written briefing on an SL1, the draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (NI) 2020, at its meeting on 22 October. It is that statutory rule that is subject to debate now. At that meeting, the Committee indicated that it had no concerns or objections to the rule. The rule amends the primary legislation that I mentioned earlier relating to plant health and animal health and welfare to ensure that it aligns with the protocol. The Committee has been advised that the rule is technical and does not involve policy changes. It provides that investigations in respect of alleged breaches of animal health and welfare obligations arising under either retained EU law or the protocol can continue at the end of the transition period. It also provides that DAERA can continue to make legislation preventing the introduction or spread of plant pests into or within this jurisdiction as per the protocol.

Finally, the statutory rule amends the Diseases of Animals (NI) Order 1981 to reflect that the UK is no longer a member of the EU. The Committee considered the draft SR at its meeting on 3 December and was advised that, as the amendments contained in the rule are technical and do not involve policy changes, they have not been subject to public consultation.

A screening exercise was carried out, and no equality issues were identified. No regulatory impact assessment is required as there are no impacts on the private, voluntary or public sector as a result of the changes. A rural needs screening exercise was carried out on the statutory rule, and no impact was identified. There are no financial implications associated with the introduction of the rule.

A statutory rule does not have any human rights implications, nor is it incompatible with EU law. It therefore complies with the requirements of section 24 of the NI Act. The report of the Examiner of Statutory Rules has not identified any issues with the statutory rule. Therefore, the Committee was content with the proposals from the Department and recommends that the statutory rule be confirmed by the Assembly.

I want to add a couple of comments as Sinn Féin spokesperson for agriculture and rural affairs. The legislative process that we have been engaged in marks, effectively, the legal separation of the North from the EU, which is against the democratic will of the people of the North.

We have been governed by the common agricultural policy for many decades. A huge regulatory and scrutiny burden has been placed on the Committee and the Department. I commend and echo what Patsy McGlone said in the previous debate: the legal separation has resulted in the Committee having to deal with over 50 statutory rules and instruments. In normal circumstances, that body of work could take years to do, but we have had to do it in weeks. Doing so has put officials in the Department and our Committee officials under huge stress. We on the Committee have held bumper meetings to deal with a huge load of scrutiny at pace. We find it very challenging and unacceptable, particularly given that it is not something that the people of the North consented to in the first place.

11.00 am

There are many other areas of relevance and many other challenges in the North of Ireland to do with rural affairs, such as COVID, TB and the ammonia action plan. There are loads of other issues that we want to look at, and that has placed our Committee, and the officials in particular, under huge pressure. It is really important that we pay tribute to the work of the officials. Occasionally, they do not get the information that they need in decent time from DEFRA in order to process it all for the Department and the Committee. I pay tribute to them for all the work that they have been doing. I also place on record my thanks to my colleagues on the Committee. As I said, we are trying our best to scrutinise a massive volume of work, which is the legal fallout from the separation that we did not consent to in the first place.

Mr Irwin: As with the previous motion, this is a legislative necessity around plant health and diseases of animals. Again, the time pressure is clear to avoid moving past the 1 January 2021 deadline without the necessary legislative powers in place. As was also the case with the previous motion, it is essential that legislative protection be provided. That is the nature of the motion.

As I often say publicly, the body of our current animal health and welfare regulations enables our produce to be elevated to an enviable biosecurity, welfare and, ultimately, taste and marketability position. I encourage the Department and the Minister to ensure that high animal welfare standards are maintained and protected, given the immense effort of our producers to create that high level of traceability and those high welfare standards. Farmers often refer to the amount of red tape around food traceability. As a farmer myself, I am only too aware of the burden that that places on the producer. That having been said, however, it is an important aspect of production that

has many benefits, which must be protected as we move into 2021.

As of today, there is still much uncertainty around the terms of the trade deal and the outworkings of the negotiations that will continue throughout this week. I am interested to know what role the UK animal health and welfare common framework will play in designing future policy in that area and what engagement will take place with the industry on that. Engagement is essential across our agri-food and horticulture industries. It is also most important to know whether, in any trade deal that is arrived at, protections will be included in the UK Internal Market Bill so that we have a high degree of clarity for local businesses and our consumer base in order that our industry is best prepared for the changes that lie ahead. I support the motion.

Mr McGlone: The SDLP accepts the amendment to the regulations on plant health and diseases of animals. The amendment regulations are some of the many that are required by Brexit that the Assembly has had to scrutinise in a limited period. The Chairperson outlined the detail of that.

I, too, place on record my thanks to the departmental officials for their endurance, as they had to put up with all that on this side. They have been placed in a really awful position because of the lack of flow of information from DEFRA. Indeed, in some circumstances, as we found out in the Committee, there was no flow of information from DEFRA, which led to statutory instruments not being discussed as scheduled at the Committee given the limited information that was provided to us from the other side. Again, that is one of the fallouts from Brexit, and we do not need to rehearse those matters because they are being rehearsed elsewhere today, I hope.

The regulations align legislation with the terms of the Ireland protocol of the Brexit withdrawal agreement. They will allow for investigations into alleged breaches of obligations under either retained EU law or the protocol. I specifically welcome that, as the Minister outlined, the regulations will allow inspectors to retain the ability and the legal wherewithal to enter premises and examine not only animal health issues but animal welfare issues, which are crucial to us all. We have had motions in the Assembly about that, so it is vital that that power is retained and, indeed, built on.

As a result, the Department will also be able to make legislation to prevent the introduction of pests as required by obligations arising under the Ireland protocol. The protocol is an important safeguard, whether a trade deal emerges from the ongoing negotiations between the British Government and the EU. It is essential that the Assembly is able to meet its responsibilities in maintaining the protocol. The SDLP will hold the Minister and the Executive accountable for meeting those responsibilities.

Mrs Barton: The purpose of the statutory rule is to amend primary legislation relating to plant health and animal health and welfare and to ensure that domestic legislation could operate in the event of the UK leaving the EU without an agreement. The rule allows for investigations into alleged breaches of animal health and welfare obligations arising under retained EU law. It allows the Department to continue to make legislation in Northern Ireland in order to prevent the introduction and spread of plant pests and

animal diseases. The high welfare standards that we have here in Northern Ireland need to be protected as we move forward into the world market. The UUP supports the SR.

Mr Blair: Speaking first as a member of the AERA Committee, I will say that I am aware that these matters were laid before the Committee for approval and that it considered them and was content with the merits of the policies. DAERA stated that there were no changes to policy since the information was submitted to the Committee.

Speaking as the chair and a member of the new Assembly all-party group on animal welfare, I note that the SR provides that investigations into alleged breaches of animal health and welfare obligations arising under either retained EU law or the protocol can continue at the end of the transition period as they do now. In light of that, as we face more uncertainty on EU exit in the coming days and weeks, I appeal for animal welfare issues to remain a high priority in that regard and for the Department to keep those matters under continual review.

On behalf of Alliance, I will say that, as the amendments are technical and do not involve policy changes, I am happy to support them.

Mr Harvey: I thank the junior Minister. I wish to make a few brief remarks on the draft regulations that are before the House. First, it must be noted that the draft Marketing of Plant and Propagating Material Regulations and the draft Plant Health and Diseases of Animals Regulations are necessary alterations to existing domestic legislation.

The regulations are being made through powers that were conferred on the Department by the European Union (Withdrawal) Act 2018 and are necessary for our exit from the European Union at the conclusion of the transition period on 31 December. As such, there is an urgency for the approval of those regulations and others that have come before the House in recent days as we prepare for our exiting of the European Union. Both sets of regulations are technical and do not involve any changes to current policy.

The first of the draft regulations relating to propagating material involves the transfer of some additional legislative powers to DAERA. That will give the devolved Executive powers in relation to the setting of conditions with which ornamental and vegetable plant material must comply, for instance, as well as the setting of labelling and documentary requirements for plant material. It is, therefore, anticipated that there would be an ability to build greater flexibility into the system in respect of those conditions in order to be as contextually aware as possible. Such flexibility may be required in relation to derogations in the event of temporary supply difficulties, for instance.

The regulations are designed to be compliant with annex 2 of the NI protocol, namely to ensure that we can operate effectively after the end of the transition period. My party's position on the NI protocol is well documented, and we have been consistent from its inception. We opposed the Commons Bill, on three occasions, and we continue to believe that the protocol is undemocratic and will be economically and constitutionally damaging for this region of the United Kingdom. That having been said, there is a duty on us to provide as much certainty and clarity as possible for businesses, individuals, producers and consumers. Not to introduce the regulations, regardless of

opinion on the protocol, would leave the Department bereft of control in these areas and would not have a positive effect.

As for future travel in these areas, I look forward to the Department updating the Agriculture Committee on the outworkings of the policies and what input the UK animal health and welfare common frameworks will have in the design of future policy. Whilst EU and UK rules remain the same, that cannot be guaranteed, moving forward. Regulated areas, such as labelling, are at particular risk of divergence, and we will need to bear that in mind, post-transition. In the meantime, for the reasons that I have outlined, I support the motion.

Mr Wells: I have grave concerns about this, but I am going to bow to the much greater knowledge of EU issues of Mr Jim Allister QC, who had the privilege of representing Northern Ireland in the European Parliament and who is across these issues. I share his concerns about what is happening here today.

What we are doing has significant implications. It begs the question of why we are doing it, given that, hopefully, Northern Ireland and the rest of the United Kingdom will be out of the European Union on 31 December, when many of us will be rejoicing that we will no longer be under its bondage and control. The United Kingdom will become a free and independent state that will be able to make its own decisions on plant health, the importation of seeds, and animal welfare. The United Kingdom Government will be able to set standards that are even higher than those at present stipulated by the European Union. Therefore our product, as Mr Irwin says, will be able to be sold on the world market as having the highest possible standards in respect of inputs, the treatment of animals, the use of hormones and many other issues that are of concern to consumers throughout the world. Our products will be based on quality, rather than the lowest common denominator, and people will be able to buy food, particularly from Northern Ireland, with the confidence that the standards are some of the highest in the world.

Mr O'Toole: First, I will touch on the statutory rule, and, secondly, with your permission, Mr Speaker, I might stray into some broader issues in relation to Brexit, given what I said earlier, and the fact that Mr Wells has just done the same. Before I do that, I join others in wishing the Agriculture Minister all the best and a speedy recovery.

The statutory rule amends primary legislation to ensure that our statute book is in some kind of order as we approach the end of the transition period and that it aligns with the Ireland protocol. It provides that investigations into alleged breaches of animal health and welfare obligations arising under retained EU law can continue largely as they do now until the end of the transition period.

It also provides that the Department can continue to make any legislation pursuant to EU requirements under the protocol that prevents the introduction into or spread within Northern Ireland of plant pests and implement other obligations. That is welcome and sensible.

11.15 am

However, as with lots of these statutory rules that have come before us in relation to Brexit, they come with limited time and extremely abbreviated opportunity for scrutiny. Whatever one's perspective on leaving or remaining in

the European Union or whatever one's perspective on the protocol, it cannot be right that we have had such limited time to debate the implications of this secondary legislation. The Chairman of the Agriculture Committee described clearly the pressure that not just the members but the clerical and support staff of that Committee have been under in scrutinising statutory regulations. We can only imagine the level of stress and demand that there has been on civil servants in the Department to prepare for these extremely novel arrangements.

Let us not forget that the reason why they are being scrutinised at such a hurried pace, in extremis and in such extraordinary circumstances, is because of the refusal of Boris Johnson's Government to extend the transition period in the middle of the biggest pandemic — the biggest global health crisis — certainly in a century, possibly even longer than that. It is, frankly, unconscionable that that has happened.

Let us take a step back and think about this. We have not been able to meet properly as an Assembly since March. We were only a few weeks into the return of these institutions when the biggest public health crisis in a century struck. Consequent to that, there occurred an enormous, unprecedented economic crisis. We are going to be dealing with the consequences of that for years, if not decades. It has completely transformed the way of life of the communities that we serve. It has taken over, in large part, the business of this Assembly and Executive. I am sure that it has filled up the inboxes of every MLA here, not just with routine casework but the most extraordinary and difficult requests from constituents for support, in extreme economic distress, and concern and anxiety about public health. It is extraordinary, immoral and unconscionable that the transition period has not been extended in those circumstances. That is why we are having to debate this legislation in such an extraordinarily compressed time.

It is also why small businesses across Northern Ireland, the UK, Ireland and these islands are having to process so rapidly the change that is going to come upon them in a few weeks. Many of them, as we heard clearly last night from businesses and civil society, simply will not be ready at the end of this year. There is no circumstance in which they can do the necessary legal and preparatory work to be ready.

First and foremost, therefore, let us put on the record today as we pass this statutory rule, which, as my colleague Patsy McGlone said, we have no specific objection to, that it is immoral and unacceptable that not just this Assembly — we are MLAs and it is our job to scrutinise legislation — but the businesses, communities and people we serve have been put under this extraordinary stress in this year of all years. It is wrong and should not have happened. The transition period should have been extended, and it is unconscionable, as I said, that it was not.

I will talk briefly about the broader issues around Brexit and the upheaval that we will face in a few weeks' time.

Mr Speaker: I am sorry, but the Member needs to stick to the statutory rule that we are debating.

Mr O'Toole: I will stick to the statutory rule, Mr Speaker, because the statutory rule is, in a sense, connected to the broader issue that we will face in the next few days. I will say briefly that, though the statutory rule does a largely technical job, it is part of a bigger picture. It is part of the

extraordinary disruption that we face at the end of this year as a result of Brexit. As several Members said, we still do not know the outcome of that negotiation. We will probably not find out for at least a couple of days. Whatever your perspective on Brexit or the protocol, the next 48 hours are critical to businesses, communities and the people that we serve.

Last night, civil society and businesses from across this place came together and said that they need a deal between the UK and the EU. Hopefully, that deal will be done in the next couple of days, but, if the UK Government or Boris Johnson are listening — perhaps he is — let us be absolutely clear: Members and the people, communities and businesses that we serve absolutely need a deal.

Mr Speaker: I ask the Member to wind.

Mr O'Toole: We also need time to prepare for —

Mr Speaker: Sorry, Mr O'Toole. I will have to ask you to resume your seat if you continue to move away from the statutory rule. I have given you plenty of latitude.

Mr O'Toole: Mr Speaker, I will come back to the statutory rule. This statutory rule is important. It is a small technical statutory rule to clean up the statute book and keep us in line ahead of the end of the transition period. However, let us be absolutely clear: it is part of an enormous upheaval that people and businesses will face at the end of the year. We need a deal. To anyone who still thinks that we can get by without a deal at the end of the year: do not do this to people and businesses in Northern Ireland. We need a deal and we need goodwill from the UK and the EU to make the new arrangements work. Let us be absolutely clear and let the Assembly send that message to everyone: we need a deal, and we need to make it work on the basis on goodwill.

Mr Allister: This statutory instrument marks a seminal moment in the Assembly. For me, it is a most disturbing moment, which should, frankly, be equally disturbing to anyone with any fidelity to the Union of the United Kingdom of Great Britain and Northern Ireland. Contrary to what some unionist Members read from their weekly paper press release, this is not a statutory instrument that is merely technical and makes no policy change. It signals a fundamental change in the manner in which we are to be governed because it amends the statutes of the United Kingdom in these subject matters to require the Minister to make such orders as are “necessary” by the relevant protocol. In other words, what we are doing in the statutory instrument is surrendering the power of the devolved Assembly to make our own laws that touch on these issues and intend instead to commit ourselves irreversibly to imposing the laws that are in the protocol: laws that we do not make, that we cannot change and into which we have absolutely no input. Yet the statutory instrument enslaves the House to not one, not 10 but 45 EU directives and regulations. It commits us to the unquestioning adherence to and implementation of each and every one of those.

Under the Plant Health Act (Northern Ireland) 1967, we unalterably impose 11 EU directives and regulations. Under the Diseases of Animals (Northern Ireland) Order 1981, we enslave ourselves to 32 EU directives and regulations that we cannot change. Under the Welfare of Animals Act (Northern Ireland) 2011, we subject ourselves to two EU directives that we can never change. Therefore, let no one mislead the House or the public by pretending

that this is only a technical measure that involves no change of policy. This involves the most fundamental change to the manner in which we are governed in decades, and, of course, it says to us that no longer will this House or a Minister of this House decide what legislation governs these subjects. We will be bound and chained to 45 EU directives and regulations that we cannot change. That is the seriousness of what this statutory instrument does, and it is most disappointing to me that a DUP Minister is here in the House urging and advocating that enslavement.

We were told — we were promised — that Brexit was about making our own laws. The iniquitous protocol sets Northern Ireland apart as a place that will not make its own laws, and here we have Members of the House meekly and limply advocating that we enslave ourselves in that very way. I am not prepared to consent to that, so, when the opportunity arises, I will seek to give the House the opportunity to vote against this enslavement. To me, it is an utterly retrograde and appalling measure that separates us from the United Kingdom and deprives us of the right to make our own laws on these subjects. It underwrites the annexation of Northern Ireland into the orbit of the EU by subjecting us, under annex 2 of the protocol, to these 45 directives, of which there are many more scores to come. Under annex 2, the protocol binds Northern Ireland to over 300 EU directives and regulations, leaving us unable to ever change them and obliged to follow whatever changes Brussels makes to them without any consultation or input from us.

This is a shameful day for our legislative Assembly. We are being asked to surrender the right to legislate according to our own needs and to have that right suborned to the diktat of EU regulations and directives. Strip away all the fancy words, and that is what this statutory instrument is about. It puts upon the people of Northern Ireland 45 EU directives and regulations that we can never change. I do not and will not consent to that, and I am very sad that some who should know better — I wonder whether they even read the regulations — will endorse the very enslavement of this place to EU rules.

Mr Lyons: I thank all Members for their contributions to the debate. I will briefly comment on some of the remarks made. First, I will refer to the remarks of the Chairman of the Committee. Before that, I extend my thanks to those who have been working so hard to make sure that we are prepared for what is coming in the months and years ahead. I also thank the Committee members for their diligence in carrying out their work.

The Chairman talked about the legal separation that has taken place between the UK and the EU. That is the outworking of the withdrawal agreement. There is opposition to at least some parts of that agreement from almost everybody in the House. It is the situation in which we currently find ourselves, however.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

11.30 am

Mr Irwin urged that there be no change to welfare standards in Northern Ireland following the end of the transition period, and I can confirm that we will continue with the standards that are in place. That is important, because we do have high welfare standards here in

Northern Ireland. It is one of our strongest selling points when it comes to our produce.

Mr Wells: Will the Minister give way?

Mr Lyons: It is important that that continue to be the case. I will give way to Mr Wells.

Mr Wells: The Minister makes a point about animal welfare standards. As a long-term vegetarian of 37 years and someone who has a keen interest in animal welfare, I support him on that. It is interesting, however, that he is binding us to a set of animal welfare standards that does not give us in the Northern Ireland Assembly the power, for instance, to ban foie gras, which involves one of the most cruel forms of animal food production in the world. If we, as the United Kingdom and as Northern Ireland, bind ourselves to those rules, we will not be able to go further and enhance our animal welfare standards, because we are bound to EU diktat. Several times, Members have brought up that very cruel form of food production. We do not carry it out in Northern Ireland, but we cannot ban the import of that horrendously cruel product because we are bound to EU regulations.

Mr Lyons: I do not know the particulars of the circumstance that Mr Wells mentions, but, yes, we are going to be bound to EU regulations in many ways by the protocol. As the Member will be aware, that is of disappointment to me as well. He will be aware of the position of my party in arguing and voting against the protocol. In fact, it was Members of this House, many of whom were so concerned about a border on the island of Ireland that was never going to happen, who are responsible for what is now happening as a result of the protocol. There will still be levers for us on animal welfare and food standards, because, in many ways, it is a minimum requirement for us, and there will be the possibility for us to go above and beyond.

Mr Irwin talked about the common framework. The Department will have the same powers available to it after the end of the transition period as it has now. I have been informed that the UK animal health and welfare common framework will be supported through concordats agreed between the four UK Administrations rather than through legislation, and I hope that that is of help to him.

I did note the concerns and wider issues that Mr Wells raised. We are doing this to ensure that we have that fully functioning statute book following the end of the transition period. It is important that, for the retained EU law from the directives that are currently in place, inspectors will be able to carry out the work on those laws and directives that have broad support across this place. That is what this legislation will allow us to do.

Mr Allister: Will the Minister give way?

Mr Lyons: I will give way to Mr Allister.

Mr Allister: Is it not utterly fatuous to say that we could not have inspectors if we do not pass the statutory instrument? This statutory instrument is about robbing the Minister of any discretion. It is amending each relevant section in each of the current Acts to state that the Minister will make such orders as are called upon by the protocol. Without the protocol, the Minister could make whatever directions he wants about inspections, but, with the protocol, he can make only those that EU directives require him to make, and that is something that he can never, ever change. It is

enslavement, and the Minister well knows that. Shame on him for trying to put it upon this House.

Mr Lyons: The Member has made his views known in his contributions. I do not think that there is anything that I will be able to say that will change his point of view. He has placed it well on the record.

Mr O'Toole put a number of his concerns on the record. None of them was particularly relevant to the SR. The Member is well aware that they had nothing to do with the SR, but he made his points. I referred to Mr Allister already. I thank Mrs Barton for her support. At this stage, I commend the motion to the Assembly.

Question put.

Some Members: Aye.

Some Members: No.

Mr Principal Deputy Speaker: Clear the Lobbies. The Question will be put in three minutes. I remind Members that we should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come to the Chamber.

Members, please resume your seats. Before I put the Question again, I remind Members that, if possible, it would be preferable to avoid a Division.

Question put a second time.

Some Members: Aye.

Some Members: No.

Mr Principal Deputy Speaker: Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I also remind Members that social distancing will continue to be observed while the Division is taking place. Please be patient at all times and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 81; Noes 2.

AYES

Dr Aiken, Mr Allen, Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dickson, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Durkan, Mr Easton, Ms Ennis, Ms Flynn, Mrs Foster, Mr Frew, Mr Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyons, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Ms Mullan, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ni Chuilin, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Mr Storey, Mr Weir, Miss Woods.

Tellers for the Ayes: Ms Brogan and Mr McGuigan.

NOES

Mr Allister, Mr Wells.

Tellers for the Noes: Mr Allister and Mr Wells.

The following Members' votes were cast by their notified proxy in this Division:

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Chambers, Mr Nesbitt and Mr Stewart.

Mr Lyttle voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Muir.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan [Teller, Ayes], Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan [Teller, Ayes], Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.

Question accordingly agreed to.

Resolved:

That the draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

Mr Principal Deputy Speaker: I ask Members to take their ease for a few seconds to allow the Minister of Justice to take her place.

12.00 noon

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: The next items of business are motions to approve five statutory rules, all of which relate to the Health Protection (Coronavirus, Restrictions) Regulations. There will be a single debate on all five motions. The Minister will move the first motion and commence the debate on all the motions listed in the Order Paper. When all who wish to speak have done so, I shall put the Question on the first motion. The second motion will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion. That process will be repeated for each of the remaining statutory rules. If that is clear, we shall proceed on that basis.

Mrs Long (The Minister of Justice): I beg to move

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 be approved.

The following motions stood in the Order Paper:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

Mr Principal Deputy Speaker: The Business Committee has agreed that there should be no time limit on this debate.

Mrs Long: I am asking the Assembly to confirm five sets of regulations now made. These Department of Health regulations introduce amendments to the public health protection regulations, which are made and amended as necessary to give effect to the Executive's decisions. I have, however, agreed to lead the debate for two reasons. First, although all the regulations are prepared by the Department of Health, in the case of the first two sets of amendment regulations, which are concerned with the increase of fines and penalties, my Department worked in collaboration with Department of Health officials. Colleagues will recall the Executive's agreement to the proposals that I brought forward in October to increase fines and penalties and to introduce a number of new offences on foot of the rapid review of fines and penalties requested by the strategic compliance group. That group was set up earlier this year by the Executive to oversee arrangements for encouraging compliance with

public health restrictions. Given my Department's role, it was therefore a natural step for me to lead this debate. Secondly, as my officials were preparing for the debate, three more sets of amendment regulations to give effect to the Executive's decisions on public health restrictions were made, so I further agreed to lead the debate on those in the interests of supporting the Health Minister and the Executive Office in a collaborative way.

The first set of regulations, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations, deals with a number of changes made to the main public health regulations, commonly referred to as the (No. 2) regulations, on offences and penalties that apply when the restrictions are breached. The second set of regulations, the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations, increases the level of fixed penalties for failure to wear a face covering in settings prescribed by the coronavirus regulations.

Both sets of regulations came into effect at 5.30 pm on 12 November.

The third set of regulations, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020, provide councils with the powers to enforce the No. 2 regulations, including on premises improvement notices. The regulations came into effect at 4.00 pm on 13 November.

The fourth set of regulations, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020, deal with the extension of the restrictions that were initially introduced on 16 October and the limited relaxation of those restrictions for coffee shops, close-contact services and off-sales. The regulations came into effect at 6.30 pm on 13 November.

The fifth and final set of regulations, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020, ensure that unlicensed premises that reopened on 20 November were restricted to no more than six people per table from no more than two households. The regulations came into effect at 8.00 pm on 19 November.

I will now set out, in detail and in turn, each of the regulations.

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020, SR 2020/250, were signed at 5.30 pm on 12 November and laid before the Assembly at 9.30 am on 13 November. They increased the previous fines and penalties and introduced new offences. The fixed penalty that previously started at £60 was replaced by a single fixed penalty of £200, or £100 if paid within 14 days of issue. That penalty applies to breaches of restrictions on gatherings in public or private places that remain punishable on conviction by a fine of up to £5,000. The regulations also provide that recipients of a £200 fixed penalty cannot be issued with another for the same offence. The option of summary prosecution may be used instead.

The offences of not closing a business as required or breaching the early closing requirements for hospitality will be punishable on conviction by a fine of up to £10,000 or will attract a fixed penalty starting at £1,000, which can be

increased for subsequent breaches up to a maximum of £10,000.

A new offence of not implementing measures to maintain social distancing in retail and hospitality settings will be punishable on conviction by a fine of up to £10,000 or a fixed penalty starting at £1,000, which can be increased for subsequent breaches up to a maximum of £10,000.

A new offence of organising or participating in a large gathering or unlicensed musical event, with large defined as "30 or more persons", will carry the new higher-level penalty for organisers. That is punishable on conviction by a fine of up to £10,000 or a fixed penalty starting at £1,000 and increasing to a maximum of £10,000 for further breaches. A new lower penalty for participants is punishable on conviction by a fine of up to £5,000 or a fixed penalty of £200. The fixed penalty of £200 will be reduced to £100 if paid within 14 days of issue.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020, SR 2020/253, were signed at 5.30 pm on 12 November and laid before the Assembly at 9.00 am on 13 November. They increase the penalties for failing to comply with the health protection regulations on the wearing of face coverings. The fixed penalty that previously started at £60 was replaced by a fixed penalty of £200, which will be reduced to £100 if paid within 14 days. That penalty, which remains punishable on conviction by a fine of up to £5,000, applies to breaches of restrictions on the wearing of face coverings in settings prescribed by the regulations. As before, the regulations provide that recipients of £200 fixed penalties cannot be issued with another for the same offence.

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020, SR2020/255, were signed at 4.00 pm on 13 November and laid before the Assembly at 5.00 pm on 13 November.

Those regulations provide district councils with the power to designate persons to enforce the No 2 regulations, to issue a premises improvement notice where those who are responsible for the premises are in breach of the No 2 regulations, and to specify a time limit within which the measures that are required must be taken, which must not be less than 48 hours from the time that the notice is issued.

SR 2020/256, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020, were signed by the Department of Health at 6.30 pm on 13 November and laid before the Assembly at 9.00 am on 16 November. Those regulations deal with the extension of the restrictions that were initially introduced on 16 October and the limited relaxation of those restrictions in respect of coffee shops, close-contact services and off-sales. They allowed the reopening, under certain conditions, of unlicensed food and drink businesses, cafes and coffee shops mostly, which were allowed to reopen from 20 November, with opening hours limited from 5.00 am to 8.00 pm.

The regulations allowed the reopening, from 20 November, of the close-contact services sector, including hairdressing, tattoo parlours, holistic therapies and driving instruction. As a condition of that reopening, those businesses were required to operate by appointment only and were required to collect and retain for a period the

names and contact telephone numbers of customers for contact-tracing purposes.

Finally, the regulations removed a restriction that had previously been placed on pubs and bars preventing them from selling alcohol for consumption off the premises. Although many bars and pubs have an off-licence, the regulations had sought to prevent them selling alcohol for consumption off the premises during that time. The lifting of that restriction was accompanied by the requirement that they sold drink only in the original sealed container so that bars were not selling glasses of alcohol to customers on the street.

SR 2020/276, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020, were signed at 8.00 pm on 19 November and laid in the Assembly at 9.00 am on 20 November 2020. Those regulations ensure that the unlicensed premises that reopened on 20 November were governed by a rule to restrict numbers of customers to no more than six per table from no more than two households.

Those five sets of amendments are designed to encourage adherence to the restrictions and to deter any breach of them. They complement the basic but critical and consistent public health message: wash your hands, keep your distance, and wear a face covering.

Mr Givan (The Chairperson of the Committee for Justice): I am pleased to speak on behalf of the Committee for Justice in the debate. The Committee first received notification of the health protection regulations in a written briefing from the Department of Justice received on 1 December. Yes: seven days ago. One week ago was when the Committee was provided with a written briefing.

The Committee was advised that two of the regulations are of relevance to the Department of Justice as they relate to offences, fines and penalties for breaches of the regulations. Therefore, although the responsibility for the regulations rests with the Health Minister, the Minister of Justice agreed to lead the debate on those two regulations, along with the three others in support of the Health Minister, as she has outlined.

During the pandemic, the Justice Committee has received regular written and oral briefings and updates on COVID-19 and its impact on the justice sector. We have questioned officials and senior police officers, including the Chief Constable, on breaches of the regulations and the approach to enforcement. We have sought information on the number of fines and fixed penalty notices issued, and also on the number and type of breaches reported via the COVID-19 hotline. Despite that, there was no engagement by the Department with the Committee on the review of fines and penalties that gave rise to the challenges reflected in those regulations.

The review of offences and penalties was carried out collaboratively by the Department of Justice and the Department of Health. It was the Minister of Justice who recommended the proposed changes to the Executive. The Department of Justice advised the Committee that the proposals had been considered by the Executive on 8 and 15 October. There was, therefore, ample time to inform the Committee for Justice of the proposed changes well before the notification of 1 December.

It has been said —.

12.15 pm

Ms Bradshaw: On a point of order, Mr Principal Deputy Speaker. Will you remind the House that Standing Order 43(1) provides:

“Every statutory rule or draft statutory rule which -

(a) is laid before the Assembly; and

(b) is subject to Assembly proceedings,” —

Including negative, affirmative and confirmative procedure —

“shall stand referred to the appropriate committee for scrutiny.”?

In this instance, because they are Department of Health regulations, it was right and proper that we, the Health Committee, scrutinised it.

Mr Principal Deputy Speaker: The Member's understanding of Standing Order 43(1) is correct.

Mr Givan: It has been said many times before that this situation is unprecedented, and it is sometimes necessary to make changes at a swift pace. However, that does not appear to have been the case in this specific instance. The Committee discussed the Department of Justice's written briefing on the regulations on 3 December. The Justice Committee recognises that the scrutiny of the health protection statutory rules is a matter for the Committee for Health and that that Committee is often required to consider regulations at short notice, which does not always allow for consultation with other Committees.

The Committee is concerned, however, that there may be a more widespread scrutiny deficit, with Statutory Committees being either unaware or provided with last-minute notification of policy changes relevant to their Department's remit that are being included in health protection regulations. I will, therefore, be writing to the First Minister and deputy First Minister on behalf of the Committee to ask all Departments to engage with their respective Statutory Committees on matters to be included in the health protection regulations that fall within their remit at the earliest opportunity.

I am unable to provide the Committee's position on the regulations, given that we have not had the opportunity to consider them or the policy intention behind them. I understand that Department of Justice officials gave oral evidence to the Committee for Health, and, therefore, it will be for the Chair and members of the Health Committee to comment on the specific details in the regulations.

Those remarks are made in my capacity as Chairman of the Justice Committee. I appreciate that some Members seem to struggle to recognise the role of a Chairman of a Committee, but what I have just articulated is the unanimous position held by all parties on the Justice Committee.

Setting aside my role as Chairman of the Committee, I will speak in a personal capacity on the regulations and the process through which they have been brought about. As I outlined in my role as Chairman of the Committee, the Justice Committee recognises the unprecedented way in which the regulations have been taken forward. It

recognises, and I recognise, that it is for the legislative framework through the Department of Health and, indeed, the Statutory Committee for Health to deal with the detail around the statutory rules. Indeed, I received a letter from the First Minister and deputy First Minister yesterday outlining that issue, and I put on record my appreciation to Arlene Foster and Michelle O'Neill for writing to me in my capacity as Chairman of the Justice Committee.

The First Minister and deputy First Minister outlined the approach that the Executive have been taking and the collaborative way in which they are seeking to operate, and I agree with all that. That is, however, notwithstanding the issue around the roles of Committees. In my conversation with the First Minister yesterday, I was able to provide assurance to her that the Justice Committee takes its role very seriously, as do I in my membership of that Committee.

Where Committees have an opportunity to engage and be consulted with, I advocate that all Ministers should do so with their relevant Committee. Under the relevant powers conferred upon Committees in section 29 of the Northern Ireland Act 1998 and, indeed, in Standing Order 48 of this House, the final bullet point states that the Justice Committee's role is to consider and advise on matters brought to the Committee by the Minister of Justice. We were denied that opportunity because the Minister of Justice did not come to the Justice Committee. Departmental officials did not come to the Justice Committee. We recognise the legal statutory process for how this is being engaged, but the Minister could have led the way on this and engaged with the Justice Committee, but she chose not to do so.

Ms Bradshaw: Will the Member take an intervention?

Mr Givan: That is a decision for the Justice Minister. I will take an intervention.

Ms Bradshaw: What happens in the Alliance Party is that, if an issue comes before the Health Committee that crosses into other Departments, I engage with my MLA colleagues on those Committees to find out their position so that I represent the whole party at the Committee. Are you suggesting that that is not what happened on your side of the House?

Mr Givan: Of course my members engage across political parties, but that does not negate the opportunity that all Members have through our membership of the relevant Committees to provide an opportunity. As I indicated, the Committee has engaged with the Chief Constable and ACC Todd on gold command when it comes to enforcement. That is all relevant to the regulations when it comes to enforcement. I understand the way in which things operate, but there are opportunities, and Members can bring that expertise through their normal Committee membership.

A letter that was circulated to all Justice Committee members states that the Executive Office understands that some members of the Justice Committee consider that, in light of the Minister of Justice's offer to lead on this debate, the scrutiny role should have been conferred on it, and that they intend to express their dissatisfaction during the debate. I was able to provide useful information to the First Minister to explain what the Justice Committee agreed to do. There is an issue about the information source when it came to advising the Executive Office. Who provided the

information on what the Justice Committee agreed and discussed? It certainly informed the basis of a letter that I would question. There needs to be an explanation in that respect. No doubt the Minister will elaborate on that.

Mrs Long: Will the Member give way?

Mr Givan: I will happily give way, despite the fact that the Minister never engaged with the Committee. I will, however, engage with the Minister in the Assembly.

Mrs Long: Is the Committee Chair aware that Committee meetings are public and that people can watch them on television?

Mr Givan: If that is the basis on which I received the letter, that will be an interesting explanation. If anyone watched the proceedings of the Committee, they will know what the Committee decided.

Just for Members' benefit, the minutes of that Committee meeting have now been published. Members will now know what the Committee agreed. The Committee agreed unanimously at the meeting on 3 September to write to FM and DFM asking that all Ministers engage with their respective Statutory Committees on relevant aspects of COVID-19 health regulations that cover policy areas that are the responsibility of their Department. That correspondence will be copied to all Committee Chairmen and Madam Chairs. The Committee also agreed to ask the Department of Justice why there was no engagement with it or information provided on the review of offences or penalties in the proposed changes prior to 1 December, given that that falls within the remit of the Department of Justice. The Committee also agreed to ask for the protocol advising the Committee when DOJ officials are providing oral evidence to another Statutory Committee. At no stage did the Justice Committee seek to usurp the legal responsibility of the Health Committee in carrying out its role with the statutory rule. I encourage the Justice Minister to work with the Justice Committee. We have an important role. We can provide you with advice and support, and we can give an insight, but, Minister, we can do that only when you decide to engage with the Justice Committee. I hope that, in future, you seek to take a more constructive approach when it comes to COVID-19 regulations.

Mr Principal Deputy Speaker: I am sorry to interrupt the Member, but I remind him that comments should be directed through the Chair.

Mr Givan: Of course, Mr Principal Deputy Speaker.

The Committee considered the regulations that relate to enforcement. We had the police before us because, when you introduce enforcement measures such as fines that have already taken effect, it is vital that we see a consistency of approach in their application. We know from the early months that it took the police some time to quality assure — if I can put it that way — the way in which they dealt with checking people's activities. We had cases in which the police looked in people's shopping bags to establish whether essential items had been bought, and we know the furore that that created.

The police had to put measures in place to ensure that a consistent approach was being applied, and I welcomed the way in which they did that.

Of course, had we been given an opportunity, we would have considered the proportionality of the associated fines. The Justice Committee looks at fines for speeding offences, for example. We all know that speeding kills, and we would have been able to look at the current speeding fine and compare it with the fine that has been introduced. However, we were not able to do that because we were not engaged.

We need to consider how different breaches have been handled by the Police Service. Members raised the issue of the policing of protests such as the Black Lives Matters protest, at which fines were issued. Indeed, under the most recent regulations to be introduced, we have cases where church authorities have been interviewed by the police because of alleged breaches. Of course, people compare and contrast that with the lack of police interviews when it comes to a particular funeral in west Belfast. Then, we raise the issue about the public having confidence in the administration of the fines that are being put in place.

We need to see enforcement measures being applied equally to everybody in society. There cannot be a two-tier approach to policing. The Minister of Justice has a particular role in ensuring public confidence in the administration of justice. I know that she will say that these are operational matters for the PSNI; a position that she has taken since assuming office. However, when that operational decision-making process impinges on public confidence, it comes within the scope of the Justice Minister.

Mr Wells: I thank the Member for giving way. There is deep concern in the community that the police, we understand, have indicated that they will be swift to take action against Tandragee Baptist Church for its alleged breach of the coronavirus restrictions. However, they have yet to interview the leader of the party opposite, Michelle O'Neill, about the disgraceful scenes that we witnessed at the Bobby Storey funeral.

Mr Givan: The Member makes the point very well. When I look at the regulations going through the House today, I see that we are increasing the level of fines and making it clear, as an Assembly, that enforcement is an important tool. It is the application of that tool that requires consistency of approach by the Police Service of Northern Ireland. I share the concerns that the Member elaborated on.

It is important that effective enforcement measures are in place. However, we all have the power in our own hands to act in a responsible way and to apply common sense so that we should not need enforcement in the community when it comes to policing the regulations. The best form of policing any society is self-policing, self-regulation and an awareness of one's personal responsibility. That is, ultimately, where we need to get to. Nevertheless, a minority will always flagrantly breach the law. That undermines the entire message, and it requires effective enforcement and policing. The absence of such enforcement and policing leads to people no longer acting responsibly. A further consequence is that the Executive have to take action to close down small businesses and close contact services, such as hairdressers' salons. They have paid the price because there has not been self-regulation or the kind of enforcement that there should have been. Let there be a better approach so that we do not need to take action against other individuals and organisations in our society.

Mr McCrossan: Will the Member give way?

Mr Givan: I will, yes.

Mr McCrossan: I appreciate the strength with which the Member delivers his message about the importance of ensuring that we adhere to the regulations. Has he given such advice to his colleague Sammy Wilson?

Mr Givan: Of course, all Members need to behave in a sensible and responsible manner. It is up to everybody in the House to conduct themselves in that way. It does not matter which Parliament you are in.

Let us not be distracted from the core substance of what we are dealing with today. It is important that we have a consistent approach to the policing of the regulations. I look forward to hearing the Minister's response and to her providing a justification of her failure to engage with members of the Justice Committee.

12.30 pm

Mr Gildernew (The Chairperson of the Committee for Health): I appreciate the Minister's being here to address the Assembly on these measures.

The Health Committee considered the first four sets of regulations on 26 November, but the amendment (No. 16) regulations were included in the final Order Paper without the Committee being given prior notice. They were therefore added late to our agenda last Thursday. A briefing on the first four SRs was provided by a cross-departmental group of officials, who gave an overview of the main provisions. Those provisions included the extension of the schedule 2 restrictions, subject to modifications; additional requirements for premises selling food or drink; new premises improvement notices; and changes to penalties, including penalties for failure to wear a face covering. Officials also advised us of a strategic level working group that had been established by the Executive to look at compliance with coronavirus regulations. We were advised that the working group is chaired by junior Ministers and brings together a range of agencies and that it has conducted a rapid review, since September, owing to concerns about rates of transmission and a desire to ensure effective deterrents from breaching the rules.

Provisions relating to increased penalties prompted questions around rationale, necessity, the evidence base and equality considerations. The remaining questions centred on practical outworkings. Given the absence of a formal equality impact assessment of the higher penalties, Committee members probed the consideration given to the issue. Among matters considered were affordability issues relating to masks and the differential impact that increased fines could have. Although officials assured the Committee that such matters were taken into account and agreed that there could be potential inequalities, they could not provide detail, and they advised that they might not be able to come back to us with it, as the Executive papers are confidential.

Ms Dillon: I thank the Chair for taking an intervention. Does he agree that it is important that the PSNI continue its course of action around engagement, encouragement and enforcement — the three Es, as were talked about at the start — to address exactly the issues that he has just raised? We have to accept that, in some circumstances,

people will not understand the regulations, because they are complex, even for those of us who are going through them every day. They are therefore difficult for ordinary people on the street to understand. The PSNI needs to continue in that vein so that people fully understand the implications of what they are doing.

Mr Gildernew: Go raibh maith agat. I thank the Member for her intervention. I agree with her. It is essential that it start with communication, and then engagement and encouragement. In some ways, enforcement demonstrates a failure of the other steps. We need to work from that basis and understand that some people will potentially struggle to abide by the restrictions because of a lack of income and because, in some senses, they are difficult to understand.

Officials also outlined the continued approach to using enforcement as a last resort, which is in keeping with the Member's intervention, but could not provide detail on trends or fines relating to enforcement. We wanted to know about the evidence base for anticipated improvements in compliance underpinning the increase in fines. Officials said that they would have to come back to us on that. We asked about affordability issues with masks, and we were again advised that officials would take the matter back.

Mr Buckley: I appreciate the Chair's giving way. His feelings on the inappropriate way in which these regulations come before the House, and the lack of scrutiny thereof, are firmly on the record, as are mine. The points that he has just outlined surely go to the heart of the lack of democratic scrutiny in the House. We are here today debating these regulations even though officials came before the Committee, could not provide the information and promised to come back. When they did, they still did not provide it. Does the Chair agree that the fact that the Chair of the Justice Committee has outlined today how that Committee had no role in the scrutiny of these regulations is of concern, given the lack of democratic scrutiny of regulations that have come before the House?

Mr Gildernew: I thank the Member for his intervention. I have been consistent in saying that we need to see good information being provided to and good engagement happening with whichever Committees are relevant to the scrutiny of the regulations. I will deal later with the fact that, in normal circumstances, we would not be considering legislation or changes to rules in this way, but it is pertinent to note that, although we recognise that these are unusual situations and circumstances, it is incumbent on all Departments, and everyone concerned, to provide the required level of data and analysis. If, as the Member indicated, Committees are being asked to support regulations, they should be provided with a clear sense of why those regulations are needed and why a particular approach versus another is best. They should then be able to assess that.

I am quite sure that these questions are asked —.

Mr Allister: Will the Member give way?

Mr Gildernew: Yes, I will.

Mr Allister: In the same vein, the Member's Committee has considered a successive number of these regulations, each of which bears the affirmation that no impact assessment was made. Sometimes, it says that there was

no "regulatory impact assessment" or simply no "impact assessment". Has it never given the Committee concern that it has been asked to consider regulations where there has been no impact assessment?

Mr Gildernew: I thank the Member for his intervention. Yes, that is one of the issues of concern, and the Committee is increasingly seeking to ensure that, whatever vehicle is used, maximum consideration is given to that. As we move further into what should be normal ways of operating, equality impact assessments should be done or some attempt made to address the lack of those assessments.

On a practical note, the detail of the information to be gathered by hospitality settings was raised. A member suggested that requesting addresses might support businesses wishing to comply with the rule restricting the number of persons at a table to no more than six and from no more than two households. I recognise that complying with that is difficult. I spoke this morning with someone who is involved in the hospitality business and who reports that that is a very difficult thing to establish.

Responding to a question on the distinction between retail and office settings, officials explained that health and safety legislation deals with workers, whereas the present suite of regulations is aimed at protecting the public.

The Committee, as ever, seeks to not only be constructive but to provide the appropriate scrutiny on behalf of the public. One source of data that informs the Committee on a regular basis, along with all the other pieces of information, shows, unfortunately, the new daily case rate, the figure for hospital admissions, the ICU capacity, which today sits at 99%, and, sadly, the daily reported deaths which, as of today, are 1,059. None of that evidence and information can be ignored.

Despite reservations arising from some unanswered questions, the Committee agreed to lend its support to the measures. The Committee recognises that the regulations are cross-departmental and has written to the Health Department, which is the drafting lead, seeking to have its concerns heard and addressed in future sets of regulations. Indeed, the Justice Minister could directly comment in her response whether the Department has been consulted directly at this time in developing a new COVID-19 strategy or even whether the Executive have seen the new detailed strategy that includes the pillars of finding, testing, tracing, isolating and supporting the public. That was a Health Committee motion that was agreed by consensus in the Committee and again in the House. We have called for a new COVID strategy, developed by the Department of Health and supported by the wider Executive, in order to end the cycle of lockdowns. That was passed last month in the Assembly, and, as we enter the early phases of Christmas and the vaccination programme, it will be timely to hear about progress to date on any development of that new robust strategy.

With your permission, a Phríomh-LeasCheann Comhairle, I would like to address Members briefly in my role as MLA and Sinn Féin spokesperson for health. I am sure that many Members will make similar points as the debate goes on, but I am concerned about the steady increase in the number of new cases that are announced daily. To put it bluntly, we are not seeing the drop in case numbers, admissions and, sadly, in deaths, that we hoped for. I

cannot help but think of the absolute mess, when public health proposals were voted against in the Executive, created by using a cross-community vote and of where we could be now had the Executive been able to act quicker.

However, we are where we are —.

Mr Clarke: Will the Member give way?

Mr Gildernew: I will.

Mr Clarke: I note what the Member said about where we are today, but had the Member the same concerns when most of his colleagues on the Benches around him attended a funeral in breach of the same regulations?

Mr Gildernew: That matter has been addressed multiple times in the Assembly.

However, we are where we are. One constant feature of the COVID-19 pandemic has been the ever-present lack of time. Therefore, it is to be expected that some of the technical amendments that tidy up the original intentions of the decisions are brought forward. It has to be said again: no one wants the restrictions to be in place for any longer than they have to be. Unfortunately, however, the case for restrictions is often being better made in the corridors of ICU wards, on the countless calendars marked with crucial missed appointments for other health matters, and by families that have had to resort to making FaceTime calls instead of visiting family members as a result of the restrictions.

I support the amendments. Let us continue to do all that we can, individually and collectively, to stop the spread of COVID-19.

Mr Principal Deputy Speaker: I call the Chair of the Executive Office Committee, Mr Colin McGrath.

Mr McGrath (The Chairperson of the Committee for The Executive Office): I will be making my remarks as an SDLP Member. I thank you for the opportunity to speak in the debate today. I thank the Justice Minister for coming to the House and actually bringing forward some legislation and participating in the debate.

The regulations that we are being asked to ratify take us back to the middle of November, a time that, on reflection, many in the House may choose to forget, given the chaos that was allowed to take hold at that stage. However, today is a momentous day in the fight against COVID-19, and we must keep our eyes fixed firmly on the future and how we do things from here on. It is important to note that the first COVID-19 vaccine was given to Margaret Keenan in England, although she hails from Enniskillen. The first vaccine in the North was given to a constituent from South Down, Joanna Sloan, who is a nurse. We welcome the fact that she has received the vaccine and wish her, and everyone else who has been vaccinated, the very best as she delivers the vaccine to people across Northern Ireland.

Amendment No.13 provides additional requirements for food and drink establishments, further provision for social distancing and large gatherings, and increases the fines that a breach carries. Amendment No.4, on face coverings, also increases the level of fine for those who breach the regulations. Amendment No.14 gives district councils the power to attach premise improvement notices to businesses that needed to amend their protection in light of the regulations. Amendment No.15 concerns

the circuit breaker that allowed the phased reopening for close-contact services and the gradual reopening of hospitality. Finally, amendment No. 6 concerns those in close-contact services who work in film and television production and the number of households that can sit at a table in the hospitality industry.

I do not know about anybody else, but I find that mapping out the timeline of events can be quite confusing, as so many amendments are being updated. Some will have lapsed by the time we discuss them, and some have since changed, even though we are discussing them. I am sure that everyone in the House can resonate with being asked a question, whether by a constituent or constituency office staff, that requires you to stop and think to try to work out what the exact regulation is and what its impact may be.

Let us be under no illusions: scrutinising legislation is definitely not for the faint-hearted. However, these regulations were, and are, necessary. We need to continue to do all that we can to stop the spread of the virus and help our beloved healthcare staff, who, frankly, have been the heroes in all of this. As the vaccine is rolled out, we need restrictions now more than ever.

How do we do that? We have to normalise some behaviours that previously would have seemed improbable or even impossible. For example, the wearing of face masks has become normalised for most of us. When someone not wearing a face mask coughs or sneezes in public, you become very aware that they are not wearing a face mask.

How do you encourage the wearing of face masks? Well, you can do it through the science and detail the reasons for doing it; you can do it through encouragement and asking people to wear a face mask; or, if necessary, from time to time, if people refuse, you have to levy fines. That is what resulted in conformity from about April or May through to now. Very quickly, all those measures together encouraged people to wear face masks. Fines have played their part.

12.45 pm

Mr Sheehan: Will the Member give way?

Mr McGrath: Yes, of course.

Mr Sheehan: Would it not also be an encouragement for some people to wear masks if they were made freely available? These masks are sometimes not inexpensive, especially the disposable ones. If they were made freely available, more people might be more likely to wear them.

Mr McGrath: I thank the Member for his intervention. I know of his continued intervention in the Health Committee, especially highlighting the situation in South East Asia, where face masks are worn regularly and have been part of the ability to control the spread of the virus there. Yes, I totally agree with him. They are not very expensive. I think, from checking DUP returns, that it costs about £48 for quite a considerable box-load of them. If you can get the face masks and make them available to people, it would encourage their use. I know that it is an extra cost for businesses, but people sometimes find themselves at shops and other places and do not have a mask and could do with one. Making them generally available would certainly help.

Mr Givan: I appreciate the Member giving way. He has articulated a clear position on the need for wearing masks, and I do not disagree with that. Will he also comment on those who, under the law, rightly have an exemption for respiratory reasons such as asthma or for psychological reasons? It is important that we respect their position and do not have a scenario where people are being shamed because they have legitimate health reasons for not wearing a face mask.

Mr McGrath: I thank the Member for his intervention. I believe that those protections are in legislation and in the regulations as well. They specifically highlight that those who have particular reasons for not wearing masks should not have to wear them. I welcome those protections as well.

Ms Dillon: I thank the Member for taking a second intervention in such a short space of time. You talked about that provision and people finding themselves at shops without a mask. I have seen that for myself on many occasions. It is an issue, even more so if you have travelled by public transport; it is different if you only have to go back to your car. Some shops do provide them. Some shops and retailers — the big retailers — have been able to stay open right through the pandemic and have done fairly well because of that. They will be in a good position to provide free masks.

Mr McGrath: I thank the Member for the intervention. Holistically, we are making the point that, if we can make masks available, it is of benefit and we should continue to do that. I would welcome that.

We are looking at the overall regulations today and questioning whether they were necessary. We have all accepted that the regulations that we currently have were and are necessary, but it begs this question: why did we stop for a week in the middle of the circuit breaker, reopen everything and then close it down again for a further two weeks? That just did not sit right. It means that we will see a slight rise in cases, then, when we shut down for two weeks, cases go back down again. One has to reflect back to that period and ask whether it would have been better to have gone six weeks right through. It has already been mentioned that the numbers are not dropping as we would like, and that may be because of that week when we did not shut down.

Mr McCrossan: I thank the Member for being so generous in giving way. Will he agree with me that, while intervention is absolutely essential to help support businesses through this very difficult time, the Eat Out to Help Out scheme may have been too generous and far too early an intervention, given that it has absolutely fed into the levels of infection in our communities?

Mr McGrath: I thank the Member for his intervention. Yes, we need to provide as much support as we can to businesses because they are having a difficult time, but, at the same time, we need to make sure that the protections and support that we are providing for businesses do not have an inadvertent consequence. I hope that we can provide the financial support that businesses need, and that may mean that they do not need to operate to a level that may cause some difficulties.

The vaccines are being rolled out to the most vulnerable and to those at risk. Christmas is ahead of us, and there is

very real hope going into the new year. However, our work as legislators must continue.

As we come to the end of the year once again and prepare to begin anew, let the lessons of the past few weeks not be lost on anyone in the House. Bullheadedness and digging your heels in gets us nowhere and will only set us back. Let us approach the new year with a sense of optimism on what has been done when we let the public down and with a renewed sense of clarity, collective purpose and cohesion for the Executive. While I have issues with what happened and the way in which it happened in November, we continue to look forward to the future. We support the amendments.

Mr Principal Deputy Speaker: Members, given that it is now 12.51 pm and the Business Committee is due to meet at 1.00 pm, I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be questions to the Economy Minister. When this item of business resumes, the next Member to speak will be Mr Doug Beattie.

The debate stood suspended.

The sitting was suspended at 12.51 pm.

2.00 pm

On resuming (Mr Deputy Speaker [Mr Beggs] in the Chair) —

Oral Answers to Questions

Economy

Mr Deputy Speaker (Mr Beggs): Question 10 has been withdrawn.

Project Stratum

1. **Mr McAleer** asked the Minister for the Economy to outline the oversight mechanisms in place to ensure Project Stratum is delivered in budget. (AQO 1287/17-22)

2. **Mr K Buchanan** asked the Minister for the Economy for an update on the roll-out of Project Stratum. (AQO 1288/17-22)

4. **Mr Blair** asked the Minister for the Economy whether there is a prioritisation plan for the roll-out of rural connectivity to be delivered by Fibrus through Project Stratum. (AQO 1290/17-22)

Mrs Dodds (The Minister for the Economy): Mr Deputy Speaker, with your permission, I will group questions 1, 2 and 4. Again, with your permission, I would like to avail myself of the extra minute to answer that grouping.

I am delighted that Project Stratum, delivered through the DUP's confidence and supply deal, is up and running. Project Stratum will utilise public funding, together with Fibrus Networks investment, to deliver gigabit-capable broadband infrastructure to more than 76,000 primarily rural premises across Northern Ireland. The citizens and businesses in these areas have waited far too long for acceptable broadband, and their struggles have been deepened by the COVID-19 crisis. As some 97% of these premises are classed as Northern Ireland Statistics and Research Agency (NISRA) band H, which covers settlements that have fewer than 1,000 people and are in open countryside, the entire intervention area is a priority for my Department. Deployment work is already under way. That is very significant because, within the nine-month period initially thought to be required for network design, the figure of 19,000 premises will have been passed.

I appreciate that Members will want to know how Project Stratum will impact on their area. My Department is engaging with Fibrus Networks to ensure that citizens and businesses can access further information on deployment plans and project implementation dates. An online portal has been developed by Fibrus Networks to provide this key information throughout the deployment phase of the project. Details of the deployment plan are available on the portal, and a premises checker will be added over the coming weeks. Links to the Hyperfast NI portal can be found on my Department's website and the Fibrus website. The portal will be updated and expanded as the project progresses.

I understand that some Members may feel disappointed that their areas are further into the roll-out cycle than they would prefer, but I ask for their patience. It is vital that the network is designed with technical and economic

efficiency. That will enable as many premises as possible to benefit from the intervention. I hope that Members agree that the important message for citizens and businesses is that a solution is now in reach and that all those premises that were struggling to access acceptable broadband will be served by this intervention, making them among the best-served places for broadband in the United Kingdom and, indeed, throughout Europe.

I assure Members that the management structure for Project Stratum contains the required tiers of project oversight to support robust governance procedures. These include a project board and a project management team. The project board will monitor progress —.

Mr Deputy Speaker (Mr Beggs): The Minister's three minutes are up, some time ago.

Mrs Dodds: Sorry. There is a lot of information to get out.

Mr McAleer: I thank the Minister for her very comprehensive response. Many MLAs, particularly those who, like me, represent rural areas — I represent West Tyrone, which is in the Sperrins — are itching to know when it will come to our local town or village. When Project Stratum was conceived, it was estimated that the number of premises with no access to superfast broadband was over 100,000, whereas Project Stratum now targets 76,000. Will the Minister explain that gap and advise whether there is a solution for the 30,000 premises not currently part of the Project Stratum intervention area?

Mrs Dodds: I thank the Member for his supplementary question. I apologise for my lengthy response, Mr Deputy Speaker, but my Department is receiving a lot of questions about this, and we want to give a fulsome response to Members in the Chamber.

The identification of the projects came about through an open market review that identified the potential number of premises available. Those were then looked at in conjunction with the already existing commercial access to broadband, and that gave us the number that we are looking at in the Project Stratum intervention area. There are about 3% of other premises that we would like to have within that intervention area, and we are currently working with our national Government to try to work out a solution for those premises. We will come back to the House as quickly as possible with information on that.

I know that the Member will be interested in this: in West Tyrone, 9,591 premises will be able to avail themselves of superfast broadband as a result of Project Stratum.

Mr K Buchanan: I welcome the Minister's work in getting this rolled out. We are now indeed seeing confidence and supply money rolling into Northern Ireland, and we will now see confidence in and supply of our broadband, and to all communities, I might add. At the very start, some were very negative in their comments about the project, but it is going to be rolled out across all communities and will support all of them. There are 18 constituencies in Northern Ireland, but obviously there is only one, Minister, and it is the most important one: Mid Ulster. *[Laughter.]* What is Project Stratum going to do for the average homeowner, pupil and student in Mid Ulster?

Mrs Dodds: I looked up the figures on the portal before coming to the House. In Mid Ulster, 8,785 premises will benefit from next-generation broadband thanks to the Project Stratum intervention. We have all seen

how families have struggled with homeschooling and homeworking during the pandemic. The intervention will increase their ability to do those kinds of things no end.

It is also very important for the economy. One of our economic goals is to have a regionally balanced economy. The new connectivity for the economy is fibre, and that will help us get a regionally balanced economy so that people in rural areas, where before they might have been served by very poor broadband, can now be connected and work in the same way as those in more urban settlements.

Mr Blair: What work is the Department doing on community fibre partnerships to ensure that areas that are not yet included and those that are harder to reach can be included in this or future programmes? I have some such areas in my constituency, and I am sure that the Minister has some in hers.

Mrs Dodds: As I said in response to other colleagues, a small number of premises are still in the very-hard-to-reach category and thus outside the scope of the current Project Stratum. We are in discussions with the Department for Digital, Culture, Media and Sport and with Fibrus Networks on how we can bring solutions to those premises. That will most probably be on a cost and a case-by-case basis, but we are determined to try to have the best broadband service in the whole of the United Kingdom, if not Europe, for Northern Ireland. It is an enormous selling point when we talk to investors across the globe.

Ms McLaughlin: Project Stratum is indeed a very welcome initiative, and it could not come sooner. What review mechanisms has the Minister in place if, for example, the project is delayed or the roll-out is just not up to the standards or expectations that her Department has?

Mrs Dodds: I am not anticipating problems. This is an exciting project, the goal of which is to give us a better-connected and more regionally balanced economy. It is a really important initiative. We have a project board and different levels of guidance and governance for the project.

Of course, payment will be dependent upon delivery, and that is the most important element. I do not anticipate there being problems. There are always glitches in life, but I am looking forward to a smooth roll-out and to 19,000 properties in Northern Ireland having, by the first six to nine months of next year, a level of broadband that they would not have received commercially. That will make an enormous difference.

Mr Boylan: I welcome today's announcement. The Minister and I have had a number of conversations in the corridor in relation to this project. I want to be a wee bit selfish and ask about the number of premises that are being targeted in Newry and Armagh and the time frame for that. It is most important that this project be rolled out to those premises, most of which are in the open countryside, that have been waiting a number of years for broadband provision.

Mrs Dodds: The Member opposite and I clearly understand how absolutely important this is for, and the economic opportunity that it can bring to, rural communities across Northern Ireland. Project Stratum will target 8,101 premises in the Newry and Armagh constituency. That will give an average coverage of access

to next-generation broadband in that whole constituency of 99.5%. That will be a pretty good record, when we reach it.

Wet Pubs: Grant Scheme

3. **Mrs Cameron** asked the Minister for the Economy what progress has been made in developing a grant scheme to support wet pubs experiencing financial hardship. (AQO 1289/17-22)

Mrs Dodds: I thank the Member for her question. I fully appreciate that many pubs have been asked to close under the regulations and, as a result, have had no income or limited income. It is vital that we provide support to prevent permanent pub closures and job losses. That is why I want to see those businesses receiving additional top-up support as soon as possible. My Department has been allocated a funding envelope of £10.6 million and is designing a scheme within that budget that will go forward to the Executive for agreement. The aim of the scheme is to provide compensation to wet pubs that were required to remain closed under the health regulations restrictions for a further 12-week period, from 4 July to 23 September, when the rest of the hospitality sector was permitted to open and trade.

Mrs Cameron: I thank the Minister for her answer. I am sure that she will agree that longer-term financial support may be needed well into 2021 to assist the hospitality industry in getting back on its feet and to protect jobs, following so many months of lost income this year. How can we help the sector to recover next year, once the roll-out of the vaccine is at a more advanced stage?

Mrs Dodds: I am on record many, many times in the House as saying that the best way to help the economy is to ensure that it is open and functioning and that people can go about their daily business. We are in the midst of a health pandemic. That, sadly, has brought great suffering to the hospitality sector, and particularly to those traditional pubs that have not been able to open for pretty much most of the year, maybe bar a week or two in late September/early October. That is why it is incumbent upon us to try to support them. I will bring forward the scheme to the Executive this week, hopefully. We are waiting on details of verification checks, and I know that the Member will appreciate that it will have to be done in such a way that we can authenticate and check applications.

Dr Archibald: The fact that that scheme will go to the Executive this week, hopefully, will be welcome news for the sector. All these schemes are very welcome. Last week, the newly self-employed criteria were published. When that scheme opened, it became apparent that some people will still be excluded on the basis of the criteria, particularly in relation to the requirement for 50% of the trading income to have been from self-employment in 2019-2020, which will exclude those who became self-employed later in the year. Will the Minister commit to looking at that criterion to ensure that those people who previously missed out get paid?

2.15 pm

Mrs Dodds: I am, of course, going to provide a full answer on the self-employed scheme. We launched that scheme to deal specifically with those who had no access to any interventions whatsoever. We have broadly employed the same criteria as the schemes in Scotland and Wales, and

it is therefore in line with the criteria in the self-employment scheme (SES). That is why the scheme was designed and launched in the way that it was.

We are always willing to look at any of those issues, but we need to have the rationale. The reason for the 50% requirement is to protect those who are genuinely self-employed and to make sure that that is their main source of income.

Dr Aiken: I thank the Minister for her answers so far. With the Minister and the Deputy Speaker's indulgence, I will ask this question: are the Executive looking to provide some sort of grant support for licensed sport and social clubs in order to help them make it through the rest of the winter? Furthermore, will she join me in wishing Mr Stewart Dickson a very happy birthday? *[Laughter.]*

Mr Deputy Speaker (Mr Beggs): That is stretching the question, but I will pass it to the Minister to decide whether she wishes to respond. *[Laughter.]*

Mrs Dodds: Mr Deputy Speaker, I could not resist. I am not going to sing the happy birthday song, but I wish the Member a very happy birthday. Given all the challenges that he has been through, that is very welcome.

Some Members: Hear, hear.

Mrs Dodds: Mr Aiken is always willing to embarrass you at every opportunity, is he not? *[Laughter.]* Licensed premises that have been closed and that have been instructed to close will be able to apply for other grant schemes in the same way as others who have applied.

Self-employed Workers: Support Scheme

5. **Ms Hunter** asked the Minister for the Economy for an update on developing a support scheme for self-employed workers ineligible for support packages to date. (AQO 1291/17-22)

Mrs Dodds: The Executive have agreed a funding allocation of £10 million to support the newly self-employed. The newly self-employed support scheme opened at 6.00 pm on 3 December and will provide financial support to those newly self-employed individuals whose business has been adversely impacted by COVID and who have not been able to access support from the UK Government's self-employment income support scheme.

The scheme will provide a one-off taxable grant of £3,500, enabling support for approximately 2,900 newly self-employed individuals. Invest Northern Ireland will deliver the scheme on behalf of the Department for the Economy, and the scheme will close to applications at 6.00 pm on 7 January 2021.

At scheme closure, any underspend will be considered and a top-up grant may be paid to eligible applicants. Details of the eligibility criteria, along with an eligibility checker, can be found on the NI Business Info website.

Ms Hunter: I thank the Minister for her answer. Minister, in addition to the support scheme for self-employed workers, is your Department any further forward in developing a scheme that directors of limited companies can avail themselves of?

Mrs Dodds: My Department is developing a scheme for limited companies. Again, we want to discuss the eligibility

with the various business organisations that deal with those issues. We are doing that, and we will continue to work on it as quickly as we can.

I put on the record that we in my Department are managing parts A and B of the COVID restrictions schemes; we have launched the self-employment scheme; and we have almost finished working up the scheme for traditional pubs. We also have a scheme waiting for large hospitality, another for bed and breakfast businesses and we are working very hard on the high street stimulus scheme. I pay tribute to the officials from my Department for the work that they are doing in order to support businesses in Northern Ireland. That is an enormous workload on top of all the other day-to-day issues.

Mr Stalford: I associate myself with the comments of Mr Aiken, although I would not dare to guess which birthday Mr Dickson is celebrating. I would not wish to offend — or compliment — him by making a guess.

The scale of the challenge that the Minister faces in stimulating the economy is reflected in the fact that she put in a bid for £390 million and received roughly a third of that from the Finance Minister. It is not real money in the sense of the economy generating new money; it is government money that will, ultimately, have to be paid back.

Can the Minister commit to using her influence and power in the Executive to push for the fastest easing of restrictions on economic activity that safety will allow? It is essential that people be allowed to get back to work.

Mrs Dodds: The Member, and Members across the House, will be in no doubt that a fully functioning economy is required to be open and devoid of restrictions. However, we are in the middle of difficult health circumstances, and, like my colleague Robin Swann, my advice to people is to be respectful of one another, remember the rules, wash your hands, keep your distance, and wear your face mask. If we do those things, we can have an economy that is freer and more open and able to trade.

I noticed today that the first woman in the world to receive the vaccine — although she lives in Coventry, and we will forgive her for that — is from Northern Ireland. I take that as a great sign of hope for the future, recognising that getting the vaccine rolled out is a mammoth challenge.

Mr O'Dowd: Minister, I want to return to the self-employed and newly self-employed. I understand that representatives of the self-employed are bringing forward to the Minister proposals that would meet her objectives of ensuring that the public purse is protected and that money goes to those most in need. Will the Minister take those proposals seriously and undertake to assist the newly self-employed?

Mrs Dodds: I think that the Member knows well enough that I receive delegations from right across the spectrum of Northern Ireland, and I will treat their representations with respect and look at all suggestions that are put forward.

Mr Deputy Speaker (Mr Beggs): Rachel Woods is not in her place.

NI Goods: Unfettered Access

7. **Mrs Barton** asked the Minister for the Economy to outline the measures in place to ensure Northern Ireland

goods have unfettered access to the Great Britain market, while EU goods passing through Northern Ireland are subject to proper administration. (AQO 1293/17-22)

Mrs Dodds: I thank the Member for her question. Given the tweets that we have just seen, and some of the issues that have been aired today, her question is timely.

Since taking office, my priority has been to ensure that Northern Ireland businesses continue to enjoy unfettered access to our largest market, Great Britain. I have engaged with our Government on a regular basis to ensure that, and I am pleased that those efforts are yielding results.

Unfettered access can be guaranteed by the United Kingdom through the Internal Market Bill by agreement in the Joint Committee. I note the latest reports. I also note, and the House should note, that I spoke to businesses this morning, and all agree that a pragmatic, practical outcome is desired.

The SI covering goods from Northern Ireland into GB is too vague; it is not a comprehensive definition of a Northern Ireland-qualifying good. While international trade, including which measures will be taken to ensure that EU goods do not use Northern Ireland as a backdoor to the GB market, is a matter for the United Kingdom Government, it is important that the quality and provenance of Northern Ireland goods are preserved. The Government have yet to outline specific anti-avoidance measures that would be used against EU businesses attempting to avoid tariffs by bringing goods into Northern Ireland.

I welcome the commitment to developing a sustainable longer-term definition of “qualifying”, and anti-avoidance measures. Engagement with industry and the Executive on those is essential. The Executive have written to the Government supporting proposals from the Northern Ireland Food and Drink Association (NIFDA) that could act as an effective model for the agri-food sector in ensuring unfettered access.

Mrs Barton: Thank you, Minister, for your answer. Minister, can you advise on the country of origin of goods that have been produced using products from several countries, for example cheese or Baileys drink?

Mrs Dodds: The Member will be glad to know that I spoke to the chief executive of Dairy UK on that very issue this morning. I assume that the Member refers to milk in Northern Ireland that may have been processed into cheese etc in the Republic of Ireland. We need a practical outcome to this so that, if it is done in that way, it is treated as a product of origin of one or the other. However, most importantly, what we need to ensure for all of our produce is that we have free access to the EU market in this respect and that we also have access to our biggest market. I will repeat this because it is worth repeating: Northern Ireland sells more in the Great Britain market than it does in the Republic of Ireland, the rest of Europe and the rest of the world all added together. That unfettered access to GB is absolutely vital.

Mr McAleer: The Minister made reference to the anti-avoidance measures that the British Government are supposed to put in place to prevent the North from becoming a back door into the British market. That has the potential to become a huge impediment to trade heading east. There are only 23 days to go until the end of the

transition period. Does she have any assessment or sense of what shape the anti-avoidance measures might take?

Mrs Dodds: As I said in my answer to the original question, the Government have said that they would bring in anti-avoidance measures. Those are likely to be measures around asking firms to prove that they are not using a particular route through Northern Ireland in order to avoid duty on the goods that they are bringing into the GB market.

A couple of things are massively important for Northern Ireland. We want to preserve our place within the United Kingdom’s internal market. As I have said, it is the most important market for Northern Ireland. I know that the Member will be extremely interested in this. For agri-food in particular, it is absolutely vital that we preserve that place. It is equally vital that we preserve the provenance of Northern Ireland goods so that Northern Ireland is not seen as a bit of a back door through which anybody and everybody can bring goods into the GB market. That would undermine us in the GB market and undermine the value and provenance of Northern Ireland goods. That is massively important as well.

Mr O’Toole: I do not know if the Minister has seen it, but, in the last hour, there has been news of some agreement at the Joint Committee. She, like me, will want to see the detail of that agreement between Minister Gove and Vice-President Šefčovič. Pursuant to that, once we see the detail, is she willing, with others in the Executive, to press for full access for Northern Ireland businesses to existing EU trade deals? Via the Joint Committee, we should be able to agree that we get access both to UK deals and, of course, the UK market — and I agree with her on that — but also existing EU trade deals. That offers real opportunity for businesses here. It is also essential for —

Mr Deputy Speaker (Mr Beggs): The Member has asked his question.

Mr O’Toole: — businesses, particularly the dairy business.

Mrs Dodds: The chief executive of Dairy UK will be very pleased that we were listening to him this morning. I, like you, will want to see the detail of what has been agreed. I have read the statement, which followed discussions that have been ongoing for a number of days. As I have said in the House on many occasions, for Northern Ireland and for the rest of the United Kingdom, it would be better if we were able to achieve that zero-tariff, zero-quota deal. We need the practical outcomes of the protocol to be agreed. As I said in an earlier answer, we can do that through either the Internal Market Bill or, with the agreement of the EU, the Joint Committee.

I will be very interested in the outcome of the discussions today and in the Minister’s statement about the discussions to the House tomorrow.

2.30 pm

It is important that we have access to the new trade deals that the United Kingdom will do. That is a huge issue for us. Of the 37 trade deals that the EU has, most, bar about three, have rolled over. As members of the United Kingdom, we will have automatic access to those rolled-over EU trade deals. We very much need to make sure that we have access to the new trade deals with the US, New

Zealand and Australia on the same basis as every other part of the United Kingdom.

Mr Deputy Speaker (Mr Beggs): That is the end of our period for listed questions. We now move on to topical questions.

Excluded PAYE Contributors: Support

T1. **Ms Bradshaw** asked the Minister for the Economy what proposals she has to bring forward a scheme to assist PAYE contributors who have been excluded both from furlough and the newly self-employed support scheme. (AQT 801/17-22)

Mrs Dodds: I presume that the Member means the national self-employed income support scheme (SEISS). As I indicated, we have launched a scheme for the self-employed. That is for those who became self-employed after March 2019 and could not, therefore, have supplied a tax return to HMRC before we were struck by COVID in March 2020. The scheme that we have brought forward is broadly the same as the schemes that were developed in Scotland and Wales. I look forward to those who have been unable to access any support being able to access support through that scheme.

I presume that the Member is also asking about those who became self-employed, say, in 2018 or in late 2019, who have not had a particularly successful outcome through SEISS. Those people are not included in our scheme and would require a completely separate scheme. Of course, it will be up to the Executive to decide whether they want to include those people in the scheme. That would mean topping up national schemes, and the Executive would have to decide whether they want to do that and whether the Finance Minister has the funding for it.

Ms Bradshaw: Minister, thank you for your response. I have recently received correspondence from constituents who have advised me that, when they applied for the newly self-employed support scheme, they had been frustrated by what seemed to be a mismatch between the definitions used in the Go For It programme and what the Department is using for eligibility. Could you look into that? As you know, Minister, many of those who have fallen through the cracks are in very dire straits, and it is having a serious impact on their mental well-being.

Mrs Dodds: I am completely aware of how difficult life has been over the last number of months. That is why, through the three support schemes that we brought out earlier this year, we paid out over £340 million to those who required help. I am also aware that that did not include everyone who needed help. That is why we have specifically targeted the self-employed who were unable to access the national self-employment income support scheme. That is a very important distinction.

The criteria for the new scheme were developed in line with those that the excluded group brought forward. They are also in line with those used in the Scottish and Welsh schemes of the same nature.

Trade Deal

T2. **Mr Middleton** asked the Minister for the Economy, given that she will be aware of the media attention on the discussions and agreement between the UK and the EU over the Northern Ireland protocol, whether she

agrees that it is vital that an overall trade deal be reached to support businesses in Northern Ireland and whether she would support a flexibility or grace period for local companies as they try to adapt to the new arrangements post 1 January. (AQT 802/17-22)

Mrs Dodds: I thank my colleague for his question. It is important that we reach a deal; I have said many times that that would be the best outcome for Northern Ireland. It is also important that we reach a conclusion on the issues that the protocol has thrown up for Northern Ireland. I do not support the protocol. I am not pretending about that to anyone in the House — everyone knows my view. However, we have practical issues to resolve for the good of the business community and economy in Northern Ireland, and to support jobs. That is important.

This morning, I spoke to my EU stakeholders group, which is made up of a wide range of businesses across Northern Ireland. We agreed with yesterday's statement from business leaders that a period to ease the adjustment is necessary given the late hour of the agreement. Of course, we will reserve judgement on the agreement until we see the details.

Mr Middleton: I thank the Minister for her response and welcome her comments. I agree with her that it is important that we wait to see the detail. Will she continue to raise the concerns around the protocol? This morning, with colleagues, I met representatives of the airlines. They raised serious concerns about the impact that the protocol will have on them. Will the Minister commit to continuing to raise those issues on their behalf?

Mrs Dodds: I absolutely will. What we might see from the discussions of the Joint Committee are high-level agreements coming out over the next number of days. Underneath those, however, will be a myriad of practical issues that the protocol has imposed upon us and which need to be resolved. I advise those in the House who call for full implementation of the protocol to step into my shoes for a brief period and listen to the difficulties of businesses that are struggling with the complexities of customs, export certificates and the cost to them. Another important issue for the House, and one that we need to keep reminding the Government of, is that cost to business and their promise to ensure that businesses do not have to bear it themselves.

Black Taxis: Financial Support

T3. **Mr Sheehan** asked the Minister for the Economy, given that she has provided multiple grants to hotels and accommodation providers but continues to exclude taxi drivers and the coach industry, to give a commitment to amend part B of the coronavirus business support scheme so that taxi drivers and coach operators can access payments additional to the rather meagre payments that they have received from the Department for Infrastructure, particularly because the black taxis play a valuable role in the tourism sector in his constituency and the other Belfast constituencies, where the drivers provide guided tours for tourists throughout the city, to the benefit of hoteliers and other accommodation providers. (AQT 803/17-22)

Mrs Dodds: Of course, the Member will understand that the responsibility for looking after taxi drivers and the coach and haulage industries is with the Department for

Infrastructure. It is the Department that regulates same and has brought forward the scheme in relation to same.

The COVID restrictions business support scheme is meant to look after the supply chain of businesses that are named in the restrictions. Therefore, they have to be named and be in the direct supply chain: they must have a contract with a named business. The best way in which to support taxi drivers is to have an open and free economy. Of course, in the next year, one of our absolute priorities will be to restart and reboot the tourism economy so that we can see visitors coming back to Northern Ireland and ensure that jobs in that sector are secure for the future. Northern Ireland has a lot to offer tourists, and I look forward to working with the sector on that renewal. I hope to make announcements about that in the near future.

Mr Sheehan: I must say that I am very disappointed with that answer. Taxi drivers in particular, who, under normal circumstances, work long and antisocial hours for little recompense, have been left behind in the pandemic. It took a long, long time to launch the Department for Infrastructure scheme.

The Minister has the power to —

Mr Deputy Speaker (Mr Beggs): Does the Member have a question?

Mr Sheehan: — amend part B of the coronavirus business support scheme, which would ensure that taxi drivers and coach operators get additional payments.

Mrs Dodds: I sympathise with taxi drivers and coach operators. There already is a scheme for them, however. They have applied to it, and those applications have been verified, but if the Executive decide that there should be additional funding for that scheme to satisfy additional hardship payments, I will support that.

Kickstart

T4. **Mr Irwin** asked the Minister for the Economy whether Northern Ireland is part of the GB Kickstart scheme, given that, as she will be aware, the impact of COVID on the economy has been unprecedented, and it is his understanding that a number of initiatives exist to help people stay in work or find new employment. (AQT 804/17-22)

Mrs Dodds: I thank the Member for his question. Much of what we do in the Department for the Economy is to support the broader economy and to support training and initiatives in the economy. That is why we launched our apprenticeship schemes, which are being received well by industry. We are creating new apprenticeships and supporting others. Kickstart is the Department for Communities' scheme, and I spoke with the Minister some months ago when Kickstart was announced for the rest of the United Kingdom. I understand that she is working up a scheme, and I encourage her to bring it forward as quickly as possible.

Mr Irwin: I thank the Minister for her response. I am sure that she will agree with me that it is vital that every effort be made to help many of those businesses.

Mrs Dodds: Absolutely. It is really important to help businesses, and individuals as well. Perhaps the House, in the closing minutes of this Question Time, will want to know that part A of the COVID restrictions business

support scheme has received 3,603 applications, of which, to date, support has been paid out to 2,544, with over £12 million being given to individuals in this period of restrictions. We hope to have all of part A of the scheme fully paid out by the end of the week, except for the one or two applications that are much more difficult to do. Part B of the COVID restrictions business support scheme will start paying out this week, with significant payments being made today and on Friday.

Project Stratum: West Tyrone/Fermanagh and South Tyrone

T5. **Mr McCrossan** asked the Minister for the Economy, after giving his full support to Project Stratum and the progress that has been made, with Fibus being awarded the contract, but also expressing his concern about the timeline for increased broadband coverage, for her assessment of the need to prioritise West Tyrone and Fermanagh and South Tyrone in the roll-out, given that those constituencies are the worst impacted in terms of connectivity. (AQT 805/17-22)

Mrs Dodds: I have made my view very clear on that. The contract was awarded in such a way that the company that got it would be able to roll it out in a way that made most economic and technical sense. If we start to prioritise one area here, one area there and one area somewhere else, we will make the contract more expensive, and fewer homes and premises will then be included in the contract area.

Like you, I would like to see my constituents get broadband in their area as quickly as possible, and they would like to see me being able to chop and change things around, but that is not how it will work. We are rolling it out in the most economic and technically sensible way in order to get the most that we can from the contract and to include as many premises as we can in it.

Mr McCrossan: West Tyrone is somewhat worse, but I understand that we have to defend our constituents. Can the Minister outline whether any assessment has been undertaken with her colleague the Minister of Education on the impact that Project Stratum will have on boosting broadband connectivity in rural schools?

2.45 pm

Mrs Dodds: I have not spoken to the Minister of Education about that specific issue, but we all know that connectivity is key. It is king, and fibre is the new method of connectivity. Project Stratum will bring economic opportunity to your constituents in West Tyrone on an equal basis to those who live in larger urban settlements. That is a good thing for families, farms and jobs in the West Tyrone area. I look forward to seeing it roll out.

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a few moments.

(Mr Speaker in the Chair)

Education

Mr Butler: On a point of order, Mr Speaker.

Mr Speaker: We do not take points of order during Question Time, Robbie. Sorry about that. I will take it later.

Exams: COVID-19 Disruption

1. **Ms Kimmins** asked the Minister of Education whether he will reconsider the awarding of qualifications in 2021 to take into account the continuing disruption experienced by exam cohorts as a result of COVID-19. (AQO 1302/17-22)

Mr Weir (The Minister of Education): I thank the Member for her question. It is my priority that examinations to award Council for the Curriculum, Examinations and Assessment (CCEA) qualifications, which is the one area that I have direct control over, should go ahead as planned in 2021. However, it is clear that there is a need — I have acknowledged this from the start — for adaptations, given where we are this year.

The first suite of adaptations, which I agreed on 9 October and subsequently on 6 November for GCSE qualifications, provide a significant reduction in the burden of assessment for young people while still allowing as much opportunity as possible to cover the content of the specifications. I also agreed a number of health-related adaptations for AS and A levels. However, the situation has been kept under review, and my officials have been working closely with CCEA to develop a range of further mitigations and contingencies to respond to the fluid public health situation. That is particularly the case for AS and A levels. That work is at an advanced stage. It has also involved discussions with key stakeholders in terms of partnership at school principal level. I hope to be in a position to provide more information on that issue very soon.

Ms Kimmins: I thank the Minister for his answer. Having read the public exam guidance that was published in November, I and many others are still deeply concerned that the Minister and CCEA continue to ignore the concerns of young people, their families and teachers. There will be no level playing field when it comes to the public exams that will be used next year. Many young people will have had multiple periods of self-isolation, so the education experience is very varied. Will the Minister consider directing CCEA to add greater optionality for the exam papers for 2021 to try to reduce some of the stress that is being felt by our young people?

Mr Weir: As with a lot of things in education, it depends on what you define as a particular term. Optionality has, generally speaking, been considered from a purely educational point of view, which is about having more exam questions from which to choose. Direct concerns have been raised. That is one of the options that continues to be looked at.

Concerns have been raised, particularly by non-selective schools, that optionality, by that definition, would create problems, especially for some children with special educational needs and candidates who are not as strong academically, and that it could discriminate against them. However, there is a range of other options, if I may put it that way, for adaptations that I hope to bring forward very soon.

We have already gone further than some other jurisdictions, particularly England, with adaptations for GCSEs. I hope to be in position to come to a conclusion and to make further announcements on those adaptations before Christmas in order to give people a level of certainty. We will have to take account of the current wider situation because it is about trying to create as level a

playing field as possible. In the current circumstances, whatever direction I or any jurisdiction move in, the playing field will not be completely level for anyone. That is part of the difficulty, because, sometimes, making one decision will be fair for some people and unfair for others, and it is about trying to balance that. I hope to be able to reach a conclusion on that fairly soon.

Mr McCrossan: I thank the Minister for his answer to the question. I am very concerned — I have put my concerns firmly on record — about examinations going ahead, particularly given what happened in the summer and the impact that that has had on the mental health of our young people and teachers in schools. Minister, you are in the bad books of a lot of students and teachers, and I think that you know that very well. Given the situation and that the Commissioner for Children and Young People and the mental health champion have spoken out, will you now cancel examinations this year?

Mr Weir: No, I will not. Frankly, if we are talking about fairness for people, we first have to take into account that the exams that I control are administered by CCEA. If we were to cancel all CCEA examinations, there would still be roughly 20% of students doing English board examinations. It would place students in Northern Ireland in a different position not just from students in England, Scotland and Wales but — this may be of greater interest to the Member — the Republic of Ireland, all of whom are going ahead with examinations. Every jurisdiction, by one means or another, is going ahead with examinations.

We need to ensure that we have a level playing field for grading throughout the United Kingdom and that, as much as possible, there is a level playing field for students in Northern Ireland. If we were the only jurisdiction that, in all forms, abandoned examinations, where would that leave some of our students when making comparisons for university places? Rather than snatching at a populist headline, we have to think this through so that we can see where it leaves our students.

The one thing that I am going to do is be absolutely straight with students and others. Members will say, “Wales has abandoned exams”. It has not, really. It is having assessments that are externally set and externally marked. Presumably, if there is going to be a level playing field for students in Wales, those assessments will have to be carried out under examination conditions. In many ways, if it walks like a duck and quacks like a duck, it is a duck.

Mr Butler: We are now on the edge of the Christmas break for schools with no certainty about a return date due to the potential for increased COVID transmission over the festive holiday. What impact assessment has your Department carried out on the extent of lost classroom learning, particularly for years 11 to 14?

Mr Weir: From that point of view, the adaptations that will be put forward will cover the situation and will recognise that not every student has faced the same issues. We will also need to look, in a wider UK context, at dealing with special considerations for individuals. Perhaps unsurprisingly, rumours will always abound in Northern Ireland. There are no plans to delay the return to school in January. I want our young people to have as full an opportunity as possible to be educated directly. Let us

make sure that rumours do not start that, again, do not have any substance.

Mr Speaker: Questions 2 and 7 have been withdrawn. I call Chris Lyttle.

COVID-19: Academic Selection Guidance

3. **Mr Lyttle** asked the Minister of Education what guidance he has issued to schools using academic selection in 2021 regarding the admission of pupils without test scores due to COVID-19-related absence. (AQO 1304/17-22)

Mr Weir: I thank the Member for his question. I was not aware that question 2 had been withdrawn.

As the Member will be aware, setting admissions criteria is, by law, a matter for boards of governors of individual schools. To assist in the process, guidance was issued to all post-primary schools on the operation of the transfer procedure. However, given the unique situation that we find ourselves in, I have also written to the boards of governors of schools that will be using the entrance test results in their admissions criteria. I am sure that the Member will be aware that schools are under an obligation to publish the criteria and to produce them by 11 December. I have told boards of governors that, in drafting their criteria, they should consider any eventuality whereby test results are available, but not necessarily for every student.

As such, I have indicated to them that, as part of the single set of admissions criteria, they should look at how they will deal with students who will have had to self-isolate, for instance, and, perhaps, have not been able to do all the tests. They will also be working alongside the test providers. It is also the case, this year, that schools will apply special circumstances. I have asked them to review their special circumstances, because I suspect that there will be a greater call on those this year than in previous years. It will be for individual schools to determine how they deal with such applications, and once criteria are completed, they will be published by the Education Authority at the beginning of the new year.

Mr Lyttle: The Education Minister has failed to introduce a dedicated code to gather COVID-19-related pupil absence data, but, in November, the National Association of Head Teachers surveyed 89 primary schools and found that, on average, as many as 37% of P7 pupils had experienced a COVID-19-related absence since the start of term. I ask the Education Minister, yet again, how can it be fair to base post-primary admission on testing 10-year-old children in such exceptional circumstances?

Mr Weir: I admire the Member for the inventive ways in which he attacks academic selection. His attacks seem to take slightly different twists and turns, and the route, now, is under the cover of COVID-19.

With regard to absences, we have direct information on pupils who are absent and still able to engage, and those who are self-isolating. Those figures reached their highest point towards the end of October when there was a combined rate of about 8%. It is a lot lower than that for most of the other weeks, and it tends to be slightly lower in primary schools than in post-primary schools.

We have seen the alternatives suggested by a few schools looking to move away from academic selection this year.

The alternatives that they seem to have produced relate to whether your mum, dad or older brother went to the school. It is a range of those things. It is a form of selection by family and genetics. Sometimes, it will be a question of getting into the school if you have a brother, but not if you have a sister, or vice versa. It is an accident of birth — an accident of DNA.

Whatever the criticisms of academic selection, it is, at least, based on the merits of the applicant. As such, while a wider debate on academic selection has gone on for a long time, with a range of views, to jump in and put in place those sorts of measures will only exacerbate difference and make it utterly impossible for some students to get into a school that is not based on academic selection. If a child was the greatest genius in the land, they would simply be denied, because of who they were related to. That does not seem to be a particularly satisfactory way of selecting children for an oversubscribed school.

Mr Sheehan: The Minister will be well aware of Sinn Féin's position on academic selection and the rejection of children. Participation in those tests should not be equated with support for them. Often, sitting those tests is the only way that children can get into a school that is nearest to their home.

What alternatives is the Minister considering to post-primary transfer this year in the context of COVID-19, absences from school, self-isolation and mental health issues?

3.00 pm

Mr Weir: I appreciate that your party has been very consistent and clear-cut on the issue. I support academic selection and the right to academic selection. It is enshrined in law. Unless schools choose something that takes them outside the law, admissions criteria are up to individual boards of governors. We can give schools advice that says, "You need to have a range of criteria to look at eventualities for individuals". However, it is ultimately a choice for schools.

Many fine schools across the system have never used academic selection, or only use it partially, and also get absolutely brilliant results. I welcome those schools, and I do not intend to force academic selection on anyone. However, neither do I intend to take the right to academic selection away from schools. I am not planning for an alternative. We will give advice, particularly on what is required on health and safety issues. We also advise that schools need to be more cognisant this year, on a wide range of criteria, to cover those eventualities. We will give guidance, particularly on the special circumstances that each individual school has to apply; it cannot be something that is done on a blanket basis. Those schools need to examine their criteria closely to make sure that they are fit for purpose for this year, but I am not going to impose a solution on them that takes away their right to academic selection.

Mrs Barton: Thank you very much for your answers so far, Minister. With regard to the use of academic selection for this cohort of pupils, can you outline any contingency planning discussions that you or your Department have had with grammar schools in response to the recent successful Committee for Education motion on the same issue?

Mr Weir: I thank the Member for her question. I have made it very clear that not only is academic selection in legislation but it is up to boards of governors. It is not a question of me or my Department coming up with criteria. The grammar schools that use academic selection are perfectly entitled to do so. I am not going to interfere in that right. As I said, a range of mitigations is being put in place this year, because anybody doing any form of public examination will have to follow a range of guidelines for health and safety. That will apply in all circumstances. However, I will not take away the right to academic selection. I will not be the Minister who seeks, by the front door or the back, to destroy our grammar-school system.

SEN: Additional Resources

4. **Mr Buckley** asked the Minister of Education what additional resources have been allocated to minimise any disruption to children with special educational needs (SEN). (AQO 1305/17-22)

Mr Weir: I thank the Member for his question. To help support schools and the education sector in addressing many of the new pressures arising as a result of COVID-19, I announced significant additional funding, with the support of the Executive. To date, extra allocations of £6.9 million have been made to the Education Authority (EA), earmarked for special educational needs pressures arising from COVID-19 and Education Restart. I have asked the EA to continue to monitor funding requirements as the pandemic progresses, in order to inform potential departmental bids for additional resources.

Mr Buckley: I know that the Minister fully appreciates the devastating impact that COVID-19 has had on children with special educational needs. He will join with me in appreciating the tenacity of the children and the teachers and parents who look after those young people. Will the Minister provide an update on the transformation and improvement programme of special educational needs services?

Mr Weir: I am happy to do so. The Member mentioned teachers and parents. As we move towards Christmas, I want to place on record my thanks and appreciation — as I have done before, particularly for those in special educational needs but across the board — for parents, principals, teachers and all educational staff who have ensured that education continues.

Specifically on the question that the Member asked, the SEN governance group was established in September to maintain strategic oversight of the implementation of improvements being made in the EA and the Department. Considerable criticism has been levelled in the various reports that have been produced, and it is important that those are answered strategically.

The EA recently established a programme of improvements through its SEN strategic development programme, which provides a single coordinating governance structure for the SEN transformation agenda across Northern Ireland. The programme not only draws together ongoing multi-agency SEN development work but defines a single strategic plan to address the wide-ranging recommendations for changes that have resulted from various review reports over the past few years, including the 2020 Northern Ireland Audit Office SEN report, the

SEN learner journey recommendations and the recent report by the Northern Ireland Children's Commissioner.

Mr Dickson: Minister, can you explain why the school restart fund does not apply to special schools? Is the failure to apply the fund to special schools an act of discrimination against special schools?

Mr Weir: No, it is not. Perhaps I am being a bit pedantic, but the Member may be referring to the Engage programme rather than restart. The restart fund is the wider package of measures that is being taken into account. As I indicated, £6.9 million of restart funding is directly for special educational needs. The Engage programme is £11.2 million of funding and is targeted at mainstream schools. As a more one-to-one intervention is required in special schools, I have instructed the EA to work directly with special schools to make provision of a similar nature to the Engage programme. Given the budgeting, the Engage programme has been delegated to schools. As the Member will also be aware, budgets for special educational needs are not devolved to the schools but are dealt with at EA level, which is why I have instructed the EA. There is a good argument for a lot more flexibility with the budgets. With the Engage programme, the flexibility on how that money is used is devolved to individual schools. Needs will be met directly in special schools, but the budget will come through the EA rather than the Engage programme.

Ms Mullan: Minister, the Education Committee heard evidence a number of weeks ago that suggested that the Department of Health had not fulfilled its obligations to cooperate with the Education Department on children with special education needs. Can the Minister assess the current levels of cooperation between the Education and Health Departments to support children with special education needs?

Mr Weir: To be fair, while the Committee Chair and I will often clash, he made reasonable suggestions to develop better stakeholder engagement and a reference group for vulnerable children. I am trying to take the suggestions forward with officials. As the Member suggested, that cannot happen purely in the Department of Education, and it requires cooperation.

Much of the Member's question would be better answered by the Health Minister. However, good work has been done and the situation is beginning to improve. There is no doubt that turning aspirations into real cooperation can be challenging at times and requires a continual effort. It can be brought forward as the consultation on the SEN regulations comes to an end, and the code of practice will be allied to the regulations. The code of practice will be a driver to improve what we can do for our young people with special educational needs.

Mr Allister: Extra resources in this area are very welcome. However, does the Minister agree that there needs to be better alignment between the release of resources and further improvement of the statementing process? The current targets are still disappointing. You can have all the resources that you like, but if the kids are not statemented, you are not marrying the two, and that is where the solution lies.

Mr Weir: I agree with the Member up to a point. As with all issues, resources are required to do certain things. Resources, in and of themselves, are not the complete

picture. I do not have the figures to hand, but timescales for the statementing process have improved considerably. They started from a very poor base a year or two ago and have reduced considerably.

I see somebody shaking their head from a sedentary position, who clearly does not have the figures in front of them either. I revealed the figures at my previous Question Time.

Before the Chair gets a little bit paranoid, I will say that I am not accusing him. For once, he is an innocent man. The figures suggest very long-term waits. For example, a number of months ago, a number of children were waiting, say, more than a year and a half for a statement. That is no longer the case. There have been reductions in all those elements. It is about making that progress.

The Member is right about alignment, and the purpose of the SEN regulations is to try to get a much more joined-up approach. That is why they are out for consultation. It is important that we can move ahead with those as soon as possible and do as much as we can with the resources that are there.

Nettlefield Primary School

5. **Mr Stalford** asked the Minister of Education for an update on capital works at Nettlefield Primary School. (AQO 1306/17-22)

Mr Weir: I thank the Member for his question. As Nettlefield Primary School is a controlled school, the Education Authority is responsible for minor capital works there. It has advised that, subject to the availability of funding and prioritisation of other works, consideration is being given to progressing minor works at the school. I know that the Member takes a close interest in Nettlefield, and I believe that it was one of the schools that the permanent secretary and I visited pre-COVID, which seems a long time ago. Specifically, in the next financial year, the EA is looking to progress minor works relating to the toilets and the roofing, and I know that there is a danger with the windows. The concrete steps outside the school office could also prove to be a hazard. All those matters are being considered for progression by the Education Authority, which will deal with the operational side of it.

Mr Stalford: I declare an interest as a past pupil of Nettlefield Primary School. I am grateful to the Minister for his answer. The Minister knows that this is a unique building. I think that it is a listed building, which complicates the process of making improvements to it. The Minister has seen the state of some of the rotten window frames and the general poor state of some parts of that building. Please, will he do everything in his power to process this as quickly as possible and get the work carried out? The school really needs it.

Mr Weir: I appreciate that. One of the restrictions has been the school's listed status, which is not unique to Nettlefield. For some buildings, listed status is not, with the best will in the world, preserving great Georgian architecture but is, at times, holding back measures that need to be taken to improve health and safety. The EA is cognisant of the issues at Nettlefield. The problem is that, when the last call was made for minor works, there were around 6,000 applications, about 600 of which have been

funded so far. There is a lot of demand out there, but I can give the assurance that the EA will take it seriously and that the Member being a past pupil of Nettlefield will in no way disadvantage the school. *[Laughter.]*

Mr O'Toole: I welcome the Minister's answer. Although I am not a past pupil, Nettlefield clearly has real issues. It is a notable building, and it really needs the work that my South Belfast colleague has asked for.

May I ask a brief question on the broader capital budget of the Department of Education? Given that it has been a unique year for getting capital spending out the door, has the Minister had any conversations with the Finance Minister about ensuring that the capital allocation that sits with you this year will be spent in-year and none of it will be handed back?

Mr Weir: I understand that, and I think that the Department was well aware of that. For instance, some money has been released, after discussions with DOF, to the EA for issues such as the procurement of additional bus allocation and a range of other procurements. I appreciate that there was disruption, particularly around the spring, to capital spend. We have caught up on some of that. On the broader budget, as we move towards 2021, the situation with capital resources will still be very tight across the board, but I had very useful conversations with the Minister of Finance yesterday on the broader budgetary issues covering both resource and capital demand.

Mr Nesbitt: I am sure that the Minister will join me in congratulating Nettlefield on surviving the many challenges that it has faced down the years. I understand that the Minister has visited West Winds Primary School, which is in the constituency that we both serve. Will he join me in congratulating the senior leadership team on the energy that it has brought to school life? Will he support that team's desire to see the same infrastructure improvements in that school as have been seen in other primary schools in the area in recent years?

3.15 pm

Mr Weir: I certainly congratulate the school on its hard work and success, not just under its current principal but under its previous principal. It has been success story and a particular beacon of light.

For people who are checking the Register of Members' Interests, I should perhaps indicate that I visited the school in my capacity as an MLA for the area, as I think the Member did as well, rather than in my capacity as Minister of Education. I was able to view some of the school's challenges and some of the improvements that need to be made to its physical infrastructure. Speaking as an MLA, I am very much in favour of those improvements. Indeed, I want to see the best possible availability of space and construction for all our pupils, not just in the great constituency of Strangford but beyond the constituency and throughout Northern Ireland.

Ms Brogan: I thank the Minister for his update on Nettlefield Primary School. Can he provide an update on the Strule shared education campus in Omagh, which is in my constituency of West Tyrone, please?

Mr Weir: I should first say that this is the Member's first Education Question Time. I will see her tomorrow at the Education Committee, and I welcome her to her place.

Work is continuing on that. Recently, I have taken a position to the Executive, and the Executive all agreed that we need to move ahead with Strule. There is still some work to be finalised between the Department of Finance and Treasury. Without breaking any confidentiality, I was able to raise the matter directly with the Finance Minister yesterday, and the Department of Finance is pushing ahead. We need a final position from Treasury to confirm all of that, however. It is probably the biggest capital project that Northern Ireland has ever undertaken, and there is a strong determination, not just from the Department of Education and me as Minister of Education but from the whole Executive, to carry on to make sure that the campus is brought to fruition.

Mr Lyttle: Can the Minister outline the monetary scale of the maintenance backlog across Northern Ireland?

Mr Weir: I do not have those figures directly to hand, but I will be happy to provide them to the Member.

Mr Speaker: That ends the period for listed questions, Members. We now move on to 15 minutes of topical questions.

Independent Review of Integrated Education

T1. **Mr Lunn** asked the Minister of Education whether he has read the excellent report on the independent review of integrated education and, if so, whether he has any initial comments to make on its recommendations. (AQT 811/17-22)

Mr Weir: Yes, of course I have read the report. Indeed, I had to take some imaginative action to make sure that it was published on time in the previous mandate. I think that its final version was produced during the period of purdah, so I had to make sure that it was able to be released. In order to cover the situation in which we are not supposed to release anything during purdah, I remember that the report had to be released at a quarter to 10 on election day in 2017.

As I said, yes, I have read the report. A number of its recommendations have been put in place. The report refers to the fact that, where there are outstanding recommendations, a number of them are part of a wider picture and some may not be 100% appropriate, but the consideration of that is in the wider revised draft terms of reference that hopefully will form part of the independent review. I have submitted a paper to the Executive on that. Any independent review would take forward anything that is outstanding from that.

Mr Lunn: I thank the Minister for his answer. I refer him to recommendation 17, which suggests that his Department should be more proactive in advising schools about the transformation process. Is he satisfied that the Department, historically, has delivered on its statutory obligation to facilitate and encourage integrated education?

Mr Weir: I should say that, although history was one of my favourite subjects at school and is something that a lot of politicians in Northern Ireland will always get accused of being immersed in, I do not really think that there is a great deal of point in trying to decide retrospectively what should have happened five years ago or 10 years ago. Trying to meet the challenges of where we are now is probably the more appropriate response. As I indicated, as part of

the outstanding recommendations, we will look at what is appropriate to be put in place. How it can be put in place will lie with the independent review, which hopefully will soon be initiated.

Pupils' Mental Health and Well-being: Funding

T2. **Ms Flynn** asked the Minister of Education, after welcoming his recent announcement of £5 million for schools to support pupils' mental health and well-being, albeit that £1.5 million came from the Department of Health, to state whether £5 million was sufficient and to outline whether he plans to submit further bids. (AQT 812/17-22)

Mr Weir: I thank the Member for her question. There are actually two funds, and she may be slightly mixing up the two. Of the £5 million that was recently allocated, £4.75 million was directly for schools; the other £0.25 million was for the Youth Service, because obviously there were gaps there. That was specifically money that I had put forward a proposal for. The Executive endorsed that and provided it via the COVID side of things.

With regard to the £1.5 million that the Member referred to, there are plans to have a wider, embedded £6.5 million in addition to the £5 million. The £6.5 million is for mental health and well-being, with that contribution from Health because of the crossover issues. The aim is for that to roll out in the new year.

There may be some possibilities to look at what can be done next year and, while COVID funding will still be available in 2021-22, I am sure that the Finance Minister, if he was here, would indicate that it is roughly about a quarter of what it was in total. There is still the possibility to bid for further COVID money, but the aim is, in addition to the COVID money, to have something secured within the Budget on a rolling annual basis.

Of the original £6.5 million, as this is the first year of additional funding, some of that will be through pilot programming. We have to see what works in practice. What may work in West Belfast may not work in West Tyrone, or what works in a primary school may not work in a special school or a post-primary school. Part of it will be testing out and then trying to embed what is very successful and, perhaps, shift resources.

Ms Flynn: I thank the Minister for his response. Will the Minister also outline the time frame for the delivery of the emotional health and well-being framework? Will he commit to making this an urgent priority in the new year of 2021?

Mr Weir: The framework will try to marry the two issues, so it will be early in the new year for both.

Ards: Post-primary Provision

T3. **Miss McIlveen** asked the Minister of Education, after declaring an interest as a governor of Nendrum College, Comber, for an update on any discussions that are being held about controlled post-primary provision in the Ards area. (AQT 813/17-22)

Mr Weir: I thank the Member for her question. As the Member is aware, there has been pressure on places, particularly at some post-primary schools in the Ards area, in recent years. In light of this, 90 extra places were

allocated across the Strangford constituency in advance of the 2020 process. We tried, to some extent, to get ahead with that. There will be some reduction in pressures in 2021 because a smaller cohort will be transferring. In addition, I have put in an initial 10 places in advance of 2021, but my Department stands ready to allocate further temporary variations. For permanent change, a development proposal would need to take place.

To try to judge where the pressures are in the area, I want to look at a new policy of rightsizing and normalisation, as it is called, across the board in Northern Ireland. If a number of schools, for instance, have year-on-year issues with getting temporary variations, that can be taken into account. Legally, the definition for a development proposal will be a significant change. However, it strikes me that, where there are scenarios that are simply reflecting what has happened on the ground, that will need to be put into place. With regard to any specific development proposal, that will come as a legal process that I, as Minister, and the Department will have to give a direct verdict on. I cannot comment on any individual development proposal.

Miss McIlveen: I thank the Minister for his response. Parents and pupils are keen to have provision for post-16 education at Nendrum College, and Glasyry College is long overdue a new build. Will the Minister provide an update on what consideration is being given to those projects?

Mr Weir: At the moment, it would be a significant change if we were to move to the scenario where either school has sixth-form provision as opposed to school ending for pupils at age 16. I do not have any particular problem with that per se, but it would come as a development proposal (DP).

As for the current situation, any development proposal would need to come through the managing authority. At present, there have not been any published DPs for Nendrum College or Glasyry College from the EA. If that were to be considered, it would have to be initiated through those organisations. It may be that it has, again, been overtaken by other events. The Member may want to raise that directly with the new chair of the Education Authority, Mr Barry Mulholland, whose appointment was announced today.

SEN Framework: Time Frame

T4. **Ms Rogan** asked the Minister of Education to outline a time frame for the full implementation of the new special educational needs (SEN) arrangements, given that we are all too aware of the shortcomings in recent years in the administrative and operational processes involved in the provision for SEN children, albeit that the new SEN framework and the associated regulations in the code of practice will hopefully represent a new beginning in supporting those children and their families. (AQT 814/17-22)

Mr Weir: The current arrangements, the terms of the SEN regulations and the code of practice are things that all of us would welcome. The fine details are out for consultation, which will finish before the end of Christmas. I hope to move ahead with that in as full a way as possible as soon as I can.

The only issue, which, again, I urge Members around the Chamber to support me on, is the requirement for a significant financial investment. In this year's Budget, around £7.5 million was directly allocated to that. A full-

year cost will be £30 million. Therefore, resources will have to be either provided or found. To some extent, the speed of movement on that will depend on the wider financial settlement that we are able to reach. I believe that the Finance Minister is hoping to bring proposals on draft Budgets to the House fairly soon.

To be fair to the Finance Minister, we are potentially going to be in quite a difficult situation across the board next year because, effectively, once you take out particular elements of COVID, or at least one major ring-fenced element, the financial settlement that will be provided to the Executive is likely to be pretty close to flatlined cash, which will make things very difficult. Implementing the SEN regulations is a priority and a critical commitment, and I will do everything that I can to move them as fully and as fast as I can.

Ms Rogan: Minister, you may be aware that in the Downpatrick area of my constituency of South Down there is a serious shortage of special school places. I take this opportunity to commend the great work and leadership of Knockevin Special School. It is well oversubscribed, indicating that there is a need for increased provision in our area. Will the Minister commit to looking into that in order to ensure that provision is available for local families in the area so that they do not have to travel miles for a suitable placement?

Mr Weir: Again, there is always a bit of a balance to be struck in trying to ensure that people do not have to travel too far while ensuring that there is an element of specialist quality. As with anything, if you simply spread that too thinly, you do not get the quality. If there was to be, for instance, extra provision directly either through additional schools or units, in the first instance, that would be for the EA. If it requires a development proposal, that would be something that I, as Minister, would have to sign off on, but, certainly, we want to make sure that every provision is made for our special educational needs students.

TIMSS: Mathematics

T5. **Mr K Buchanan** asked the Minister of Education, given that he will be aware of the trends in international mathematics and science study (TIMSS) report that lists Northern Ireland's position in mathematics, to give his opinion of that good report and Northern Ireland's placing. (AQT 815/17-22)

Mr Weir: Certainly, I welcome that report. In the dark days that we have had, it is fairly good news. In the TIMSS report that was published today, in mathematics, we are the seventh-highest performer in the world among those who were submitted. I think that around 58 countries were put in. Of those countries that are wholly in Europe, we were the top European country. I suppose that I will do this on a cross-community basis and say that we significantly outperformed pupils in England and the Republic of Ireland in that subject.

In science, there was also a strong performance, with about 18 countries ahead of us and 28 below us. It should be remembered that some jurisdictions did not participate in TIMSS, possibly because of a suspicion that they would not get the result that they wanted. That makes our position even more impressive.

The findings emphasise that year 6 pupils in particular in Northern Ireland experience high academic success, that

there are very few problems with school discipline, and that classrooms are safe and orderly. It is the case — this is a lesson as well — that the most successful countries are those with the smallest gap between those at a socio-economic advantage and those at a socio-economic disadvantage.

While there is a great deal of work to be done on that in Northern Ireland, it is noticeable that our figures show that, for maths and science, the gap between affluent and socially deprived children was considerably lower than it was for our international comparators involved in TIMSS. That shows that, in many ways, there has been a lot of good work, but, of course, there is a still much good work to be done.

3.30 pm

Mr Speaker: There is about a minute left for a supplementary.

Mr K Buchanan: I thank the Minister for his answer. Given how difficult it has been this year with regard to digital learning, online learning etc, what is the Minister's opinion of the TIMSS findings on learning by digital means?

Mr Weir: The TIMSS findings showed that we are considerably ahead of our international comparators. There are issues — I know this from the previous Question Time — with ensuring that there is broadband availability, and there is always more that can be done. What it showed was that 96% of students here had access to a computer or tablet, which is well ahead of our comparators, although that does not necessarily mean that those students have individual access at home. To cover the situation, particularly during lockdown, more than 10,000 devices have so far been provided to our most disadvantaged and vulnerable learners. However, there is further work to be done.

Looking at the independent report and the comparisons with other jurisdictions, we see that we are well ahead of the international average. I should indicate that many very affluent economies throughout the world took part in TIMSS, so Northern Ireland was not being compared with countries that always have difficulties in that regard.

Mr Speaker: Time is up. Members, please take your ease.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

Northern Ireland Assembly Commission

Assembly Staff: COVID-19 Mental Health and Well-being

1. **Dr Archibald** asked the Assembly Commission to outline the measures it is taking to support the mental health and well-being of Assembly staff during the COVID-19 pandemic. (AQO 1317/17-22)

Mr K Buchanan: I thank the Member for her question. The Assembly Commission has a strong focus on the health and well-being of staff, and that is a key aspect of the Commission's corporate strategy and corporate plan. The Commission also has a health and well-being framework and a wide range of health and well-being resources on the Assembly's intranet.

During the COVID-19 pandemic, the Commission issued three regular weekly communications to keep in touch with staff, as many were working some or all of the time from home. Each week, "Well-being Wednesday" communications were issued to promote a wide range of resources on health and well-being topics.

The Commission's employee assistance programme continued to be available throughout the pandemic. Under that programme, staff can avail themselves of 24/7 counselling, online training, and access to a range of electronic resources covering health and well-being topics. The Commission has 18 staff trained as mental health first-aiders, and our learning and development team regularly promote activities to assist staff with managing their health and well-being. The Commission will continue to support and promote the good mental health of its staff throughout the pandemic and beyond.

Dr Archibald: I thank the Member for his answer. It is welcome to hear about those resources. Does the Member agree that the Commission has a duty to ensure that staff are looking after not only their physical health but their mental health and well-being, especially given the added pressure that many have faced as a result of the pandemic and the extra workload that they have been carrying?

Mr K Buchanan: Yes, I agree that the Commission has a duty of care to its members and, moving on from the staff in the Building, to the personal staff of MLAs, whether they are in the Building, working remotely or in constituency offices. The Member might be interested to hear that the Clerking and Member Support Office is exploring the delivery of electronic courses on mental health awareness through the Northern Ireland Civil Service online training platform. These short training courses will be available to all Members and their staff. So, it will be available not only for Members in the Building but all staff, whether they are employees of the Commission or our own direct employees.

Ms Hunter: I thank the Member for being here today to answer questions. What steps is the Assembly Commission taking to encourage further uptake of the specific mental health support offered by the Commission during the pandemic?

Mr K Buchanan: I will need to get written clarity on some parts of that for the Member. If you are happy, the Commission will write to you to give you more information.

Youth Assembly: Update

2. **Mr Carroll** asked the Assembly Commission for an update on the Youth Assembly. (AQO 1318/17-22)

5. **Mr Lyttle** asked the Assembly Commission for an update on the Youth Assembly. (AQO 1321/17-22)

Mr O'Dowd: With your permission, Mr Deputy Speaker, I ask for an additional minute, as I will answer question 2 and question 5 together.

I thank the Members for their questions. As Members will be aware, the Speaker, on behalf of the Assembly Commission, announced the establishment of an Assembly-supported Youth Assembly in July 2020. Since then, work has been under way to put in place detailed arrangements for the establishment of the Youth Assembly. A number of important developments have occurred, and I will outline some of those for Members.

Two members of staff from the Assembly's Education Service were appointed to take forward the work. They have been joined by two youth participation officers, who started work on 30 November. The Speaker is establishing an advisory group to give the Commission access to advice, including from the youth sector, as it takes further significant decisions. The group will be advisory, as opposed to having decision-making powers. A young person's Youth Assembly co-design panel has been established to help co-design some of the practicalities relating to the Youth Assembly, notably around recruitment and selection, induction and communication. Up to six virtual sessions of the co-design panel have been arranged for December — one has already taken place. Once all the sessions have been held, staff will write up the outcomes and findings and bring them back to the panel in January to allow it to finalise its thoughts and recommendations. Work continues on awareness raising. A Youth Assembly web page and online social media presence have been created; emails have issued to the youth sector, schools, further and higher education colleges, youth organisations and sporting organisations, and over 640 people have signed up to a Youth Assembly mailing list.

Looking ahead, it is hoped that the report of the co-design panel's findings on recruitment and selection will be available for presentation to the Assembly Commission by the end of January. Not surprisingly, the COVID-19 pandemic has had some impact on progress to date and may yet slow the pace of progress. However, as previously said, the Assembly Commission is determined that the Youth Assembly will be established and operational as soon as possible. The Speaker has said that he looks forward to hosting the first formal plenary session of the Youth Assembly in the Assembly next year, hopefully before the summer.

Mr Carroll: I thank the Member for his detailed reply. I will probably forward some Assembly questions on the information that he supplied.

Does the Member agree that we need legislation to ensure that the Youth Assembly is a permanent feature and is not dependent on or subject to Assembly time or budgets? He talked about the advisory group and co-design panel. Does he agree that we need to ensure that young people set the agenda and the methodology via some form of youth steering panel to include those young people from the NI Youth Assembly who have lobbied to participate?

Mr O'Dowd: I thank the Member for his further questions. He will be aware, from even the information that I gave him, that the Commission is keen to have young people design the Youth Assembly from the outset and to bring back their recommendations, and for the Commission to be directed by young people rather than the Commission directing young people. In terms of legislation, the Commission will await the recommendations of the advisory groups and will move from there.

Mr Lyttle: The Alliance Party has supported the campaign to give a voice to young people throughout my time as an MLA, so I welcome the long-overdue progress that has been made on the establishment of a Youth Assembly. How are its members likely to be appointed, and in what way will they be able to interact with the procedures of this Assembly?

Mr O'Dowd: I thank the Member for his question. Again, those matters are for the panels that will advise the Commission. We do not want to set out what will happen ahead of the panels having their discussions and making recommendations to the Commission. This is youth-focused. They are planning it, they are bringing it forward, and the Commission will then roll out the recommendations.

Ms Rogan: The Member outlined the actions that the Commission has taken. What actions will it take to ensure that the Youth Assembly is inclusive and representative of our increasingly diverse society?

Mr O'Dowd: I thank the Member for her question. The extent to which the consultation has taken place thus far shows how the Commission has reached out. Over 640 people have signed up to be contacted about Youth Assembly matters. I listed some youth sectors earlier, and the following organisations have been invited to nominate to the Youth Assembly's co-design panel: the National Children's Bureau, Boys and Girls Clubs, uniformed organisations, the Uniform Youth Work Hub, Girlguiding Ulster, Scouts NI, the Girls' Brigade, the Boys' Brigade, Cara-Friend, Disability Sport NI and Disability Action. That is quite a broad range of organisations and representative bodies that have been contacted to input into the design of the Youth Assembly.

Mr Humphrey: The Member has answered part of my question. I declare an interest as a member of the Scout Association. Uniformed organisations have a hugely important role in Northern Ireland: the Scouts, BB, GB and Guides. It is important that their role and contribution to society is reflected in the Youth Assembly, which must be reflective and representative of Northern Ireland society. How can we ensure that that happens?

Mr O'Dowd: As the Member said, we have contacted a broad range of uniformed organisations, which play an important role in our society and, over the recent period of the COVID pandemic, have shown the volunteering spirit of many young people. Again, I emphasise that this is down to the design panel. It is meeting and discussing, and young people are engaging on what the Youth Assembly will look like, so let us wait for its recommendations and move forward from there.

Assembly Staff: Minimum Breaks

3. **Miss Woods** asked the Assembly Commission for its assessment of the management of the minimum breaks requirements of the Working Time Regulations (Northern Ireland) 2016 for Assembly staff in Parliament Buildings. (AQO 1319/17-22)

Mrs D Kelly: I thank the Member for her question. The management of the requirements arising from the Working Time Regulations (Northern Ireland) 2016 for Assembly staff is addressed in the Assembly Commission's staff hours at work policy. The purpose of the policy:

"is to establish a fair, equitable and consistent approach to the recording and management of hours worked across the business".

The policy advises that staff:

"will normally take a lunch break of at least 30 minutes each day (this break must be recorded)."

The policy states:

"It is important to remember that if you work more than six hours, under legislation a break of at least 20 minutes must be taken. This break must be taken during the working period and not at the start or end of it."

The policy also states that staff:

"must have a break of at least eleven hours between finishing work one day and starting work on the following day".

It is the responsibility of staff and their line managers to ensure that that requirement is met. By way of example, the policy records:

"if you work until midnight to cover a late plenary, you should not start work until at least 1100 the following day."

Staff record their hours worked, including breaks during the working day, in a personal electronic record, which must be reviewed by their line manager at least monthly. For Assembly staff who work in a shift pattern, the shift rota is developed to comply with the legislative requirements.

3.45 pm

Miss Woods: I thank the Member for her answer. The Member touched on this, but she will be aware that, in recent weeks, plenary sittings have gone on into the wee hours of the morning. As she outlined, under the working-time regulations, workers are entitled to a rest period of not less than 11 hours in each 24-hour period during which they work for an employer. Will the Commission ensure that staff who are here until 3.00 am are not back at 8.00 am or 9.00 am?

Mrs D Kelly: I thank the Member for her supplementary. The Member can be assured that both the Assembly Commission and the Business Committee are very mindful, when setting the weekly business agenda, of trying to comply with a decent finishing time, although, of course, there are debates without time limits. The Speaker is bringing forward a paper to look at options that might be available to the Business Committee and the Commission in the orderly taking of business without constraining Members' scrutiny and ability to ask questions, and to outline their responsibilities in relation to legislation. There is no doubt that late plenary sittings can lead to operational difficulties for a number of business areas in the secretariat. The heads of business and line management are committed to working with their staff to ensure that, as far as possible, they have breaks in accordance with legislation and Assembly Commission policy. Given the shortness of this mandate and the legislative programme before us, I assure the Member that the Commission and the Business Committee are very alert to the working time directive.

Ms Dolan: To ensure that staff get their breaks and time away from their work stations, does the Commission need to recruit more staff or review work practices?

Mrs D Kelly: I thank the Member for her supplementary. The Assembly Commission is absolutely committed to the full and effective implementation of all legislative

requirements. Any member of staff who does not feel that he or she has received a break as set out in the working-time regulations should raise that matter, in the first instance, with their line manager. However, as the Member knows, during suspension, a lot of staff were redeployed across different Departments. The number of Assembly staff in the Building is below the required number. An extensive recruitment exercise is ongoing, so we hope to be in a position to fill all posts over the coming months.

Mr Deputy Speaker (Mr McGlone): As the Member who was due to ask question 4 is not in her position and question 5 was grouped with question 2, anois bogaimid go dtí uimhir a sé agus iarraid ar Mhaolíosa Mac Aodha ceist a chur, I call Maolíosa McHugh.

Assembly Staff: COVID-19 Working Arrangements

6. **Mr McHugh** asked the Assembly Commission to outline the criteria used to decide whether Assembly staff are required to work in Parliament Buildings or from home during the COVID-19 pandemic. (AQO 1322/17-22)

Mr Blair: I thank the Member for his question. Throughout the pandemic, the Assembly Commission, like other responsible employers and in keeping with all regulations and guidance, has sought to ensure the health and safety of all users of Parliament Buildings, including Assembly staff. Specific measures include visible guidance on the management of risk through effective hand-washing, the implementation of social-distancing measures, an enhanced cleaning regime, and expediting and using a widespread policy of working from home, where that is possible.

In the early stages of the response to the pandemic, the Commission was also acutely aware of the specific issue of staff who were at increased risk of severe illness from COVID-19 and the need for them to be particularly stringent in following social-distancing measures. For that reason and in keeping with the guidance in place at that time, staff with specific underlying medical conditions were not required to travel to work.

As the regulations and guidance have evolved, the underlying criteria that are used to decide whether staff work in Parliament Buildings or at home have remained largely the same. Those are, first, whether the work of the Assembly requires the attendance of members of staff in Parliament Buildings. If so, those members of staff will attend Parliament Buildings safely and securely. That situation arises for staff from a range of business areas. Secondly, if attendance is necessary only on specific days or for part of a week, many business areas have implemented a rota system to ensure coverage of Assembly business while mitigating the risk of COVID-19 infection. Thirdly, if the work of the Assembly does not require attendance at Parliament Buildings, members of staff can work from home if their duties are amenable to homeworking. The Commission will continue to ensure that all services required by the Assembly are delivered while safeguarding the health and safety of staff.

Mr McHugh: Thank you for your answer. It would appear that, during the latest lockdown, a significant number of staff continued to work on-site, particularly on the fourth floor. Why was that?

Mr Blair: The figures show that, from a staffing body of just under 345 full-time equivalent members of staff, the nature of their tasks is such that some 290 full-time equivalent members of staff are able to work from home for all or part of the time on their own device or on a device provided by the Commission.

The number of staff working from home on a particular day will vary, depending on the nature of Assembly business and on the need for a physical presence in Parliament Buildings. For example, on Mondays and Tuesdays, the number of staff working from home will fall, as there is a need for staff to help facilitate plenary business on those days. Similarly, staff will be needed to facilitate Committee meetings on Wednesdays and Thursdays each week. There is less need for staff to be physically present in Parliament Buildings on Fridays when there is no plenary sitting or Committee business, and, hence, the number of staff working from home can be greater.

Mr Humphrey: Last Thursday, the permanent secretary of the Department of Finance and the head of the Northern Ireland Civil Service HR division were before the Public Accounts Committee and discussed that very issue. One of the points that a number of Committee members made was that the targets, deadlines and productivity of staff working remotely have to be managed. Is the Commission convinced that that has happened and continues to happen?

Mr Blair: During the COVID-19 period, the Commission surveyed staff on their well-being and on the communications that they had received. I think that we will come to that in a later question. The findings of that survey showed that the vast majority of staff felt that they were able to work effectively from home and were trusted to do so.

Mr Deputy Speaker (Mr McGlone): Mr Beattie is not in his place to ask question 7. Anois bogaimid go dtí uimhir a hocht. I move on to question 8.

Assembly Staff: Family- and Carer-friendly Working Hours

8. **Ms Brogan** asked the Assembly Commission to outline the action that it is taking to provide family- and carer-friendly working hours for Assembly staff. (AQO 1324/17-22)

Mr K Buchanan: I thank the Member for her question. The function of the Assembly Commission, as set out in section 40(4) of the Northern Ireland Act 1998, is to:

“provide the Assembly, or ensure that the Assembly is provided, with the property, staff and services required for the Assembly’s purposes.”

The working hours for most staff employed by the Assembly Commission will therefore be directly related to the working hours of the Assembly. A notable exception to that requirement is the working hours for staff who maintain a 24-hour security presence in Parliament Buildings.

For the vast majority of staff, working hours are dictated by the working hours of the Assembly. Those working hours, most notably the duration of sitting days or the scheduling of Committee meetings, are not in the gift of the Assembly Commission. Sitting times are the preserve of the Business Committee, while the scheduling of

Committee meetings falls to each Committee. I am aware, however, that the Speaker has agreed to come back to the Business Committee with a range of options for how business might be better managed, given the heavy programme of legislation that is expected towards the end of the mandate.

Although the Commission has no role in setting the working hours of the Assembly, it has a range of policies and procedures in place, including a staff-hours-at-work policy and a flexible working policy that have enabled approximately a quarter of all staff to utilise flexible working patterns to facilitate better family-friendly or carer-friendly working patterns.

Ms Brogan: Although I am very much a newcomer to the Assembly, I am aware that recent debates have gone on until 2.00 am.

While the democratic scrutiny of legislation is crucial, is it not the case that a few Members making long, uninspiring and, at times, repetitive speeches means that there is, at times, more hot air than scrutiny? The resulting long sittings make the legislature a less than family-friendly environment for staff and MLAs to work in. In the light of such prolonged debates, how does the Commission envisage encouraging all Members to be conscious of their responsibility to each other and to the staff who support our work here?

Mr K Buchanan: I thank the Member for her question. She is more than welcome as a new Member to the Chamber. Indeed — in her words, not mine — some Members may take the long road round, or, as the Speaker said previously, they take the detour. That having been said, two weeks ago, I believe, the issue was discussed at a meeting of the Business Committee, of which I am a member. We do not want to deter or stifle debate. However, sometimes, some Members — and I would not dare to look around the Chamber to indicate who — may use an extremely long sentence when a short sentence would do. The Business Committee has discussed the issue and the Speaker is going to look at it with regard to controlling debate. I appreciate that, when it goes on until 2.00 am or 3.00 am, it is not family-friendly in any way. The matter is in hand at the Business Committee and not the Commission.

Mr Catney: As an ex-employer myself, I thank the Member for his answers so far. When was the last time that the Commission surveyed staff for their views on working conditions at the Assembly?

Mr K Buchanan: I thank the Member for his question. I am not actually sure of the answer. However, I have no doubt that my colleagues in the Box will take note of the question and write to the Member on that. If he is happy with that, we will get clarity for the Member.

Parliament Buildings: Emblems, Paintings and Artefacts

9. **Ms Flynn** asked the Assembly Commission to outline the action it is taking to ensure the display of emblems, paintings and artefacts in Parliament Buildings, and its immediate environs, are representative of all the people the Assembly serves. (AQO 1325/17-22)

Mrs D Kelly: I thank the Member for her question. I understand that the Commission has considered that issue

on a number of occasions over the years. Progress has proven difficult for a range of reasons, including that it has not been possible to obtain suggestions of items that are available to meet those objectives or, indeed, to achieve political agreement. Most recently, the Commission considered a request for a permanent display of some of the artefacts that it owns, including some that are currently kept in storage. The Commission was unable to reach consensus on that request but agreed that officials should explore whether there were artefacts available for loan from other places that would add balance to ensure that any display reflected the entire community. Initial contacts by officials were unsuccessful in identifying potential objects. The work was then paused as priority was given to re-establishing the Assembly in January 2020 and then to managing business in the context of COVID-19.

The Commission discussed the issue at its last meeting and agreed that it is an important piece of work. Officials are in discussions with Dr Eamon Phoenix in order to try to identify potential artefacts that might be more reflective of the entire Assembly, and be available for loan, which could be added to those owned by the Commission. Assuming that potential items can be identified, officials intend to develop a range of options for the Commission to consider.

Ms Flynn: I thank the Member for her answer. Does she agree that, given that we are 22 years on from the signing of the Good Friday Agreement, which promised equality and mutual respect, now is the time for the Commission to agree that any display of paintings, artefacts and symbols throughout the Building should reflect and be representative of all the citizens and the diverse society that the Assembly now serves?

Mrs D Kelly: I thank the Member for her supplementary question, which touches on a couple of areas, one being a perceived imbalance — some might say a very real imbalance — with regard to the symbolism of the Building. The Member will understand that there are different views within the Commission on that issue. The Building was influenced by the history of the time when it was built. Some might argue that it is less reflective of the current Assembly since 1998, although some of the additions of recent years, including the portraits of former office holders and those of Seamus Heaney and CS Lewis, are more representative of the current make-up of the community. It would be misleading if I told the Member that I expect it to be easy to take those issues forward in an agreed way. However, it is, at least, positive that the Commission has agreed to look at the area further.

4.00 pm

There was 14-week public consultation on equality and good relations in that context, and the Commission approved the 2016-21 good relations action plan on 15 November 2016. That five-year plan set out how the Commission proposes to fulfil its duty under section 75 of the Northern Ireland Act 1998 to:

“have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.”

The plan contains a number of actions and anticipated outcomes that may relate to Ms Flynn's original question, such as the consideration of new art initiatives to allow

opportunities to reflect the wider community in Parliament Buildings.

Mr Allister: If new artefacts are found, will those, too, be hidden away in storage at a cost of £12,000 a year, or is that reserved only for existing artefacts? When will the Commission catch up with our history and agree to an exhibition of artefacts that it owns in order to coincide with the centenary of Northern Ireland?

Mrs D Kelly: The Commission, many Members and political parties are very sensitive to what is called the decade of centenaries, and we have tried to take a mature and respectful approach to it. The Commission has agreed principles for centenary events that require them to be organised in an inclusive, politically sensitive and respectful way that takes account of different perspectives. The Commission is due to have further discussion at its next meeting about how the centenaries in 2021 will be marked. Those events will be consistent with the principles and are required to be agreed by consensus.

Mr Humphrey: Given the Member's response that the Commission has been unable to reach agreement on the display of artefacts, emblems and paintings in Parliament Buildings, what position has the Commission taken on some of those going out on loan, particularly next year as Northern Ireland celebrates its centenary, which is important to many of us?

Mrs D Kelly: The Member makes a valid point. There are different views in the communities, and there will be some for whom the centenary of Northern Ireland is much more important than for others and is something to be marked. The Commission is meeting tomorrow, and I give an undertaking to have that point tabled and an answer to go back to the Member directly.

Mr McCrossan: I welcome the question and thank the Member for bringing it and for the Commission member's answers to them. Has the Commission given any consideration to a lasting monument or memorial to the late John Hume as a key architect of these power-sharing institutions?

Mrs D Kelly: I will have to answer as a member of the Commission, but, as an SDLP Member, I fully support the principle behind Mr McCrossan's ask. The Commission has not considered that, but, again, it is meeting tomorrow, and, no doubt, that can also be tabled. However, I cannot make any promises, because, as we know, there has to be political consensus.

Mr Deputy Speaker (Mr McGlone): On that note, we will conclude that item of business, so I ask Members to take their ease while we change the top Table and move to the next item of business.

(Mr Principal Deputy Speaker [Mr Stafford] in the Chair)

Mr Principal Deputy Speaker: I ask Members who are leaving the Chamber to please do so.

Executive Committee Business

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020

Debate resumed on motion:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

The following motions stood in the Order Paper:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

Mr Beattie: It is good to come back to this debate. I am always mindful, when we look back to when the pandemic started, of how fast-flowing things were and how we had to make decisions extremely quickly. Multiple MLAs have talked about those unprecedented and extraordinary times and the extraordinary measures that we all had to take. We had to change the way in which we worked in the Assembly to keep up with the pandemic. We gave considerable leeway to the Executive because of the threat that we faced from COVID-19; the First Minister and the deputy First Minister, the Education Minister, the Economy Minister, the Infrastructure Minister and the Finance Minister were all given considerable leeway with regard to scrutiny.

I am happy to give the Justice Minister the same leeway today with regard to scrutiny. I thank the Justice Minister for moving the amendments, some of which she brought to the Executive as proposals and papers. It is right that she moves them today. I wish that other Ministers would do the same. Some have brought papers to the Executive, which were then moved for them by the Health Minister while their colleagues chirped and complained from the sidelines. We have collective responsibility here; our Health Minister, our Justice Minister, our junior Ministers and the Communities Minister have all moved amendments. We all need to be mindful of what things were like at the start of the pandemic and what we, as MLAs, were like as we tried to keep up with what we were trying to achieve.

Having genuinely thanked the Minister, I must say that I remain disappointed that she did not, when asked to by the Executive, head up the enforcement and compliance working group. I accept that that is not just a Justice issue and that it involves Health, Communities, Infrastructure —

Mrs Long (The Minister of Justice): Will the Member give way?

Mr Beattie: Of course.

Mrs Long: I thank the Member for his thanks, which is very much appreciated. On what basis does he say that I would not head up the working group? How does he know whether I was asked to do that at the Executive? My understanding is that Executive conversations are confidential. That allegation has been made on a number of occasions. It is not accurate. I would be interested to know why the Member feels that that is the case.

Mr Beattie: Thank you, Minister. I have asked that question on multiple occasions, and I think that this is the first time that you have said, "No, it's not accurate". If you are saying that you were not asked in writing or in person by the Executive to head it up, I will say sorry.

Mr Principal Deputy Speaker: Order. I ask the Member to resume his seat. I fear that we are straying from the regulations. It is important — *[Interruption.]* Yes, I know; someone was having fun. If I were in your place, I would probably be enjoying a bit of sport, too. However, we need to get back to the regulations rather than the internal operations of the Executive Committee.

Mr Beattie: I will give way to the Minister if she wishes to reply.

Mrs Long: I will reply, with the Principal Deputy Speaker's permission. The Member has now made reference to me being asked in writing to take this role, which, of course, again, is not accurate. Nevertheless, it begs the question: why would the Member have access to written communications from the Executive Office to any Minister? I would like some clarification on that because it is an important point, Mr Principal Deputy Speaker. Whilst it may not be pertinent to this debate, it goes to the very heart of confidentiality of discussions in the Executive Committee.

Mr Principal Deputy Speaker: The Minister has put her comments on the record, and she is right: it is standing practice and convention that the proceedings of the Executive Committee are to be kept private.

Mr Beattie: Sometimes, as an MLA, you use a scatter approach.

Mr Clarke: Will the Member give way?

Mr Beattie: You throw out questions like: "Were you asked?", "Was it an email?" or "Was it a letter?". I was using a scatter approach, the Minister has answered, and I will accept what she says, as all of us in the House should do.

I will give way to the Member.

Mr Clarke: I thank the Member for giving way, with the Principal Deputy Speaker's indulgence. Given that there has been a lot of interest in this subject and, indeed, in the Minister's own words about how we have arrived at this situation, it would be good if the Minister would put on record today what her actual position is on all of that.

Mr Beattie: I am going to take on board what the Principal Deputy Speaker said, and I am not going down that rabbit hole.

The point that I was making was that, of course, enforcement is not just a Justice issue; it involves the Health, Communities, Infrastructure, Economy and Finance Departments, and enforcing regulations is important. They are a tool. I agree with what Ms Dillon said earlier, which was repeated by Mr Sheehan, about the enforcement stance. It should not just be about enforcement but about encouragement and giving information so that people understand what is and what is not expected of them, particularly with regard to face coverings.

It is right that the police are criticised when they get it wrong or when they are not consistent in their approach, but it is not fair to criticise them for the sake of it. When we bring out regulations, they come out quickly and some of them are not as clear as they should be on paper. The police are fighting a difficult battle in that regard.

The amendments that we are talking about today are largely redundant because many of them will be overhauled on Friday. I do not want to keep on talking about redundant amendments purely for the sake of throwing an insult or having a go at somebody. We can have a good discussion, but they are slightly redundant.

Amendment No. 4 to the face coverings regulations throws up an interesting dilemma — the Minister mentioned it earlier — around the fine for not wearing a face covering when you should, which is £200, or £100 if it is paid within 14 days. An individual will not be fined again if they are a repeat offender but could face summary dealings. It is quite a leap from a fine of just £100 to suddenly finding yourself facing summary dealings or appearing in court. Some people are habitual non-mask wearers, and that is something that we need to be aware of.

The whole issue of face masks is extremely complex. I apologise because I cannot remember who said it, but somebody said that we should not stigmatise those who cannot wear face masks because of a medical condition. That is absolutely right; we should not do that, but we certainly should go after those people who can wear face masks but deliberately do not. It is important that we all buy into that, because this is a societal issue and we need to wear face masks. There is an argument for those people who cannot wear them because they are claustrophobic. Instead of wearing a face mask, perhaps they could be given a visor that would, at least, give them some protection. There is an argument there, and it is a fair discussion. We certainly cannot stigmatise them. However, we need to go after those people who are not wearing a face mask.

4.15 pm

My last point is on vaccines. It is a good news story. It is important that we have a positive uptake and that we in the Assembly — every MLA — lead by example to get people to take the vaccine, because it will take us out of the pandemic. I saw someone saying that all MLAs should be first to take the vaccine to make sure that it works and has no adverse effects, and that we should do it publicly. I would be more than happy to do that, but then they would start clamouring and complaining that MLAs were jumping

the vaccine queue. You cannot win. The point I make in thanking the Minister —

Mr Buckley: I thank the Member for giving way. I share his sentiment about the good news story of the vaccine, but does he agree that it is important that we respect the well-enshrined principle in the United Kingdom that vaccines are not mandatory, because there are those who, for their own reasons, will not want to partake?

Mr Beattie: Of course; that is a given. I do not think that anybody is talking about going into a care home, lining up the residents, blindfolding them and sticking a needle into their arm without their knowing. Everybody has to be given the choice of whether they want to take a vaccine. The Member's point has been well made, but the point that I am making is that we need to be absolute leaders on this issue and tell people that the vaccine will get us out of the pandemic. If we do not — if Members show any division, or promote something completely different, even if they are merely promoting an issue that their constituents are concerned about — we will have a problem. If we do not have an uptake of the vaccine, we will not get out of the pandemic, and we will live this over and over and over again and lose people. Over 1,000 people have died, so there are over 1,000 grieving families. We cannot keep that on.

I take this opportunity to thank the Minister for tabling the amendments and for challenging my points of view. That is the way it should be done. Tone is important, as is how we do things here and how we talk to each other. How we respect each other is incredibly important. However, what is most important is how we deal with the pandemic. We need to focus on that.

Ms Bradshaw: It is great to be speaking in the debate on such a positive day as the vaccine programme begins to be rolled out. It offers a clear glimpse of light at the end of the tunnel, although this set of regulations reminds us that there is still a lot of road to travel. It is disappointing that the Chair of the Justice Committee is no longer in the Chamber to hear what I have to say before I move on to the body of my speech. Some of the points that he made earlier today were factually incorrect and did not give a good representation of the work that we on the Health Committee are trying to do. These are negative resolution statutory rules. We are not given the luxury of full scrutiny, and we cannot bring forward health professionals or a number of other stakeholders. We have 21 days to get the process through. The Chair mentioned that he would have liked to have brought in the Chief Constable. We would have liked to bring in similar people, but we could not do that. He also said that he would have liked the Justice Minister to have come in and presented the amendments that are of relevance to the Justice Committee. We have never had the Health Minister there. It is not his job to provide us with that level of insight. That is the job of his departmental officials who are responsible for the drafting. As Colm, the Chair of the Health Committee, said, sometimes that can be a cross-departmental delegation, but, effectively, it is the Health officials who come to the Committee.

Mr Buckley: I thank the Member for giving way. At the risk of misrepresenting the Chairperson of the Justice Committee, I think that he said that the Chief Constable had been before the Justice Committee on previous occasions about the regulations. His point of contention

was that nobody from the Department of Justice was available to brief the Justice Committee on these regulations.

Ms Bradshaw: The point that I made in my intervention earlier was that it is not up to the Justice Minister to come forward. These regulations are developed and produced by the Department of Health, which is why they come through the Health Committee. I made the point that I engage with my MLA colleagues. The Alliance Party has a small team, and we all have our own portfolios, so, if there are any issues, I engage with them before attending the Health Committee.

We have to put trust in our Ministers. They are the ones who, a couple of times a week at present, look at the current restrictions and at what is coming forward. We are reliant on them, in the pressing and particular circumstances of the pandemic, to engage with their departmental officials, special advisers and others to come up with restrictions that are the best-case scenario. Nothing is perfect in what we are doing to try to fight this pandemic. Everything is done in haste. I would prefer, as would everyone on the Health Committee, that we had much more time to scrutinise the regulations, but we just do not have that time, and that is why we say in every one of these debates that we do not think that the information is good enough. However, we are where we are.

Today, we are debating regulations that are so far out of date that some may soon be back in date. I intend simply to run through the amendments. As we are to assume that, generally, these amendments will be relevant again from Friday, you will be pleased to hear, Principal Deputy Speaker, that, from this point, I will not stray too far off the subject.

Amendment No. 13 is a brave attempt at enforcing the distancing required, which has pretty much disappeared from public awareness since the Executive Office reopened hospitality in the summer, with the announcement that, effectively, one metre would suffice. It is wise to be cautious about this and to reinforce the two-metre measure across the board. While I agree that it is wise from a public health perspective, I would be interested to hear what discussions were held with the hospitality sector about the viability of reopening with a strict two-metre requirement. Anyone listening to 'The Nolan Show' this morning heard that one of the restaurants in my constituency has already determined that, come Friday, it will not reopen for the foreseeable future because it is not financially viable. Not least because of the risk of having to close again should there be a case on the premises, it will not reopen this side of Christmas. The whole thing leads us to wonder why the two-metre requirement was abandoned in the first place.

It is also interesting that amendment No.13 requires the two-metre distancing rule to be observed in queues. It would make sense also to wear face coverings in that scenario. A few weeks ago, the weekend before departmental officials came to the Health Committee, photos of the queue outside Primark that Sunday were circulating on social media. That happened after it had been announced that shops were to close, and we saw it happen again in Lisburn at the weekend. People were queueing outside shops and posing a great risk to those around them through community transmission. As we all have a face covering ready prior to entering a venue, I

do not see why people should not be asked to wear it to provide extra cover while waiting to enter. The question that many are posing, however, is how enforceable it is in practice. Establishments do not control the area outside the venue in which they operate. Who is specifically required to enforce that regulation in a queue? I wonder whether we should be looking to other authorities, perhaps councils, for assistance with enforcement, particularly around the busy Christmas period. We know where the hotspots are, certainly in the city centre and in south Belfast.

I commend the sector, nevertheless, for taking seriously the requirements outlined in amendment No. 13. In principle, as many have calculated, it will mean lower footfall. However, it will also mean safer custom, and that can only be to everyone's benefit. I ask the public not to wait for enforcement. It is in the interests of us all and in the interests of public health that we adhere to the regulations at all times, including in spirit. The more we crowd, the faster the virus spreads, and the more quickly we will, potentially, be back in absolute lockdown.

Amendment No. 14 follows on from the suggestion, made some time ago, that, in the same way as premises must display hygiene ratings in Northern Ireland, they must also, if not set out in a manner that adequately adheres to the regulations, display improvement notices. In theory, it is an excellent idea, and I hope that it works equally well in practice. We asked the officials about it, but there is some way to go on how to ensure that best practice in one premises can be shared with the next.

Amendment No. 15 is a clear improvement. It requires contact details from every customer, not just the person who makes the booking or the first one through the door. This is essential if we are to have any hope of using this information for contact tracing, which is the objective.

Questions remain, however. Does that information suffice? How precisely is to be used? I wonder whether it is enough to take down a name and contact number. Should we not be asking for the full address of every customer? My colleague on the Health Committee Pam Cameron has raised that issue as well. Doing so would go some way to ensuring that the six people around the table are from only two households. Even if that were done, the question would arise of whether we have an adequately resourced contact-tracing service to make any use of the information, with cases still at over 150 per 100,000 of the population every week and perhaps moving towards 200 by Christmas Day. Put simply, do we have the right information, and how is it being used to enhance public health and public safety?

The amendment (No. 16) regulations were debated by the Committee only last week, but they probably should have been in place a long time ago. I fully support raising the fine for not wearing a face covering where one is required. My view, however, remains that the regulations themselves are still too difficult to enforce in practice, essentially because they enable too many exemptions. A recent survey in the United States shows that case rates have halved in areas with mandatory mask-wearing rules and risen in areas without such rules.

I have no hesitation in commending each of the amendment regulations to the House. My only real quibble is that it should have taken so long for them to get to

this point. In responding to the debate, can the Minister answer the question about the practical implications of the amendment regulations to keep us all safe and to increase confidence in using venues as they reopen over the Christmas period?

Mrs Cameron: You will be glad to hear that I intend to be brief, Mr Principal Deputy Speaker.

On the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations, it is once again worth noting the huge sacrifice that we have asked of our hospitality trade, both those who own and manage premises and their employees. Uncertainty and disruption like never before have placed a huge strain on that trade. I sincerely hope that the reopening in the very near future is one that heralds their new start. I am conscious that the social-distancing element in hospitality can make a business sustainable or unsustainable. I ask for clarity on the 2-metre versus 1-metre allowance in hospitality settings.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations deal with penalties and enforcement. It is regrettable that we need such provisions. The vast majority of people have taken on board the regulations and adhered to them. As in life, however, the minority do not. It is right therefore that we have in place a penalty framework as a last resort. I welcome the comments from my colleague Paul Givan about the necessity of taking personal responsibility and adhering to all the regulations. That will mean enforcement for some who do not.

I want to touch on the relationship with the local councils as referenced in the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations. It is worth the House recognising the huge role that local councils have played in the course of the pandemic. Many council workers have been on the front line day and daily, and we thank them for that. The relationship between the Executive and councils can be further developed, and the provision in the amendment (No. 14) regulations to issue premises improvement notices where premises are in breach of the (No. 2) regulations is but one method of enforcement.

The amendment (No. 15) regulations are to be welcomed for the flexibility that they afford certain industries, such as close-contact services and driving instruction. Those services must be provided by appointment only, and client information must be retained for 21 days. The regulations also include the opening hours allowed for unlicensed premises, the opportunity for bars to provide off-sales business, and clarity about packaging. As my Health Committee colleague Paula Bradshaw already mentioned, contact tracing will be vital going forward. If information is being collected that is intended to be used, it is really important that the contact-tracing system have the resources and staffing behind it to make it powerful and effective.

4.30 pm

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations is the final regulation for this debate and makes minor corrections to the drafting of the regulations, ensuring that, on licensed premises serving food and drink for consumption on premises, which

reopened on 20 November, we are governed by a rule to restrict numbers of customers to six per table from no more than two households. I have raised this in the past, and I ask the Minister if she can give some clarity around what specific contact details the premises are required, in legislation, to retain. I asked this question at the Health Committee before and was told that the legislation does not specify what detail is to be taken and held. Surely it would make sense to require a postal address along with a name, contact telephone number or email address, for example, to encourage people to abide by the rules, and even to actually make people aware of the rules. We know how often they have changed, and it is quite hard even for us to keep up with them, never mind everybody else. I would like to see some clarity around the detail that is required in legislation.

I understand that these rules are here for a reason. They have been put into law for the protection of health. It would be appropriate for this useful information to be provided, especially when we expect that enforcement to happen. Enforcement is critical, and we want to see more enforcement where necessary, but it is right, too, that we need to concentrate. We cannot legislate for every area of life, as we are trying to do, and we cannot enforce every area of these rules and regulations. It really is up to individuals to follow the rules, make themselves aware of what the rules and guidelines are and follow them to protect each other.

It is regrettable that these debates are effectively meaningless as they come to the House long after the horse has bolted, and this frustration has been well aired on many occasions. No doubt, that same frustration will make an appearance in today's debate once again. It would be wrong —.

Mr Humphrey: I am grateful to the Member for giving way. The Member will know that I have made that point before. In terms of messaging and getting the message out clearly and consistently to the people of Northern Ireland, having these regulations discussed, debated and agreed at the time when they are going to be released is hugely important. Otherwise, it causes confusion.

Mrs Cameron: I thank the Member for his intervention. I agree entirely. We know where we are and we know that we agreed this emergency legislation process back at the beginning of the pandemic. This is the outworking of it, but it is certainly not where any of us in the Chamber wants to be in terms of legislating.

It would be wrong of me not to mention this historic day that we are in. This morning, 90-year-old Margaret Keenan, who is originally from Fermanagh but is living in Coventry, became the first person to have the COVID vaccine. This is truly a day to celebrate. We are seeing the light at the end of the tunnel today, so it is very welcome news. We all understand that there is a long way to go in order to protect the most vulnerable from becoming seriously ill or dying from this coronavirus, and we see that reflected even in the numbers reported today — 14 deaths since yesterday. It is vital that we continue to do our personal best to keep the transmission of COVID-19 under control until the threat is much, much lower. We need to support our health service and our economy by following those basic steps and minding our hands, face and space.

I finish by wishing Mrs Keenan a very happy ninety-first birthday for next week. Indeed, I thank her for being a wonderful example to us all in using her common sense and for her willingness to be the first individual in the UK to have the COVID-19 vaccine. I will finish there. I support the motion.

Mr Sheehan: I suppose that we have been here before. It is a bit like Groundhog Day when these regulations arrive on the Floor of the Assembly, and it becomes a bit of a blur sometimes, so if I get a bit confused, a Cheann Comhairle, about the regulations that I am talking about, forgive me for meandering a bit off the topic. I will do my best to focus on the regulations.

Some of the regulations that we are dealing with now have already been superseded, but, irrespective of what we are dealing with today, we have to look on all of the regulations that we have dealt with as part of a contract with the population. We ask them to abide by these regulations, and, in turn, they expect us to do our best to protect their life and to ensure that our health and social care system does not get overwhelmed. That is the type of contract that we are in.

I want to deal first with scrutiny, because that seems to be an important theme to be discussed today. The fact is that we have not been able to provide proper scrutiny, or the scrutiny that we would like to provide under normal circumstances, but we do not live in normal circumstances. These types of regulations are rushed. They are made in haste. Sometimes, there will be mistakes, and, sometimes, there are mistakes in drafting. There are other problems with them. They arrive late. In my view, it does not really matter which Committee does the scrutiny, because we are all going to face the same problems. The Chair of the Justice Committee outlined what he would like to do in the circumstances, and, as Paula pointed out, that is just not possible. These regulations arrive to the Committee, and they have to be dealt with. There is a cut-off date for dealing with them, and that is what we do.

Ms Bradshaw: Will the Member give way?

Mr Sheehan: Certainly.

Ms Bradshaw: Will you agree that we, on the Health Committee, have tried to leave party politics out of the pandemic and have tried to be very collegiate in our approach to these regulations and amendments throughout the whole pandemic?

Mr Sheehan: Absolutely. In fact, thinking back, I cannot think of any serious disagreement or row that has taken place in the Committee over the regulations. We have had debates and discussions that have been as thorough as possible under the circumstances, but I cannot recall any serious disagreement over them.

I have to say that, when I was listening to the Chair of the Justice Committee, I thought that maybe his problem stemmed from relationship difficulties with the Justice Minister more than anything else. It is unfortunate that he is not in his place now to discuss that. If he needs some marriage guidance counselling, I am happy to offer my services. *[Laughter.]*

Mr Clarke: Will the Member give way?

Mr Sheehan: Sure. Go ahead.

Mr Clarke: For the record, I do not believe that he is away seeking marriage guidance counselling; I think that he is chairing the Justice Committee.

Mr Sheehan: Sorry, I missed that.

Irrespective of what regulations we are dealing with today, it is important that everyone adheres to all the regulations, especially today, when we have the beginning of the roll-out of the vaccination programme. That is light at the end of the tunnel. We are also coming into the teeth of Christmas, and the restrictions have been relaxed. With those two things, there is a possibility that people will let their guard down. Of course, coming up to Christmas, everyone is more sociable, more friendly and convivial, and that may lead to people lowering their guard. We have to be sure that that does not happen. We have to be sure that —

Mr Butler: I thank the Member for giving way on what I think could be one of the most important points that could be discussed today, which is the relaxation of the restrictions before Christmas. People will have a desire to get out and celebrate Christmas as much as they can. There is a lot of hope there, but there is also anger and frustration in the community. Do you agree that it is vital that, at every level of government here, whether that is the Executive, Committee Chairs and Committees, we are collegiate in our message over the next number of weeks in order to give that leadership to the public, who have not enjoyed the best examples of leadership throughout the pandemic from certain elements at times? Now we can get it right. We have two or three weeks until Christmas, and it is vital and important that we get the message right and are collegiate in fighting this challenge, which is still there and will remain for some time.

Mr Sheehan: Absolutely. I cannot disagree with a word of that. I was going to say that the messaging over the next few weeks is very important. It is vital that all of us are on the same page in all this. As I have said, the arrival of the vaccine has raised people's hopes. We are coming up to Christmas and the restrictions have been relaxed, so there is the possibility of people letting their guard down. We have to guard against that.

Before the pandemic, few people were familiar with the name Gabriel Scally; now everyone knows who he is. He is one of the most pre-eminent public health doctors on these islands, and he is originally from the North. He says, "By all means, go out and celebrate with your friends and family before Christmas. Go and mix, do whatever you want and socialise, but be prepared to bury some of your family and friends after Christmas". That is how serious it is; that is the message that we have to get across. If people disregard the restrictions and the message of social distancing, washing your hands, wearing a mask and so on, we face increased transmission, if not before Christmas, certainly after it. That is important.

Some of the restrictions relate to the wearing of face coverings or masks. I am on record, in the Chamber, of advocating the wearing of face masks long ago. Indeed, I was very disappointed that the wearing of face masks was not introduced earlier. In fact, junior Minister Lyons introduced a bit of mirth into the discussion, some months back, about my raising the wearing of face masks when it was not part of the regulations being introduced that day.

In countries with a culture of wearing face masks, there is a lower transmission rate of the virus. The science is now clear: wearing masks, according to the Chief Scientific Adviser, significantly reduces the transmission of the virus.

Mr Clarke: I thank the Member for giving way. I have no opinion, one way or the other, and I accept what the Member is saying. However, when scientists came out at the start of the pandemic questioning their use, that made people sceptical. Now, we are trying to change that message to encourage their use. I comply. I carry my mask with me and use it on every occasion. The confusion came when scientists gave out a different message at the start of the pandemic and encouraged people not to use them.

Mr Sheehan: That might have been the case at the start of the pandemic, I do not know. However, from very early on, as far back as March, scientific evidence was emerging about the efficacy of wearing masks and face coverings. In those countries, where they are worn habitually — South Korea, Hong Kong, Taiwan, and so on — the rate of transmission of the virus and, indeed, deaths as a result of COVID-19, is much lower than here.

There are other reasons for that: their contact-tracing operation, controls at ports and airports, and enforcement of isolation, for example. I am not suggesting that face masks, on their own, are responsible for lower transmission rates; however they are a significant factor. Over recent months, the evidence in support of wearing masks has increased. I have heard a few Members saying that you have to bear in mind that some people cannot wear masks for medical or psychological reasons. I heard a reputable doctor on TV recently say that there really is no reason why anyone should refuse to wear a mask. There may be a small number of exceptions, but, by and large, everyone should be wearing masks or face coverings, particularly indoors and when they are coming into contact with other people.

4.45 pm

My criticism about the fact that we did not introduce face masks earlier is, again, because the countries that have been most successful in dealing with the virus are the ones that acted with speed. They did not wait for the science to be absolutely 100% sure. If there was any suggestion at all that a measure was going to work, they moved quickly. When the virus first arrived in South Korea, the Government there called in all the pharma companies and told them to develop a test. The pharma companies came back and said that they could only develop a test that was 90% accurate. The Government told them to go ahead. Better 90% accurate than not carrying out any tests.

It is the same with these other issues such as face masks. Speed is of the essence. We need to move quickly; we cannot sit and discuss. It is similar with these regulations. We cannot introduce them here in the Assembly and thrash them out and debate them until we are blue in the face. We need to move quickly. In those circumstances, sometimes mistakes will be made, but that is what happens.

Mrs Cameron: I thank the Member for giving way. I am a little bit concerned about some of his remarks about face masks and when he said that the majority of people can wear them. I chair a newly formed all-party group on lung health, and there are very many serious conditions

that certainly would not be compatible with the wearing of masks. Whilst I wear my mask on every occasion that I need to and where it is appropriate, it is good that we recognise that there are people who absolutely should not be wearing them because it is detrimental to their health. We also cannot dismiss some mental health aspects of face coverings for people with, for instance, claustrophobia or for those who suffer from severe asthma. There are certainly cases where the wearing of a mask is not appropriate and certainly not good for health. It is important that we keep it real around this. Not everybody can wear a mask, but all those who can should do so.

Mr Sheehan: I accept what the Members says. I have no difficulty with that. I am quoting what a doctor said. There is always an alternative. If you cannot wear a face mask, there is probably no reason why you cannot wear a visor, for example. A visor, they say, is not as good as a face mask but it is better than not wearing anything at all, and that is the issue that I am trying to emphasise here. There are also quite a few chancers who say that they cannot wear a face mask, and they get away with it because they do not have to prove that they can or cannot.

I talked about these regulations being part of a contract. There are issues around enforcement, compliance and support, and, in my view, they are all part of the one continuum. You start off by supporting people, you ask them to comply and you do what you can to ensure that they can comply. That was why I raised earlier, with the Chair of the Executive Office Committee, the idea of providing masks free of charge in some circumstances, maybe to people who are on benefits or something like that and to the low paid, so that masks could be made available to them.

This is an important day. This is the day on which the vaccine roll-out started. I hope and I suppose that most people will be praying that the timetable that has been announced will be kept to. I have to say, without wanting to rain on anybody's parade here, that I have some scepticism about the ability to roll this vaccine out in the timescale that has been announced. There are a number of reasons for that. We are dependent on the British Government to supply the vaccine. Everything that the Government have touched so far in relation to the pandemic has been shambolic. In dealing with the pandemic, they have made a mess of every single aspect, and we are dependent on them to get the vaccine.

Mr Buckley: I thank the Member for giving way. Does he not acknowledge — I know that he has been critical of the approach of Her Majesty's Government to COVID thus far, and, on some points, for very good reason — that people have been able to access the vaccination because of world-leading scientists, who have made it possible for the vaccine to be used in the UK today?

Mr Sheehan: I am not making a political point about this in terms of constitutional issues and where the vaccine is coming from. All that I am saying is that the source is not reliable. I am on record as welcoming the introduction of the vaccine. I am also on record as saying that I will take the vaccine, and I will encourage absolutely everyone else to take it. I said here last week that my children will take it, too, but I was a bit quick off the mark, because it is my understanding that children will not get the vaccine. In any event, I will certainly encourage as many people as possible to take it.

My problem is with the British Government and the way in which they have dealt with the pandemic so far. They have exhibited a degree of ineptness that is rare to see in any Government. That is partially my concern.

I have other concerns as well. My concern about the contact-tracing operation here has been well documented. There have also been problems with the roll-out of the flu jab. What I hope is that, between the Department of Health, the Executive Office and the COVID-19 task force, they can ensure that there is a smooth roll-out of the vaccine. The sooner most of us get it, the better, so that we can get back to some sort of normality. I will leave it there.

Mr Buckley: In beginning my remarks, I also want to mark this hugely significant day when the first vaccines have been provided to some very vulnerable individuals, alongside healthcare workers. That is remarkable. It is a day that many of us have looked forward to. General society can now start to look towards a day when regulations in this regard are no more, albeit we are far from that position. My party and I welcome the vaccine, and I am sure that there is a sigh of relief among many people across our society, be they from a care home setting, a vulnerable individuals setting or a health and professional setting. You name it: everyone has an interest here. We, of all people, know all too well that their hopes and aspirations depend on a successful vaccine getting life back to some form of normality.

In discussing the regulations in general, true to form, I will point out, as I have done on previous occasions, the folly of the way in which regulations come before the House. It has become the case that the regulations that come before the House — some have come to the end of their time and others have maybe a week until the end of their time — are, in their content, completely out of keeping and out of pace with where general society is, so it very much becomes an exercise of the House talking to itself. The public switch off, because they cannot keep pace with how the regulations affect their daily life. We as Members always need to be acutely aware of that.

As I have said in the Health Committee, the primary function of Members of the House — I exclude Ministers from this — is scrutiny.

I am open to hearing how other Members feel on this point, but I think that the feeling is shared. I feel that, throughout the COVID pandemic, we have failed the people of Northern Ireland in the way in which we have been able to scrutinise this draconian legislation. I am sure that many Governments, Parliaments and democracies have similarly failed their people. It has affected and infected every element of our society, and yet, as legislators, the duty of scrutiny has been very much lost. In my short time as a member of the Health Committee, albeit coming up to two months, I have been disturbed by the lack of democratic scrutiny of these important issues. I do not, for one minute, blame the Department of Health. By and large, it is how the regulations come before the House.

Ms Bradshaw: Will the Member give way?

Mr Buckley: Absolutely, yes.

Ms Bradshaw: I am struggling with your use of the word “failed”. I feel that the system is a very difficult one for us to operate in and that the timescales are, as I outlined, difficult. However, as a legislator and someone elected

to represent people, I do not think that I, or any member of the Health Committee — I know that you joined only recently — have failed people. Will you explain, please, what you mean by “failed”?

Mr Buckley: I thank the Member for her intervention, and I will explain what I mean. I stand firm in saying that Members’ endeavours have been true. Members have endeavoured to serve their constituents in the best manner that they can. I mean that, as Members, we have failed in the scrutiny of such important legislation. These restrictions are so draconian that they require thorough, detailed investigation. However, by virtue of the very means by which they have come before the Committee and the House, we have failed our constituents in our ability to scrutinise.

Ms Bradshaw: Will the Member take another intervention?

Mr Buckley: Of course.

Ms Bradshaw: I take the Member’s point. We have all said how frustrated we are with the limited time and lack of witnesses. However, we support the regulations when they come to the House because we know that, if we waited another four or six weeks to scrutinise them, many more might die and our hospitals could be even fuller. A lot of this is about balancing the risk against our scrutiny role.

Mr Buckley: I thank the Member for her intervention, and her point, in principle, is on record. However, it does not detract from how I feel about the way in which the Assembly was unable to scrutinise the regulations before us.

We heard earlier from the Chair of the Justice Committee. Members can get precious about this, and some argue that challenging a Department or a Minister in the middle of a pandemic is political handbagging. I do not see it that way. Members have the right to ask detailed questions of whichever Minister it may be or whatever —.

Mrs Long: Will the Member give way?

Mr Buckley: When I finish my point, I will.

Members are entitled to do that. As a member of the Health Committee, I welcome any form of scrutiny of the regulations by any Committee — I think that Mr Sheehan said something similar — because I do not have all the answers; nor do Members in the Chamber. However, collectively, we have to scrutinise the regulations and give our constituents the best form of service possible.

On that point, I will give way to the Minister.

Mrs Long: I thank the Member for his generosity in giving way. I agree that there is an obvious need for scrutiny. However, there is also the issue of due process. Does the Member agree that it might be seen as slightly inappropriate — he described it as “political handbagging”; I will not go that far — to hold someone in my position to account for, as I did, in an act of generosity and in the spirit of collegiality, offering to bring these regulations forward? I have found out, to my cost, that, unfortunately, no good deed in this place goes without punishment.

Mr Buckley: I thank the Minister for her intervention. I noted the Chair of the Justice Committee’s suggestion that the Minister led on these regulations in the Executive and that she certainly had a key part to play. While I recognise —

Mrs Long: Will the Member give way?

Mr Buckley: When I have finished this point, I will.

I recognise that the Minister has come before the Assembly to talk about the regulations that pertain to her Department. I put on record, however, that it is only right that, if the Justice Minister is appearing before the House to talk about regulations that pertain to her remit, the Chair of the Justice Committee has every right to ask questions on behalf of members of that Committee, just as I would expect my own Chair to represent the needs and musts of the Committee that I sit on, namely the Health Committee.

5.00 pm

Mrs Long: I thank the Member for giving way. There are two issues that need to be clarified. First, there are five sets of regulations, into only two of which my Department had any direct input. We did not lead on any of the regulations, but we worked collaboratively with the Department of Health and its officials to produce what are health regulations and that remain within the purview of the Health Minister.

On a further issue, it is not the case that we did not give the Justice Committee its place. In fact, we sought advice from the Executive Office Committee on how to handle this, and we followed exactly the same procedures that have been used with the Executive Office Committee and any other Committee where a different Minister led in the House. I am not standing here today as Minister of Justice reporting on issues to do with the Ministry of Justice and my Department. I am standing here today as a member of the Executive, and I am reporting on work that has been done by the Executive collectively.

Mr Buckley: I thank the Minister for her intervention, and I have no doubt that she will be able to articulate her position quite well when she responds to the debate. She mentioned that she worked collaboratively, which I did mention in reference to two of the regulations. If she did work collaboratively with the Executive, of which I have no doubt, the Minister will be well able to answer questions that Members in the Chamber may have in what is our only form of in-depth scrutiny, if we can call it that.

I want to look at the enforcement and policing regulations, which are SR 2020/253. The issue has caused a lot of concern among many members of the general public. I, for one, regard enforcement and COVID compliance as a key way in which we can allow business and society, in some sense, to live with COVID. I have been concerned from the beginning of this process that we have been paying mere lip service to enforcement, but that became less clear as time went on in the pandemic. I want to make reference to this, because it is only but right to do so, and I am not for one minute saying that this is for the Justice Minister directly to answer, but it is a wider policing question: there is no doubt that, for many, two-tier COVID policing has existed. That is firmly my view. It is the firm view of many in our society as they have watched the police reaction to certain events throughout the pandemic, and their eagerness to enforce in some instances and to dismiss in others. I think of the west Belfast Bobby Storey funeral. Five months on, still no fines and still no action. I think of house parties in the Holylands, where limited action has been taken, much to the detriment of those residents who

have had to live in a state of constant panic, with house parties continually on their doorstep.

I compare that with the forceful, quick action taken at the Black Lives Matter protest, with public swimmers in Helen's Bay, with gyms and, as Mr Wells rightly outlined earlier, with Tandragee Baptists. The amendment (No. 4) regulations seek to increase fines, so the regulations on compliance must be applied equally when policing COVID. Public confidence is key to ensuring that there is uniformity of approach in how the public interact and, indeed, how the police go about their business. How the police have handled the COVID-19 regulations has been dire at best and affected public confidence. That is not for one minute to take away from the fact that it is a very difficult situation to police, but at least do it with an even-handed approach that will allow for more collective buy-in from the public.

As we have gone through this pandemic, we have looked upon key moments of public discourse that have brought about seismic change in how the public has reacted to regulations that have come from this place. I think particularly of the Bobby Storey funeral in west Belfast. If we examine that time, the news coverage that it received and the sheer sense of underhandedness, given that members of the general public were asked to bury loved ones, sometimes on their own, compared to the funeral of Bobby Storey, we can have no doubt that that played a pivotal role in turning many people in society against the regulations that were in place.

However, as we debate and discuss these regulations, I want to say that I, as a member of the Health Committee, welcome the interventions of other Committees. I want to talk about the Communities Committee. A regulation before us — I think that it is No. 14 — talks about the powers that district councils will have to rate particular premises to make them COVID compliant or COVID insured. This is a point that the Committee really tried to home in on but, unfortunately, the evidence that was forthcoming was lacklustre at best. I for one would like to see council leaders being given the opportunity to inform the Health Committee, and maybe even the Communities Committee, as to how effective this approach may be.

Despite the quick pace with which we are moving, I do not think that anybody is under the illusion that the COVID vaccine is going to cease the need for regulations in the short term. However, we need to prepare society for what life looks like after January. I for one will continue to argue that COVID compliance, a level of enforcement and vaccination are all part of the puzzle that will allow our society to safely interact, allow businesses to get on with their day-to-day work and keep our communities safe. However, that can be done only if we have attention to detail in scrutiny. I am open to any suggestions from Members about how we may do that. We have had plenty of debate about the dissatisfaction with the way in which the regulations come before the House, but we have had relatively little debate on the scrutiny role that other Committees can play.

The Health Committee has a huge agenda. Its workload is immense. I recognise that, having come on to the Committee. I pay tribute to the members of the Health Committee who have been there throughout this entire pandemic. While we debate issues of importance such as a vaccination programme and continue to deliberate on the COVID response of the Minister and the CMO, the

level of questioning that we can give that subject has been so constrained. In some cases, Members are given the opportunity for only one minute of questioning. When you compare that to the body of work that must be involved in the scrutiny of these regulations, you see that it is only right and fitting that other Committees are given the opportunity to play their part.

I welcome this day for what it is with the vaccination. I hope and pray that we can all have a safe Christmas with our loved ones, mindful of the effects that COVID still has on the wider community.

Ms Flynn: I start by acknowledging that the past few months have been really difficult and challenging. I genuinely struggle to think of anyone who has had an enjoyable time throughout the period of the restrictions, but I am sure that we are all aware of the many people who have had a very stressful and very lonely time. Tragically, we have seen the reported deaths rise above 1,000, and the true number is likely to be much higher. My thoughts are with all those families who have been bereaved and who are going to particularly struggle over the Christmas period.

As we debate and discuss the restrictions brought forward by the Minister of Health and his Executive colleagues, it is important that we do not lose sight of the negative impact that COVID-19 is having right across society. We are debating four health protection regulations — amendment No 13, amendment No 14, amendment No 15 and amendment No 16 — as well as amendment No 4, which deals with face coverings. Most of the statutory rules came before the Health Committee on 26 November, with the last appearing on the Order Paper before the Committee has considered it fully, as it was included in our tabled papers just last Wednesday. That speaks to the speed with which some of the regulations are drafted and to the importance of having an agreed approach that is based on public health principles ahead of time.

The majority of restrictions were made around 13 November. As referenced by the Chair of the Executive Committee, many will remember that date more for the difficulties in securing agreement in the Executive, including that some Ministers rejected public health proposals. Regrettably, as we all know, coronavirus does not care about political divisions or disagreements. It just wants to spread, and systems need to be in place in order to reduce or stop that spread. I look forward to the new COVID strategy, which was debated in a motion in the House recently and supported by all parties.

Returning to the regulations, amendment No 14, essentially, gives councils the ability to enforce some of the existing regulations. It was made on 13 November, some eight months after the pandemic started to hit. I welcome that that measure is now in place, but should it have taken so long for the Department of Health or the Health Minister to empower the councils?

The face coverings regulations raise the fixed penalty fine for not wearing a face covering from £60 to £200. When we introduce fines, it is important that there is a measure of their effectiveness. Unless someone has the means to pay a fine of £200, that amount could be just as unaffordable as a fine of £2,000. I make that point because a balance needs to be struck between introducing restrictions and ensuring that people have the means

to adhere to the restrictions. That must be the central approach. As much as restrictions are there to control, there also needs to be an approach of support.

At the start, I mentioned that we have all come across many people who have had particularly stressful times. That includes people from right across society, including people from businesses and staff who are struggling with their livelihood to health and social care workers, ordinary families and people of all ages, young and old. I will end my comments with the same sentiments that the Minister expressed in her closing comments. There is a tried-and-tested response to help to keep one another safe. I encourage people to please keep socially distancing, washing their hands and wearing masks.

Ms Hunter: I will try to be brief. I welcome the opportunity to speak on the motion on health protection regulations.

We are now moving into our tenth month of living with restrictions as a result of the COVID-19 pandemic. Back in March, little did any of us think that, as we celebrated Christmas, we would still be living with the restrictions. Of course, we all recognise the regulations that we are debating are, unfortunately, necessary in order to drive down the infection rate of COVID-19 cases here in the North. At the same time, however, we recognise the many hardships that have come about as a result of the pandemic and the restrictions, not least the damage that has been caused to businesses.

In reference to amendment No 13, we understand the frustrations, challenges and difficulties that new requirements can cause, especially with social distancing and larger gatherings in smaller restaurants across the North. From speaking to businesses in my constituency of East Derry, I know that no types of businesses have remained unaffected. Such businesses include those in the hospitality sector and contact services, including hairdressers, local gyms run by young families, the personal training industry and many other small, local shops that have not been required directly to close as a result of the restrictions but have suffered greatly from a lack of footfall in villages and town centres.

5.15 pm

We urge local business owners to continue to act responsibly to avoid a notice from the local council and to prevent any behaviour that may create a serious and imminent threat to public health. December would usually see sectors and businesses experience a boom in business in the lead-up to Christmas. Sadly, we all know that that will not be the case this year. That must make what has been a daunting and uncertain year for business owners even more concerning and worrying for their future viability.

As my party's mental health spokesperson, I also continue to be mindful of the emotional well-being and mental health impacts of the pandemic, resulting in isolation being experienced by many people. While Christmas is often a difficult time, particularly for the most vulnerable in the community, including the elderly, this year presents even more difficulties for even more people. Many family members will not be able to come home for Christmas or to gather together.

As I have already acknowledged, the restrictions are difficult but, unfortunately, necessary. We recognise that

one of the amendments, No 4, increases the fine for not wearing a face covering from £60 to £200. We know that fines are not ideal. No one wants a fine, especially in the month of Christmas. Therefore, we proactively encourage the public to continue to do the responsible thing and wear a mask indoors. Whilst Friday sees us move into another phase of restrictions, I continue to urge everyone to adhere to the regulations, including practising social distancing in the days and weeks ahead, including over the Christmas holidays, when it would be all too easy to let our guard down.

Whilst acknowledging all the difficulties of this year that the pandemic has presented to all of us, whether in jobs or businesses, the restrictions on our daily way of life or mental health and well-being, the recent news of a vaccine and its roll-out in the coming weeks and months gives us hope that 2021 will be a much better year. We support the motion.

Mr Chambers: I had not intended to speak in the debate. I will be brief. I want to refer to remarks that my colleague Mr Buckley made earlier. He referred to the perception of “two-tier policing”. I certainly agree with him on that, as there seems to be some grounds for people having that perception. Recently, I saw it in my own constituency when swimmers were cleared off the beach at Helen’s Bay. They were law-abiding people who could not understand why they had to leave the beach.

All the talk about dissatisfaction has been well rehearsed in the House and at Committees. None of us is entirely satisfied with the way in which regulations have been brought through the system. In normal circumstances, we would not give some of those regulations, or the way in which they have been brought to us, houseroom. Unfortunately, however, we are in the middle of a pandemic in which more than 1,000 have died. All over the world, hundreds of thousands of people have died. I think that most of us get it that we are in the midst of an emergency. However, some people still seem to be struggling to come to terms with that, and they want everything to be done the right way, with all the i’s dotted and all the t’s crossed.

However, in the middle of this situation, people are doing the best they can to protect life and limb. In fact, although we will never know the number, there are people alive today because of the regulations introduced in the past lot of months. We have to take that into consideration. The most important thing about the regulations — Ms Bradshaw referred to it earlier — is that delay costs lives. If we delay the introduction of something that is absolutely necessary to protect the health of the population of Northern Ireland for three weeks, we will inevitably cost lives and put more pressure on the NHS.

Mr Buckley said that we had failed. We have to be careful about using words like that. We have to be very careful that people who are absolutely knocking their pan in — for want of a better expression — in the NHS to save lives do not feel that, somehow, we are referring to them. We have to be careful that we do not taint the people in the social care sector who are going the extra mile for people who are shielding, for instance, with the word “failure”.

The public really have played their part in protecting life and limb by making sacrifices. There is not a family in this country who have not made major sacrifices to comply with regulations. Our children have lost out on their

education. They are all back at school, but it is not normal; they are not getting a normal education. That is not the fault of the teachers or anybody else; the pandemic has created that set of circumstances. Here we are, just 10 months since the pandemic decided to visit these shores, and we have produced a vaccine that has started to be rolled out today. I am struggling to see where the failure is, but there are people out there who have been waiting for months for grants that they were promised but still have not received. Maybe there is a bit of failure in that regard; maybe we need to look at where that failure occurred.

Mr Buckley expressed a passion for scrutiny. I think that that passion for scrutiny is one that we all share in the House. If some of his colleagues in the DUP had exercised a level of scrutiny during the renewable heat incentive (RHI) debacle and in the run-up to Brexit, we may not have found ourselves —

Mr Principal Deputy Speaker: This is out of order, sir.

Mr Chambers: — in these situations. Thank you very much, Mr Principal Deputy Speaker.

Mr Principal Deputy Speaker: Wait a wee second. There are two things. First, let us not bark up and down the Bench at each other. Secondly, the Member knows that the last element of that speech was way beyond the regulations that are under consideration, but it is in Hansard; you have put your views on the record.

Mr Carroll: Before I speak on the amendments, I reiterate a point that I have continually made: it is astounding that we have not had a chance to discuss the ramifications of the latest amendments that will come into effect later this week, which will see a further opening up of the economy and society once again. It is absurd that we are not discussing regulations as they come in. As has been referred to, medical experts, such as Gabriel Scally, have already warned about a new wave of cases, off the back of those changes, but it seems as though the Executive do not think that their medical advice merits serious discussion in advance of the decision coming into effect. Instead, as has been said, we are discussing amendments that were laid almost a month ago. Once again, true to form, there is delayed scrutiny and accountability at Stormont. Given the concerns that have been raised about the latest amendments and the Christmas break, when will we discuss those new regulations? Will it be in the middle of January, when they will have been in operation for almost a month and the effects will, likely, already have been felt, including, potentially, another spike in cases? That would be absurd beyond belief.

The amendment (No. 14) regulations provide councils with powers to ensure that premises have improvement notices and allow for an enforcement officer from the council to take action where appropriate. My concern — I raised it in Committee — is about whether councils will have enough staff who are able to carry out that role and function. That seems to me to be a mammoth task, and it is likely that breaches will happen across the board. To my knowledge — I am happy to be corrected — there has not been an aggressive mass recruitment campaign across the councils to increase the number of staff who can deal with those issues. I would be grateful if the Minister could provide some detail on how she or her Department believe that councils are equipped to deal with inspections and notices, and possible breaches as well, in workplaces.

Amendment No 4 to the face coverings regulations includes increases in the level of fines for people who do not wear masks. It should go without saying that the wearing of face masks is a vital and essential part of the process to stop the spread of the virus. However, we have to say that that message has been stymied by the approach of some of the Executive parties and, occasionally, their party members. Just a few months ago, the Education Minister, for example, rubbished the idea of pupils wearing face masks on buses but recently accepted that call.

Mr Buckley: I thank the Member for giving way on that point in relation to face masks. Earlier in the debate, Mr Allister referred to the fact that there has been no impact assessment of the intended or unintended consequences of many of the regulations, given the speed at which they were introduced. Will the Member accept that, equally, the evidence to suggest that the proper use of face masks is essential because improper use might increase the risk of transmission? That observation comes from the Centers for Disease Control (CDC) in the United States regarding the many people across the country who are not wearing masks in the correct manner and, therefore, could be putting themselves and those around them at risk.

Mr Carroll: I thank the Member for his intervention. I do not know what “improper use” of face masks is; perhaps he can define it. As I said, the Education Minister categorically rubbished the idea that pupils should wear face masks on public transport. I will come on to the point about impact assessments in a moment.

In addition to what the Education Minister said, it was before the Executive, seemingly punted by the Tories, made it compulsory to wear face masks in shopping environments. I and others, including health experts, had been calling for actions to be implemented on that for weeks at the very start of the pandemic, and still the Executive have not rolled out a programme of mass availability of free, reusable masks, despite the fact that I have been going on about it for months, as have other Members today and in the Committee.

If someone genuinely forgets to bring a mask on public transport or when entering a shop, where is the support provided to them? They will be fined if this amendment to the regulation goes ahead, and the fine will increase and they will have to pay even more. That is not to mention — it is connected to the issue — the nefarious and dangerous role that is being played by MPs who are linked to the Executive, such as Sammy Wilson, who repeatedly and openly breached the regulations and defied any sense of sympathy with people who have lost loved ones from COVID.

That is where we get to the heart of the problem with the face masks regulation. Essentially, it blames individuals when it is clear that the public have gone over and beyond to stop the spread of the virus against misinformation and bad examples from those at the top of society. Stronger fines are not the answer; the answer is a better public campaign and better public reps. While I am on the topic — it might fall outside the Minister’s remit — I ask the Justice Minister if she knows whether Sammy Wilson has been fined yet. His efforts were blatant and purposeful, but I have not heard anything about him being fined or punished yet.

The amendments could result in people who have simply forgotten their mask being fined. Such hypocrisy will not be lost on the vast majority of people.

Mrs Long: Will the Member give way?

Mr Carroll: I will, yes.

Mrs Long: Just on that specific point, I want to reassure the Member that someone who has merely forgotten their mask would not be fined. That has to be looked at in the context of the police approach, which is to engage, educate and encourage. Enforcement is the fourth of the four Es, so they would not automatically move to fine someone for not having a face covering.

5.30 pm

Mr Carroll: Thank you, but, as I understand it, there is no detail spelling that out in the regulations.

Mr Sheehan: Will the Member give way?

Mr Carroll: Yes.

Mr Sheehan: Forgetting face masks is an interesting issue. The principal of the school that my two kids attend has asked parents to wear a face mask when they are leaving children to school, especially if they are in rang a 1 or rang a 2 — primary 1 or primary 2 — and are being brought to the door. I usually wear a mask, but, this morning, I was almost at the door when I realised that I did not have it on. There was nobody queuing in front of me, so I went ahead. The point is about someone who gets onto a bus, perhaps, and has forgotten their mask. It is not just a question of someone forgetting their mask. The fine and enforcement are irrelevant. The point is that somebody is getting onto the bus. They may be asymptomatic; they may have COVID-19. Earlier, I talked about providing masks free of charge. Maybe, if the bus driver had a supply, he or she could provide a mask to the person who has genuinely forgotten their mask. Again, I am raising the issue of making masks free in some circumstances.

Mr Carroll: I thank the Member for his intervention. I agree. The wide availability of reusable masks, which can be expensive — I will come on to that in a second — has not been provided for. This is worth hammering home. I am happy to be corrected, if the Minister can do so, but the Executive are pushing forward with the strategy of increasing fines if someone forgets their mask, does not have access to one, cannot afford a new pack or does not have access to a pack of disposable masks, rather than implementing measures to ensure that they have every opportunity to get a mask, as Mr Sheehan suggests. I am happy to be corrected, but I do not know where in the regulations it specifies that there will be exemptions in specific cases. My fear is that the way in which these issues have been proceeded with over the past few months means that people will be fined, and there will be an increase in fines.

Can we rule out a scenario in which a mother who is rushing out of the house to do her Christmas shopping and, in the rush to get the kids ready and out the door, forgets her mask, or masks, is hit not only with a fine but, under this proposal, an increased fine of up to £100 or £200? That is important stuff. How can we rule that out when this amendment is being put forward? If that is not bad enough, last week, the Health Committee was told,

when this amendment was being presented, that the rate of non-compliance had not increased markedly or shot up. So, where is the rationale? Hopefully, the Minister can come back on this. Where is the research and evidence to back up increasing fines?

Where is the assessment of how the proposal would affect people on low wages and benefits? That speaks to Mr Buckley's point about an impact assessment. Has people's compliance with wearing a mask increased? I predict that I will probably not be able to divide the House on the Question, as has been the case with other issues, due to the way in which Stormont is structured and the fact that it does not allow smaller parties to register their opposition by way of a vote against measures. I therefore categorically place on record my, and my party's, opposition to the ill-thought-out amendment to increase fines for those not wearing a face mask when the Executive have not gone over and beyond to ensure that people are supported, every step of the way, to ensure that they have access to a mask.

Mr Principal Deputy Speaker: No other Member has indicated to me that they wish to speak. I therefore call upon the Minister of Justice, Mrs Naomi Long, to conclude and give a winding-up speech on the debate on all five motions.

Mrs Long: This has been a very useful, and mainly constructive, debate. I am grateful to Members for their contributions. I appreciate the degree of goodwill that the Assembly shows towards what is a very unusual process, whereby the role of legislative scrutiny is applied after the event, rather than before.

Nevertheless, it is important that that scrutiny take place, in order to examine and comment on measures that have been taken and to inform how we go forward. In the current context, things move fast, and the observations and concerns of Members are taken on board as we develop policy and work on the next set of amendment regulations. It remains the case, however, that it is important that the public have confidence that the Executive are not acting without scrutiny.

I turn my attention to the comments from Mr Paul Givan. As I said earlier, it appears that no good deed will go unpunished. Unfortunately, it seems that, by stepping into this role, I have created something of a controversy in offering to help the Health Minister, who has been in this Chamber on almost every sitting occasion since the pandemic began. I felt that it was appropriate, given that my Department had had some involvement in, although was not in control of, these regulations, that I offer to help. Of course, the Health Department then did as I would have done myself and asked me to take forward some additional and rather unexpected changes, which I am more than happy to do in the spirit of collegiality.

On the issue of lack of opportunity for the Justice Committee to scrutinise the regulations, as I said in my opening comments, these are Department of Health regulations, made by the Minister of Health. I was asked to lead a short, sharp review, on behalf of the Executive, in support of the Minister of Health. The review was not a Department of Justice review, and I do not believe that it is right to characterise enforcement as being solely a Justice issue either.

My officials worked collaboratively on the review with their counterparts in the Department of Health, the Executive Office, the Department for the Economy and the Department for Communities. The first stage of the review, which was a comparative analysis of the offences and penalties in place across the UK and in the Republic of Ireland, was completed by the Department of Health, after which my Department developed proposals, given that we have an advisory role only on the creation of new offences and penalties that relate to other Committees' and Departments' responsibilities. We sought clarity from the Executive Office on the Assembly procedures that should be followed, and it was confirmed that policy responsibility for the regulations lies with the Department of Health, and the role of scrutiny therefore falls to the Health Committee, with the Justice Committee requiring notification only. As a matter of professional courtesy, however, the Justice Committee was notified in a letter by me, and a copy of the regulations was made available to it on 1 December. All these regulations fell to be scrutinised by the Committee for Health. We were asked by the Department of Health to make an official available to join the Committee meeting at which these regulations were being considered, and we agreed to that. The Department for Communities also fielded an official who had assisted with the amendment (No. 14) regulations. There was no requirement or expectation that either Department should have to notify its respective Committee or that its respective Committee's scrutiny functions would be engaged by doing so.

Such collaborative working across Departments is to be encouraged, not criticised or impeded. I am in the Chamber today in that spirit of collaborative working and in recognition of the extreme demands that have been, and continue to be, placed on the Health Minister and his officials, and indeed on the Executive Office. I have always said that my Department and I will play our full part to support efforts to keep us all safe during this pandemic, and that is what we are doing today.

On his concerns about policing of the regulations, the Chair of the Committee rightly noted that I would not be drawn into a debate about operational matters, which are the responsibility of the Chief Constable. He is incorrect, however, in suggesting that that is something that I introduced when I came into office. It is a convention that has been in place since justice was devolved, as the legal position in that regard makes clear. The Chief Constable is responsible for operational decisions and is directly accountable to the Northern Ireland Policing Board. Complaints about such decisions are the purview of the ombudsman's office. I am both bound and determined to respect the operational independence of each of those structures, as my office and position demand.

I move on to the remarks of the Chair of the Health Committee. He expressed his concern that the issues, and the scrutiny process used around the restrictions, are complex and frustrating for a number of Members. I have some sympathy in that regard, a point that was reinforced by Mr Colin McGrath and Mr Paul Givan.

The confirmatory approval process has been put in place to reflect the urgency with which the Executive have had to operate in these extraordinary circumstances. That is a point well that was well made by Mr Chambers in his contribution and by Paula Bradshaw in hers.

The normal Assembly scrutiny has been adjusted to accommodate the making of regulations in short order to reflect the requirements of the changing context in which the Executive are working in response to COVID-19. Debates are held at the earliest opportunity available to the Department. The Assembly approved the confirmatory approval process for these emergency regulations and, therefore, with respect, we are following the approach that the Assembly itself has agreed. Whilst it is undoubtedly a frustrating approach, it is, nevertheless, the appropriate means for these issues to be brought forward. The timing of the debate is also a matter for the Assembly, given the Assembly's own requirements for the input of the Examiner of Statutory Rules and the timing of scrutiny by the Health Committee, which has to be allowed and given its space.

The confirmatory approval process allows the Department of Health to make and lay the regulations quickly. In practice, that has often been in a matter of days or even hours after an Executive decision. As a number of Members, including Ms Paula Bradshaw, said, any delay in making the regulations could cost lives, and therefore being speedy in how we deal with these things is the trade-off against the normal scrutiny that we enjoy in the House. I believe that the scrutiny function provided by our Committees and the Assembly in this matter is absolutely critical. We would not be taking this forward in the way that we have if it were not absolutely necessary.

Normally, the regulations are scheduled for debate at the first opportunity after the Health Committee session. However, given that some regulations are only in place for a fortnight, that means that some will be debated after they have ceased to have effect. I completely understand Members' frustration in that regard. Following the making of regulations, the timing of the scrutiny and debate is largely in the hands of the Assembly. It is worth noting, however, that the process of developing and scrutinising regulations would normally take a matter of months and not days. Therefore, the normal procedures cannot be followed in these circumstances. These are not normal circumstances, and no one in the Executive or the House would argue that the current procedure is a model for scrutiny in normal times.

The Chair of the Health Committee mentioned issues that had been raised with my officials about the human rights assessment of the regulations. The matter was raised with the Executive Office following the Committee session, and the Department of Justice is awaiting its response. However, on the wider issue of the queries, my officials are also awaiting a response from the Health Department's Assembly liaison officer to ascertain the process for responding to the Committee. Normally, the Department of Justice will receive a letter from the Committee Clerk and respond in writing. When the Department receives such a letter or, indeed, an alternative mechanism, it of course endeavours to respond.

On the consideration of human rights implications, I am not at liberty to share the exact content of papers presented to the Executive, including legal advice that is provided. You will be aware that there is an established convention that this type of information is not shared. I can say that the Executive consider a range of factors when discussing potential restrictions and sanctions, including human rights considerations. In particular, the Executive give due attention to whether any measures being contemplated

are necessary and proportionate. As part of the review of offences and penalties, the Executive looked carefully at the level of penalties that are applied across these islands and for other offences that are also dealt with via fixed penalty.

There will always be a careful balance to be struck between keeping people safe and individual freedoms. We have heard much about the balance between life and livelihood, but there is a third angle that Gerry Carroll referred to. There is life and livelihood but also liberty. We need to keep all three of those in mind as decisions are made and taken forward. As a society, we should not give up our freedoms easily or lightly. We should question when those freedoms are constricted, but that does not mean that we should resist the sensible, cooperative kind of efforts that we have been making to protect life. The Executive keep our balance under constant review when we seek to recalibrate our approach to restrictions and the associated penalties.

The track-and-trace programme was raised by the Chair of the Health Committee. As he will be aware, there is already a developed programme of test, track, trace, isolate and support. Indeed, support is available through the Department for Communities for those who have to self-isolate. However, it would be more appropriate for the Health Minister to make any announcements on his approach to the motion that was debated in the Chamber and passed with all-party support.

5.45 pm

I can, however, say that there is a COVID task force, which is being headed up by the interim head of the Civil Service, although its scope is to be further clarified. That has been agreed by the entire Executive. Our hope is that it will bring a strategic focus not only to the cross-Executive approach to tackling the pandemic but to our plans for recovery, which are hugely important at this juncture.

Mr Buckley: I thank the Minister for giving way. Will she provide clarity on whether the enforcement element will be included in the work of the task force?

Mrs Long: There will be a number of elements in its work. I will come on to enforcement, so the Member may get his answer then, but one of the key issues for the task force is not to duplicate structures that are already in place to deliver on Executive priorities but to streamline and coordinate cooperation so that we are using a more effective and efficient system. It is unclear whether those will be rolled into the task force or whether the current compliance group will continue in its operations and simply work through the task force on coordination.

Mr Beattie and Mr Clarke showed extreme curiosity about how COVID regulations would be enforced and whether I should be the person who does that. Obviously, I do not want to disappoint them by not providing them with a fulsome response. I will, of course, not open up Executive confidentiality, but suffice it to say that I have always been clear that promoting adherence to the COVID restrictions is a cross-cutting matter. Enforcement of COVID restrictions is not solely a matter for the PSNI; other statutory organisations, such as councils, Border Force and others, have responsibilities for compliance and enforcement. Those organisations are not within my purview. The focus, therefore, should be on encouraging

adherence, compliance and enforcement and on using enforcement as a last resort only when necessary.

The Executive agreed, after discussion, to set up a strategic-level group, chaired by the junior Ministers and under the auspices of TEO, to coordinate efforts on compliance and enforcement. Senior officials from my Department, the PSNI and other Departments that are engaged are part of that group and are playing their full part in supporting the collective effort to encourage adherence and compliance.

Enforcement was raised by quite a number of Members, including Mr Buckley, and I want to set it out in some detail because it touches on the regulations that we are discussing today. Enforcement activity should always be proportionate and must be seen to be legitimate. None of us in the Chamber or anywhere else wants to see a heavy-handed response to these issues, and enforcement of COVID restrictions is not solely a matter for the PSNI. As I said, other statutory organisations, such as councils, also have responsibilities for compliance and enforcement. Locally, both the Northern Ireland Policing Board and the Office of the Police Ombudsman have been overseeing the PSNI's enforcement approach and will report on that. Operational decisions, including penalties, are a matter for the Chief Constable, and he is accountable to the Northern Ireland Policing Board.

The PSNI publishes weekly statistics on the number of penalties issued, and that reflects its ongoing enforcement efforts. I encourage Members to look at those figures and to inform themselves on the work of the police before they comment on those matters, because I think that some would find it surprising. As of 7 December, the PSNI had carried out a total of 5,365 actions associated with enforcement of restrictions. PSNI figures, as I say, are available, but I will just read them into the record, if I may, Mr Speaker.

A total of 2,101 COVID 1 notices — that is, penalty notices — have been handed out since March. There have been 791 COVID 2 notices, comprising 135 commercial and 656 private notices. Those are prohibition notices that are issued to licensed premises or for a restriction of gatherings in a private dwelling. Forty-nine COVID 3 notices have been issued, and those are for failure to isolate. Some 923 COVID 4 notices have been issued, which is the one that now replaces the COVID 1 notices, with fines starting at £200 instead of £60. There have been 25 COVID 5 notices, which are penalty notices that are issued to businesses and/or premises for breach of the regulations, and the fines start at £1,000 and go up to a maximum of £10,000. Finally, 1476 community resolution notices have been issued.

In addition, local councils have collectively carried out 58,501 acts associated with public health restrictions for the period 1 May to 30 November. I do not think that any Member, having sight of those figures, could suggest that no effort has been made on enforcement.

Mr Buckley further raised the issue of the Holylands, which we all realise presented particular challenges on enforcement. The PSNI focus there, as in other places, is on early intervention and the four Es approach, engagement, explaining, encouraging and, where necessary and appropriate, enforcement. It is important that, if Members make sweeping statements about the

PSNI, they should make sure that their comments are informed. Mr Buckley said that there had been limited enforcement when, in fact, more than 900 fixed penalty notices have been issued in the past three months. In addition to arrests and other interventions, such as the issuing of COVID-19 tickets, the police report all actions taken against students to the universities for them to consider disciplinary investigations and sanctions. The PSNI has referred over 1,100 students to their respective universities.

Since Halloween, which was relatively uneventful, the Holylands has experienced a rising number of calls for service regarding noisy parties. There was extensive media coverage of disorderly student gatherings in the streets on the nights of 23 and 24 November. I think that we will all agree that those scenes were disgraceful and that those who live in that neighbourhood, whether full-time residents or students, should not have to tolerate such disruption. The PSNI re-evaluated the operational response and put in place a specific operation from 5.00 pm to 3.00 am, and that will remain in place until such time as the police no longer require it.

The primary focus of the police operation is high-visibility reassurance on foot and in vehicles. Daily, active engagement with local points of contact in universities, Belfast City Council and the local community is crucial. The PSNI in south Belfast has been extremely proactive this year and, since 13 September, has issued 684 COVID-19 1 penalty notices, 214 COVID-19 number 2 prohibition notices, 224 COVID-19 number 4 penalty notices since 12 November, 62 community resolution notices, and has conducted three arrests.

On the wider point about compliance and enforcement, the Executive set up the strategic enforcement group, now known as the strategic compliance group, to assist our response to compliance and enforcement, given that it is a cross-cutting matter. The group is led by the junior Ministers, and my Department is represented alongside a number of other Departments and statutory agencies, all of which are working hard in a collective effort to encourage compliance. Enforcement activity should be proportionate and seen as legitimate, and I think that that is important.

The PSNI is continuing to work with retailers, transport providers, the hospitality trade and others to support compliance with the government regulations by engaging and explaining and encouraging people to make the right choices. The police will enforce only where necessary. That position is endorsed by the Northern Ireland Executive and the Northern Ireland Policing Board and is in line with the national guidance from the National Police Chiefs' Council.

Mr Sheehan raised the issue of how we can support and encourage people to comply, and Mr McGrath made similar comments. People are weary and exhausted. The COVID-19 restrictions mark a huge limitation on our way of life, albeit a necessary one. We are social creatures, and, in times of stress, our natural instinct is to huddle for protection. It is, therefore, unnatural and requires a high degree of restraint, concentration and awareness for people to maintain their social distancing when they are anxious and under stress. However, the evidence that we have seen as an Executive is that most people want to comply, so making it easy for them to do so is hugely important. That includes those who may struggle with cost.

The Department for Communities provided approximately £60,000 through Ulster Supported Employment Ltd (USEL) to make and distribute face coverings to those who are vulnerable.

In addition, prisoners in Magilligan, who were also involved in producing scrubs for the health service, turned their sewing skills to good use to provide face masks. That came as part of a community collaboration, where local churches donated fabric and the prisoners stitched face masks and passed them on to schools, to children's wards in the hospital, and to other community organisations. It is encouraging that those in prison are part of the effort to try to tackle Coronavirus and support the local community.

A number of Members, including Pat Sheehan, Pam Cameron, William Humphrey and others, raised the issue of face coverings. The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations make the wearing of face coverings mandatory in indoor spaces such as shops, public areas and public transport. The wearing of a face covering has never been presented as a panacea to prevent or reduce the spread of the virus in our towns and cities. It should be noted by all that the Executive have been advising, since early in the pandemic, that people should wear face coverings, although it was not made mandatory until later. The wearing of a face covering is one of the measures that we can all take to help curb the spread of the virus and play our part in bringing levels of infection down. Other measures are maintaining social distancing, washing our hands, avoiding touching our faces and all of the other things that we have discussed at length.

One reason why we did not move straight to regulations was that concern was expressed by the World Health Organization and others that, although the introduction of face coverings does reduce transmission, the accompanying relaxation in people's other behaviours, such as social distancing and contact with others, could offset some of those benefits, particularly in cultures where the wearing of face coverings is not culturally normal. Therefore, people would struggle to remember to wear them and also, when wearing them, may feel a false sense of security. So there are issues with face coverings. That had to be weighed by the Executive, and we tried to implement it at the correct time.

There is no scientific evidence that wearing a face covering can make a healthy person unwell. The World Health Organization has issued advice on face covering and addressed some of the myths around prolonged use of medical masks. The prolonged use of medical masks can be uncomfortable. However, it does not lead to carbon dioxide intoxication or oxygen deficiency. While wearing a medical mask, you should make sure that it fits properly and is tight enough to allow you to breathe normally. The World Health Organization also advises that we should not reuse disposable masks and we should change them as soon as they become damp.

There is no scientific evidence that it will make a healthy person unwell. However, it is recognised that, for some people with underlying respiratory conditions or sensory issues, wearing a face covering can be problematic or extremely distressing. For that reason, the restrictions exempt such individuals from having to do so. By following this advice, we can help protect ourselves, our families and others from serious illnesses and protect our health

service and our economy and help prevent further prolonged and more stringent restrictions.

I thank Paula Bradshaw for her remarks reflecting that the crucial issue in all of this is how we, individually, act to stop transmission. A number of Members including Paula, Pam Cameron and others raised the issue of personal responsibility. With the rate of transmission that we are currently seeing, everyone needs to play their part to bring the levels of infections down and to protect lives, livelihoods and, indeed, our liberties. It is a matter of personal and collective responsibility. We have a responsibility to help curb the spread of the virus by maintaining social distancing; maintaining good hand and respiratory hygiene; wearing face coverings; self-isolating immediately if we experience any symptoms, including a new persistent cough, a fever, a loss or change of smell or taste; seeking a test if we experience those symptoms; downloading the StopCOVID NI app; and complying with the restrictions that are in place. If we follow that advice, it can and will make a difference.

People need to adhere to the restrictions, but where they do not, enforcement has a role to play. While there has been, understandably, given the context, a natural focus on enforcement, we should also remember that high levels of enforcement are actually indicative of a failure — a failure to bring people with us, to convince them that these measures are necessary and encourage them to be careful, even when they are out of sight of enforcement activity. It is, therefore, really important that we show leadership and encourage and support others to comply. Órlaithí Flynn made that point very strongly. Whilst I am sympathetic on the issue of the cost of the penalties and fines, those fines are entirely avoidable if people follow the regulations; it is easy to avoid being fined.

6.00 pm

Pam Cameron asked for clarity on what further details would require to be taken by the hospitality sector for contact tracing. Regulation 4C(3) states that the name and phone number of one person per household, plus the date of the visit, the time of arrival and the number of members per household have to be recorded and held. My understanding is that that is for a period of 21 days in order to allow contact tracing.

A number of Members, including Pat Sheehan and Robbie Butler, referred to the relaxations that are to be permitted over the Christmas period and the need for people to be responsible and considered. I will not test Members' patience by going down the road of discussing those relaxations as they do not form part of these regulations. Suffice it to say that we are all aware that, in every contact, every personal interaction, every crowded place, be it a shop, living room, bar or restaurant, and every unventilated place, every time that we are in those places and situations, we increase the risk of transmission.

The relaxations announced by the Executive are permissive. No one has to do any of this. People can maintain stringent distancing, isolation and all the other measures for as long as they wish. People are not required to bubble with family — some Members may be relieved to hear that. People can decide, instead, as many of us who are less sociable will do, to close the door on Christmas Eve and not to open it again until the new year. That may

be good for your health but, for your interactions with family and friends, not so much.

Mr Gildernew: Will the Minister give way?

Mrs Long: I will, surely.

Mr Gildernew: In light of that, does the Minister agree that, notwithstanding the useful debate that we have had about evidence, process and the need to carry out these emergency measures hastily, there is some evidence that has to be considered that is crucial and beyond dispute? One is that our hospitals today are at 102% capacity. More people are in our hospitals today than there are beds. Only a very small number of ICU beds are available, and we have had 1,073 deaths. People need to bear those things in mind when they are making decisions over the time ahead.

Mrs Long: I absolutely concur with what the Chairman of the Health Committee said; it is very wise advice. These are permissive regulations. No one has to get together with others, and there are risks attendant on doing so. I ask people to think carefully and weigh up for themselves whether the benefits of getting together with family and friends to socialise is worth the risk that that might bring to those people with whom they have contact.

Many may make the judgement — some already have — that they would rather postpone their celebrations with family until the vaccine has created a safer environment in which to do that. However, we talked about liberty, and we have to leave the matter to personal judgement. It would be cruel and unwarranted for us to try to prevent people from being able to meet family over that period, particularly those who may, for good reason, have a prospect of this being the last Christmas that they might spend with some of their family members. We have to be sensitive to that.

I simply ask that people do as the Chairman of the Health Committee suggested and as I have said: approach the holiday season with caution. The advice has not and will not change when it comes to hand and respiratory hygiene, wearing masks, ventilating spaces and keeping your distance. Do not drop your guard because it is Christmas. COVID will not change because it is Christmas. It will not take time off.

Gerry Carroll raised the issue of the cost to councils. I can inform him that the Department for Communities has committed additional funding in excess of £85 million so far to all councils to assist in combating COVID. All councils have confirmed that they do and can deliver the requirements of these regulations with the resources that they have.

Today's debate was useful and constructive and forms part of the opportunity that Members have to undertake scrutiny. We are all learning how to respond to a novel virus, and Members' scrutiny contributes to how we take forward future regulations and restrictions. I reassure Members that it is not a waste of their time. Members are not simply talking to issues that have come and gone but are engaging on how they want us to take things forward.

Today is a momentous day for the vaccine, and I think that it will be universally welcomed. I thank the scientists who developed the vaccine, the individuals who stepped forward in record numbers to assist with clinical trials and the Department of Health for its preparatory work on the roll-out of mass vaccination.

When the Health Minister is here, he cannot blow his own trumpet, because that would be seen as inappropriate, but I shall blow the Health Minister's trumpet for him on this occasion. I have seen with my own eyes the work that has been done in my doctors' surgery on the preparatory work for this and how they rolled out the flu vaccine. Many people talked about surgeries running out of the flu vaccine, but, of course, the truth is that the flu vaccine was rolled out so quickly and so effectively that we exceeded capacity in terms of vaccinations. Many surgeries hired community halls, church halls and other venues to test and trial a mass roll-out of vaccines. We know how to do this quickly, effectively and efficiently. We know how to get it out to the public. We now need to build public confidence that the vaccine will provide us with part of the solution to returning to normality.

We have an opportunity to go into the Christmas season and beyond with optimism, perhaps for the first time since the virus descended on our shores earlier this year. It is the light at the end of the tunnel, but we are not there yet. In the meantime, therefore, I plead with people to bear in mind what the Chairman of the Health Committee said about our health service, think about the people who have passed away, be responsible for your actions and take care of yourself, your family, your friends and your community. If we work together, we will get through this.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 be approved.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: The motion has already been debated.

Question put.

Some Members: Aye.

Mr Carroll: No.

Mr Principal Deputy Speaker: Mr Carroll, I am saying that Gerry Carroll said no. That is now in Hansard. OK?

Question put a second time and agreed to.

Resolved:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

Mr Principal Deputy Speaker: Before we move on to the Economy Committee business, I ask Members to take their ease. I also ask Members not to forget to clean their surface before leaving. Thank you.

(Mr Speaker in the Chair)

Committee Business

Macro Economic Outlook Micro Inquiry Special Report

Dr Archibald (The Chairperson of the Committee for the Economy): I beg to move

That this Assembly welcomes the Committee for the Economy's special report [NIA 56/17-22] providing evidence on how the economy has been impacted as a result of the COVID-19 pandemic, and ideas on how to rebuild it better; supports the development of cross-departmental plans to boost our economic, health and social well-being, by investing in infrastructure, skills, manufacturing and industry; recognises that collaboration across government is vital and will translate into social progress where people, communities and high streets thrive and prosper, and where good jobs are created along with the skills and networks needed to raise productivity and earnings; and calls on the Minister for the Economy, and her Executive colleagues, to use this evidence in planning our economic recovery and future.

Mr Speaker: The Business Committee has allowed one and a half hours for the debate. The Chair will have 10 minutes in which to propose and a further 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

6.15 pm

Dr Archibald: The Committee has undertaken a micro-inquiry to seek views from a range of stakeholders on what we need to do to support the recovery and rebuilding of our economy following the impact of the COVID-19 pandemic, and has produced a special report highlighting a range of themes. I thank those who participated in the inquiry, and the Committee has shared the report with the Economy Minister.

The business, manufacturing, tourism and hospitality sectors in particular told us that they have yet to see the full impact of the COVID-19 crisis. They feel that the longer we remain in a survival or stabilising phase, the greater the negative impact on their sectors in the longer term. Academics highlighted the likely prospect of a deep recession, with an even tougher recovery. However, some businesses are still growing and have had opportunities due to COVID-19. There have also been business start-ups during this period, whilst other businesses remain in survival mode. While the pandemic is primarily a public health emergency, the economic risks are real and impactful. Many businesses are bracing themselves for more job losses in the months to come. Rather than managing our economic decline, we must focus on rebuilding. Economic disruption looks set to continue into the new year. Nine months into this crisis, however, we can reflect on what has worked well and adapt good policies accordingly.

We should continue to push forward to the recovery phase, directed by a realistic plan, specific to our needs, to start building back better as we prepare for our next challenge, which is Brexit. With that comes the challenge

of how we will replace EU funding on a like-for-like-plus basis through the shared prosperity fund. We must deliver on the policies needed to help to stabilise the economy right now and develop an overarching plan to make sure that our economy is rebuilt in a way that improves its responsiveness to the needs of communities and businesses. One of the most vital ingredients in building our economy back better is improving technology and digital infrastructure. There has never been a time when we, as a society and economy, have been so reliant on technology. In fact, we have suddenly become reliant on services that allow us to work, shop, access services and learn from home. The Committee welcomes the appointment of a contractor to Project Stratum. To support that, we need to make it easier for telecom companies to improve rural connections by setting up mast-sharing agreements. Communities need to see 5G rolled out to provide the best online technology available.

Having a workforce that is flexible, agile and skilled to help local businesses to prosper is essential to economic recovery. Increases in unemployment have had a knock-on impact on high streets, with businesses in real distress, especially in hospitality, retail and transport. Members have concerns about the gap between the skills that workers possess and those that businesses say they need, with a deficit in workers with skills in science, technology, engineering and maths subjects. The result is lower wages, lower productivity and unemployment. We must create strategies to ensure that people have the skills that they and businesses need for us all to prosper. There are clear patterns of intergenerational, low-paid, insecure employment and worklessness within more-deprived communities. The impact of COVID-19 caused the Committee's stakeholders to highlight the fact that we are experiencing greater disparities between the haves and have-nots.

Mr Stalford: I am grateful to the Chair of the Committee for giving way. At this time of year especially, I think that this is relevant. One of the things that has concerned me greatly is that lower-paid workers who are being told that they are not allowed to go to work are struggling to pay for Christmas for their kids. The direct consequence of them not being allowed to go to work will be to push them into the arms of loan sharks and moneylenders, and that has a huge societal impact. Would the Member care to talk to that for a few seconds?

Dr Archibald: Many individuals and families are facing very difficult circumstances at this point. It is important, therefore, that there are supports put in place for those people, and there have been, via the Department for Communities and the supports that have been made available through the Economy Department. Those have been really important to ensure that people have the support that they very much need. It is important, therefore, that we have the strategies to move forward in the economic recovery. Young people and those on lower incomes are often those most badly affected by the pandemic, re-emphasising inequalities that already exist.

Unemployment, underemployment, low-paid work and lack of skills have blighted communities and held back our economy. With an increase in unemployment forecast, we must have a strategy to encourage and support start-ups and entrepreneurship. The development of indigenous businesses with higher earning capacities is key. In order

to get this right, there must be a proper framework to support entrepreneurship, along with new thinking on how to get more people trained with professional and technical qualifications. That must be supported by a new, realistic childcare strategy that gives parents more and better opportunities to work.

With fewer staff travelling to work and fewer tourists and with schools closed for several months at a time, transport operators have experienced a devastating blow to their income. Now is the time to plan ahead in order to ensure that the public transport network will be ready for a return to operations when there is greater demand and that it will better support our communities in getting their goods to market and people across our island. An overarching transport strategy needs investment, particularly when getting people to airports, universities and manufacturing sites. That will require long-term solutions for the major road networks and the development of a high-speed rail link connecting all our towns and cities. Airports are essential to our economic development, as they provide access to airlines. Just this morning, the Economy Committee had an informal meeting with the chief executives of our three airports. Moving passengers and transporting cargo are very important to our local businesses. Therefore, we need to ensure that the airports survive for the good of our economic future.

As highlighted in the Committee's energy strategy debate last month, we must ensure that buildings are made as energy-efficient as possible, that investment is available for our electricity grid and that companies offering renewable technologies are given the support that they need to succeed. Our planning system needs to provide greater flexibility to change landscapes in order to help our health and well-being. We must work to eliminate fuel and energy poverty for our most vulnerable, as well as ensure that energy prices are a draw for businesses to invest here and not a disincentive.

In order to build a better economy, we need embedded collaboration across all levels of government; delivery on plans to create social progress where people thrive and prosper and where good jobs in indigenous businesses are created; and development of the skills and networks that are needed to raise productivity and earnings. Government procurement also needs a shake-up, with a greater focus on buying locally and support for companies here to build capacity in order to increase employment and earning potential for all our people. How we commission public services should recognise the wider social, economic and environmental benefit and context. Business leaders are concerned that, as we approach the official date for EU exit at the end of the transition period, there remains a lack of information, and, therefore, there is uncertainty about what will happen next. That, along with the COVID-19 pandemic and the fact that we are in the month of Christmas, makes this a period of great uncertainty. Businesses and consumers urgently need information to make the best decisions that they can. We need to deliver for them not just now but in the longer term through better planning, investment and collaboration across government.

I will now make some brief remarks as Sinn Féin's economy spokesperson. Sinn Féin set out our recovery strategy back in June. That is based on four principles: supporting workers and families; supporting businesses to create and sustain jobs; delivering on a just transition;

and giving the Executive the tools to finance recovery. Prior to COVID-19, our economy was not in good shape. We had the lowest growth, the lowest productivity and the highest economic inactivity in these islands. There were structural challenges that have persisted and that need to be addressed as part of our recovery. Our economic strategy must be one that delivers good jobs, addresses regional imbalance, promotes a zero-carbon economy and improves productivity. We need to deliver on the commitments in the New Decade, New Approach agreement on strengthening workers' rights. Those and skills development are core to improving productivity.

We must support alternative business models, including social enterprises and cooperatives in order to drive community well-being and wealth-building. Our economic strategy must support indigenous SMEs and, in doing so, tackle long-standing regional imbalances by coordinating local economic development in towns and villages in order to create employment opportunities. We need to reimagine our towns and cities as part of the recovery to utilise space through sustainable development where people work, live and socialise. Any economic strategy for recovery must involve long-term planning to deliver a just transition to a net-zero-carbon society. A green new deal should be a core tenet to the recovery, creating high-skilled, well-paid employment by harnessing our abundant natural renewable energy resources. That can help to deliver lower costs for families and businesses, create warm homes for those in fuel poverty and provide public transport for all, including isolated rural communities.

To be able to deliver on economic recovery —

Mr Speaker: The Member's time is up.

Dr Archibald: — the Executive must be afforded additional powers to borrow. I will leave it there. I again thank all those who contributed to the micro-inquiry.

Mr Middleton: None of us could have predicted the impact of the pandemic on our economy. It has devastated our high streets and disproportionately affected young, part-time, low-paid and female workers.

The latest Office for Budget Responsibility outlook in November indicated that COVID-19 has caused the UK economy to shrink by 11% this year, the largest drop in over 300 years. The collapse of established retailers such as Arcadia and Debenhams has distilled the devastation that the pandemic and subsequent restrictions have caused to our high streets. We must remember that COVID-19 has, of course, affected different business in different ways. Some sectors, including retail, hospitality and tourism, have been dealt a particularly bitter blow. Those sectors often have higher numbers of female, young, part-time and low-paid workers, and the threat of job losses will be heartbreaking for them and their families.

I welcome the special report and will speak in support of the motion. It will support a fully informed debate on how best to chart a course towards recovery. The Committee report raises a number of constructive themes, including investment in connectivity and digital infrastructure, which I am sure that the Department will look at closely over the coming weeks.

As the Chair said in her remarks, there has been no time that we, as a society and an economy, have been so reliant on technology. Whether in work, retail or education, the

COVID-19 pandemic has accelerated changes that would normally have taken years to progress. On that note, like others, I welcome the progress on Project Stratum and the £165 million contract to Fibrus, which will see broadband rolled out across Northern Ireland. It should be noted that that was a key issue for our party in the confidence and supply agreement.

The report also touches on ensuring a flexible and skilled workforce. Many employees who have been placed on furlough or who fear that they will lose their jobs will need help to retain them as we come to the end of that period. I also welcome that the Department for the Economy is developing a new skills strategy that will take much of that forward.

The report also refers to transport infrastructure, and I broadly agree with the views of the stakeholders about looking again at the strategic roads plan to future-proof it and the need to improve public transport connectivity. That has also changed over the course of the pandemic.

Air connectivity was another important element of the report to ensure that businesses have proximity to the rest of the UK and, indeed, the continent, as that will be an important factor in our recovery. From our meeting this morning with the chief executives of the airports, I know that they are very worried about the current position, but they are also hopeful that, with the right support, we can get through this. We need to make the case for greater air connectivity, including to the US, to consolidate Northern Ireland's reputation as a positive place for foreign investment. The Committee report rightly denotes the decimation of the tourism and transport sectors as a result of the pandemic. The ground-up approach to recovery must help those businesses and our airports to rebuild.

A further important area that the report touches on is tourism and the revival of our town and city centres. It refers to the need to review our city centre infrastructure, support our retailers, and to having a proper mix in our town and city centres. It refers to the need for a joined-up communication plan and campaign to promote the message that Northern Ireland is a safe place to visit. That is a cross-cutting issue for all Departments. The Department for Communities has a role in city centres, as do the Department for the Economy and the Department for Infrastructure. We want to see a joined-up approach in that respect.

Finally, we need to be ambitious. As the report states, it is not about "managing decline" but "rebuilding" and promoting a better and stronger economy as we emerge from COVID-19.

Like others, I want to put on record my thanks to the Committee, the Committee Clerk and the Committee staff for the way in which they conducted the micro-inquiry. As we go forward, I hope that it will encourage debate and inform some of the decisions that will need to be made over the coming months.

6.30 pm

Mr Catney: This is the second important report that we have seen from the Committee for the Economy in as many weeks. I thank the Committee and officials for their good work.

In order to build an adequate recovery from the pandemic, we must admit to long-standing issues with the economy. As has already been stated, productivity in Northern Ireland is 15.6% below the UK average. Low productivity puts significant constraints on growth in Northern Ireland, with knock-on effects on levels of investment and innovation. Low productivity feeds through to individuals and families through lower incomes and fewer opportunities for quality jobs. Northern Ireland has a much larger concentration of employment in lower-paid sectors, such as agriculture, retail, and health and social care, than the UK average. In contrast, employment in the rest of the UK is more concentrated in higher value added sectors, such as professional services, ICT and financial services.

Northern Ireland's low productivity is linked to low levels of skills and historical difficulties with skills gaps in the employment market. There is a shortage of people with professional and industrial qualifications in the labour market. In contrast, Northern Ireland has a relatively high proportion of university graduates. However, the subject mix of graduates is not always proportionate to labour-market demand, with an oversupply in some areas. As a result, graduate skills may be underutilised in the economy, and lower-skilled workers may be pushed down the employment ladder.

In addition, we must identify the sectors that have been disproportionately impacted by the pandemic. Sectors with large numbers of low-paid roles are more likely to have employees who had been furloughed and lost their jobs. That includes demographics that faced pre-pandemic inequalities. Emerging UK studies indicate that women; young people; black, Asian and minority ethnic individuals, and people with a disability are at particular risk of the adverse social and economic consequences of COVID.

Turning to the other areas that were specifically covered in the report, it is clear that the Executive should commit to the transformation of skills. Northern Ireland's workforce has, on average, a lower level of educational attainment and skills compared with other UK regions. That leads to skills shortages, which reduce the growth potential of local firms, deter investors from locating here and limit productivity, growth and competitiveness. For individuals and families, low skills levels also mean that Northern Ireland has the highest percentage of low-paying jobs in the UK.

We must also commit to the programme of investment in infrastructure that underpins economic growth. Northern Ireland is held back by long-term underinvestment in key infrastructure. Congestion and pollution demonstrates the need to reduce our reliance on cars through investment in public transport, along with walking and cycling routes. Water and sewerage infrastructure is near or at capacity in many places, limiting new development and raising environmental risks. While Belfast is now a super-connected city, digital infrastructure outside the city lags far behind.

The COVID-19 crisis provides Northern Ireland with an opportunity to renew the commitment to address the climate emergency. The pandemic has led to changing attitudes towards outdoor spaces and increased demand for green spaces, cycling and exercise. Yesterday, the Minister for Infrastructure spoke to that point with her comments on the potential for inland waterways and canals to fulfil that need.

The pandemic has also rapidly changed the way in which we work, travel and use towns and cities. Those changes provide opportunities to develop a more resilient economy through climate-friendly policies that make best use of the city centre, public transport and tourism.

The Executive have an opportunity to work with the business community and councils to consider —

Mr Speaker: The Member's time is up.

Mr Catney: — different strategies. Any vision for economic recovery will rely on collective persistency. The Department for the Economy —

Mr Speaker: The Member's time is up. Thank you.

Dr Aiken: I thank the Chair and members of the Committee for the Economy for producing this macroeconomic report. Many of the things that I will mention are areas that we have covered before, but it is vital that we emphasise some of them. The first is the development, maintenance and retention of skills, particularly as we come out of the COVID period. I have talked about the impact that those skills have on our aerospace industry. That needs to be looked at. We need to encourage the retention of those skills and abilities. I encourage the Committee and the Minister to use their best endeavours with our Government when it comes to Ministry of Defence orders and other orders in terms of aerospace, the shipyard and other significant areas.

We should invest in our small manufacturing base. There seems to be an emphasis on fintech, which is very important, but we should also support our wider manufacturing base across Northern Ireland. Many companies feel that Invest Northern Ireland is there for FDI only. Invest Northern Ireland should be the engine room and incubator for small businesses across Northern Ireland. They must be closely linked to what goes on in our universities. On some occasions, our universities demonstrate best practice, but they also demonstrate some worst practice. We should link investment in our universities with investment in our economy very closely. We need to work on areas that we can grow and develop. That should be a priority for any future strategy to get ourselves out of COVID and to deal with the problems of Brexit.

We have talked a lot about infrastructure. I welcome the fact that the Committee today met the airport chief executives. I would like to see a commitment from all members of the Executive to point out to the Treasury that air passenger duty is a significant disincentive to investment in Northern Ireland. If we are seeking to make Northern Ireland one of the best places for small businesses and innovation, we must have connectivity links. We need to do something about the infrastructure in Northern Ireland. I am talking not only about improving broadband with Project Stratum but about improving our green networks, specifically our bus and rail networks. That needs to be developed across —

Mr Catney: I thank the Member for giving way. I have brought this up in the House before; there is a railway line between Lisburn and Antrim that has been mothballed. Over the past 20 years, at least £20 million has been spent on it. At its closest point, that line is within 400 yards of the International Airport. It could be linked up to the City

Airport. There should be a united front to get that line open to serve the local community.

Mr Speaker: The Member has an extra minute.

Dr Aiken: We should appreciate the fact that even 10% of the money for the much-vaunted Boris bridge would transform our infrastructure in Northern Ireland.

Another significant area that we need to look at is our energy structure and policy. Our party is committed to zero net carbon by 2035. Given what is happening in the rest of our nation as it pushes towards electric vehicles and improvements in our green economy, that offers our manufacturing sector and our research and development sector another incentive to grow.

I cannot stand here without expressing my concerns for the excluded in Northern Ireland, such as small businesses, which are desperate for support. The Minister talked today about payments going out to people under section B. Time and time again, all of us as MLAs see people who are struggling with bureaucracy and forms.

If we do not support those companies, there will not be much of an economy left to bring back when we come out of COVID and get to the other side, hopefully by the late spring of next year.

Finally, I want to talk about our towns and city centres. The impact on our high streets was mentioned earlier — the Member who mentioned that is not here now — as was the loss of jobs from companies such as Arcadia and Debenhams. Now is the time for us to think local and to use the opportunity that we have to help rebuild our high streets and incentivise them to bring jobs back. We might even have small manufacturing back on our high streets. The important thing is that we need to revitalise our town centres and villages, and we have the opportunity to do that.

I thank the Economy Committee, the Committee Chair and the Minister for coming to listen to the debate today. The Ulster Unionist Party supports the motion.

Mr Dickson: Before I start, I place on record my thanks to the Committee staff who worked on the report and to those who responded to it and helped to develop it for us.

It has been a very difficult year for Northern Ireland. We are no strangers to economic hardship, but the circumstances of this particular downturn are unlike any that we have seen before. COVID-19 has put many plans on hold but we cannot put the work of planning for the recovery on the back burner. We must consider what sort of recovery we want to pursue and how we can build a better economy out of all of this. Today, with the start of the vaccination campaign, we have a glimmer of hope on the horizon, and even better news is that the second vaccine is coming on stream.

Our report raises six key themes, and I would like to speak briefly about each of those. The first is technology and digital infrastructure, and 2020 has shown us the possibility of working remotely. More has been done online, but not everything. Day-to-day social interaction is a vital part of what we do. Collaboration, innovation and those idle moments chatting in a staff room have social as well as economic value in our lives. We are tackling digital exclusion, which, I know, is a Department of Finance

responsibility, but it is more important that we address our telecommunications problems.

Project Stratum, which other Members mentioned, is due to begin immediately, and I hope that that will result in major change, particularly for rural residents and businesses. Connectivity has the potential to revive areas of depopulation, especially if many will not need to go to the office as much as they did in the past. We also have great opportunities to build on our successes. The fintech sector is one such example, but we should not put all our eggs in one basket.

Secondly, we need to look at skills and employment issues, which will be key. The Minister knows that well, and the Department has done well to roll out skills opportunities for those affected by the pandemic. However, it is regrettable that, unlike in other European countries, there has never been a culture of support for lifelong learning in Northern Ireland. Once people left school, that was it. Investing in people and their skills should be our most important asset. I would like to hear from the Minister this evening what she is doing to strongly encourage employers to invest directly in upskilling employees. Childcare needs to be revamped. The Nordic countries have much more flexible workforces because of their attitude towards childcare. If we are to be serious about equality and improving the opportunities that are available to all, we need a radical approach to that as well.

We need to look to our transport infrastructure. Certain areas of our trunk road network need development. One such place is the York Street interchange, which is a source of frustration to many of my constituents in East Antrim. Beyond that, however, it is a vital hub for goods and supplies traversing a great part of Northern Ireland through that part of Belfast. We need to resolve that problem soon. Our railways need to be part of our future by offering a clean, convenient and cost-effective way of travel.

Two weeks ago, we spoke in the Chamber about our micro-inquiry into energy. Northern Ireland has the potential to be a world leader in clean energy. We must ensure that it is affordable and, of course, that there is always an adequate supply. The North/South interconnector will play an essential part in that, as will generating and storing electricity as part of our future capacity.

We need to be planning now to divest ourselves of fossil fuels and to invest in green, new-energy sources for Northern Ireland.

6.45 pm

Mr Storey: Will the Member give way?

Mr Dickson: Yes, I will.

Mr Storey: On that point, the Member will know that Wrightbus, in my constituency, along with Energia, has been pioneering much work on hydrogen. The reality is, however, that when you compare the amount of money that is being invested in hydrogen with the millions, or perhaps even billions, of pounds that are required to achieve what the Member is referring to, you will see that we are not at the races. From where does the Member see the money coming? Although I support what he is seeking to achieve, these are big-ticket issues, and they are going to cost a considerable amount of money.

Mr Speaker: The Member has an extra minute.

Mr Dickson: I have absolutely no doubt about that, and I agree entirely with the Member that this requires imaginative and targeted investment for the future of Northern Ireland. Expanding businesses such as Wrightbus and others that are invested in the green economy and in delivering green energy is vital, because it is that energy that will drive the rest of our economy, whether it is by providing the lights in buildings such as this or whatever else it happens to be. All of those things are important.

Tourism and the revival of our town centres are also key to our future economy. Our report notes that tourism makes a vital contribution to our economy in many ways. It sells Northern Ireland to the world and supports thousands of jobs, but it also creates an internal market. This has been a terrible year for the sector, and we need to ensure that we support it properly to get through this, as we need to do with our air connectivity with the rest of the world, to which others have made reference. I believe that there are concerns about air connectivity for —.

Mr Speaker: The Member's time is up.

Mr Dickson: I thought that I had an extra minute.

Mr Speaker: You got six minutes. You got the extra minute.

A Member: It is his birthday. Give him another minute.

Mr Nesbitt: It is his birthday.

Mr Speaker: He got the additional minute. I know that Mervyn may have distracted him, but no matter. *[Laughter.]*

Mr Stalford: Ronald Reagan said that, when put together:

"The nine most terrifying words in the English language are 'I'm from the government, and I'm here to help.'"

It is all well and good for Members sometimes to stand up in the Chamber and rhyme off a shopping list of things that they think that the Government should do. It is all very admirable and laudable, but we have to be realistic about the role of government and what it can do. We can all play fantasy by directing business to do this or do that, but, in many cases, the best thing that government can do for business is to get out of the way and let businesses get on with the job of creating jobs and investment. It has been really frustrating — not from all members of the Economy Committee, I hope — to hear the idea that the economy is some sort of abstract construct that exists independent of everything else. The economy is everything. It pays for everything. When Members rise to their feet and say, "We want to invest in this project", "We want to re-profile this element of the economy" or, "We need to be doing x, y or z", they must remember that we can pay for those things only if we have a thriving economy. The best way in which to get to there is through the quickest opening-up of our economy as possible, within the bounds of safety — I understand that — in order to allow our people to get back to work, to earn and to spend in the economy.

Mr Catney: I thank the Member for giving way. The most important thing that businesses need is certainty. The House can supply plenty of that if it comes together and agrees on the economic policy that most of us are trying to get out there in order to deliver for our businesses.

Mr Speaker: The Member has an extra minute.

Mr Stalford: Thank you, sir. I absolutely agree that the development of sound economic policy is important, but there also needs to be a realisation that sound money is important. When we are talking about pumping billions into the economy to sustain jobs and businesses throughout the pandemic, there needs to be a realisation that that money will have to be paid back.

The Second World War ended in 1945. I think we finished paying off the debt for it in something like 2010. This investment, or this borrowing, will need to be paid back, and it will be paid back not just by me, but by my children and probably, if God spares us and blesses us with them, my grandchildren as well. It is important that people in elected office are cognisant of the fact that this is not talking telephone numbers. This is real money that will have to be paid back. We are running up a massive national debt.

The report that has been produced is a useful resource and gives us lots of useful information. I will talk about where we are at for a few moments, before I talk about where we should be going. At the present time, the people who are being clobbered the most by the restrictions in place are those who can least afford it. I said this in a previous debate. It is well and good for people with the letters MLA after their name, sitting in a palace on top of a big hill in Belfast, to tell people that they cannot go to work, but that has serious impacts. As I said in my intervention to the Chair of the Economy Committee, around this time of year, people on low incomes are often forced into the hands of moneylenders and loan sharks. I prophesy that it will be 10 times worse this year, because people have had their capacity to earn removed from them.

I welcome the development of the voucher scheme that the Minister announced. I also welcome the clarification that she gave — that that will be paid to individuals, not households — because we know that, in the context of this pandemic, instances of domestic abuse and coercive control have increased. I do not want a Government scheme that is designed to help businesses to be used by people who abuse their loved ones, or the people whom they claim to love. The Minister sought £390 million, and she received one third of that. When Members stand up and tell the Minister, “We need to do this, that and the other”, they also need to be honest about the resource that is available.

I move on to some of the issues that have been raised. We need investment in our infrastructure, particularly to the west of the Province. We also need reform of how we do procurement, which can be one way in which the Government can assist business. Reforming how we do procurement is something we should consider. I hope that the Minister will be able to speak to that. However, let us be realistic. The best thing we can do for our economy and the prosperity of our people is to let them get back to work.

Mr O’Dowd: I have no quotes from Ronald Reagan, you will be disappointed to hear, Mr Stalford. However, if you have to quote Ronald Reagan to back up your economic argument, you are on a beaten docket straight away.

Mr Stalford: Will the Member give way?

Mr O’Dowd: I will, quickly.

Mr Stalford: The Member will be quoting Hugo Chávez or Fidel Castro at us at some point, I have no doubt.

Mr Speaker: The Member has an extra minute.

Mr O’Dowd: Was it John Wayne who said, “Get off your horse and drink your milk”? Did you ever hear that one? *[Laughter.]* I welcome the economic report from the Committee. As someone else said, this is the second report from the Committee in a matter of weeks. It shows that there is a lot of work going on in the background across all the Committees, not only in scrutinising legislation, but in bringing forward reports in aid and support of the Departments that they scrutinise on a weekly basis. The report is a snapshot. It is not comprehensive and does not claim to be. We would like to have seen more voices in it, particularly those of the trade union movement, because that is an important sector and vital to the economy that everyone is speaking about. There cannot be an economy unless there are workers involved in production. When the workers are allowed to play an equal and inclusive part in the economy, the economy thrives from that.

I will touch specifically on the role of universities and colleges in promoting a healthy economy, particularly as we move out of the current COVID-19 recession into what might be the Brexit recession or the continuation of the Brexit recession. Although we are in economic difficulties now, Brexit will compound those even further. Talks that are taking place in Brussels and London will have a huge impact on livelihoods and businesses right across this island. However, universities and colleges can and should have a central role in economic revitalisation.

Universities can be economic drivers because of the money that is generated if they are located in a city or large town. The expansion of the Magee campus will be an economic driver for Derry. Universities also play a role in research and development, so they can bring tens of millions of pounds into an economy. However, universities need to be supported by government to do that. Today has, obviously, been vaccine day. If we support our universities to get involved in the sort of research that led to the vaccine and in the sort of work that, for a number of years, preceded it, we can bring tens of millions of pounds into society. If we increase our student numbers, we can bring tens of millions of pounds into society. If we stop the brain drain to England, Scotland, Wales and elsewhere and educate our students here, we will have an investment in our economy.

I also want to refer to the poor cousin in the further and higher education debate: colleges. For far too long, our colleges have been the poor cousin in that equation. Our colleges provide excellent academic and vocational courses. When you look at the report, you see that concern is expressed about the lack of vocational skills and training. That has a lot to do with the perception that a good education means going to university. Yes, it does. However, a good education and having a good skill set also mean going to your local college, doing a trade, doing an academic course at a college and becoming a valued and productive member of society. I want to see a greater focus and emphasis placed on our colleges that is not to the detriment of our universities but for the betterment of our colleges.

If we suddenly have an east-west economy, we are going to continue to have a standard of living and productivity levels that are lower than those anywhere else on these islands. However, if we have an east-west, North/South economy, we can do great things. The Minister and her Department have to broaden their mind to the realisation that the people we represent in this part of the island can benefit from working in an all-Ireland economy. There is huge potential in that for our businesses, workers and families. I feel no threat from an east-west economy. I do not see why people see a threat from a North/South economy. We have to expand and liberate our minds to how we look at our economy for the next number of years.

In conclusion, I commend the report to the House, the Economy Minister and the Department as a snapshot in time and a valuable resource as we map our way out of the current economic difficulties. I will end on this point: I often hear Members, particular those on the opposite Benches, say that we have to open up the economy, and then the word “safely” comes along. The economy is restricted because it is not safe to open it up. When it is safe, there will be not be any objections from anyone about opening it up. So, yes, let us open up the economy, safely.

Mr Dunne: I, too, welcome the debate this evening. It has been very constructive.

The global COVID-19 pandemic has had a profound and unprecedented impact on our economy and employees right across Northern Ireland. The latest Office for Budget Responsibility outlook report, which was published, in November stated that the UK economy will shrink by 11% this year. The largest drop in over 300 years is a stark reminder to us all of the challenges ahead. However, there is room for optimism as we begin the long road to recovery, particularly with the vaccine development, as a number of Members mentioned earlier, and we will all have seen the encouraging images of the vaccine roll-out that started today. We must embrace this opportunity to promote confidence, especially in our economy.

7.00 pm

The micro-inquiry on our economic outlook has been a useful opportunity for stakeholders to have their say on what the key priorities for economic recovery should be. There are six main themes in the report that stakeholders felt were central to a strong recovery, and they are absolutely fundamental. We must acknowledge the significant financial support that has already been delivered to businesses this year, with the various local funding schemes initiated by our Economy Minister, through her Department, complementing the various financial support measures from our UK Government, including one year’s rent relaxation for many businesses. Those measures have been a lifeline to thousands of employees and employers in every corner of Northern Ireland. The medium-term recovery plan, ‘Rebuilding a Stronger Economy’, which was published in June by our Minister, rightly prioritises decisive interventions to sustain and support our economy over the next 12 to 18 months and beyond.

One of the key themes of the inquiry was transport infrastructure, including the importance of air connectivity. Indeed, as has been mentioned, the Committee had a very useful Zoom meeting this morning with our three local airport chief executives. In fact, there was a stark

highlighting of the global challenges from the reduction of air travel. Our airports are operating at a reduced capacity of around 20%, which is hard to believe, and that will ultimately have a knock-on impact on staff and, indeed, on the wider aerospace sector, which is a valuable local employer that supports thousands of jobs directly and through the local supply chains.

As has been mentioned, digital connectivity is another key theme of the report, and it was encouraging to meet Fibus on Friday to learn more about its exciting plans to roll out fibre broadband right across Northern Ireland. That £165 million investment contract was made possible by the DUP confidence and supply agreement, which I take great pleasure in highlighting. The COVID-19 pandemic has highlighted the need for this investment. The workplace has been transformed, and businesses, schools and residents are even more dependent on good-quality broadband coverage to stay connected with friends, family, customers and employers. It can also open up global doors for local businesses to expand.

Town centres and tourism are another two key areas that have been greatly impacted by the pandemic, and, as they recover, there will be many challenges ahead for our high streets and our tourism sector. There has undoubtedly been an adverse impact on many young, part-time, lower-paid workers in the retail, hospitality and tourism sectors, and it will undoubtedly take time to rebuild and recover. However, there are opportunities that we must embrace. It was only last year that Northern Ireland demonstrated to the world that we could host top-class, world elite events such as The Open at Royal Portrush with great success. We look forward to building on that legacy and hosting such premier events through event tourism in the near future.

We need to get the balance right. COVID-19 has not yet gone away. We need to adapt, and we look forward to the reopening of non-essential retail, close-contact services and parts of our hospitality sector on Friday. I wish them well as they seek to reopen safely in the coming days. I commend the Minister for her ongoing efforts during what has been a very challenging year. I know that she is fully committed to, and focused on, supporting our economy as it rebuilds and recovers in the days ahead.

Ms Dolan: I welcome the opportunity to speak in the debate this evening, and I commend the Committee on the report, which is intended to be the beginning of a wider, much needed debate on economic regeneration following COVID-19.

As the report says, business and other sectors have yet to realise the full impact of the COVID-19 crisis, as has society as a whole. As I have previously outlined in the Chamber, if COVID-19 has taught us one thing, it is the value of our low-paid workers. There are patterns of repeated low-paid, insecure employment in deprived families and communities. Low pay causes in-work poverty and leaves families in danger of deprivation.

The pandemic has shown that retail workers are essential workers and must be valued. These workers generally earn minimum wage and work unsociable hours to put goods on our shelves. Sinn Féin is committed to ending precarious working arrangements, which are commonplace in the sector, and I am hoping that my private Member’s Bill to ban zero-hours contracts will

be one step towards that. The consultation closes on Sunday, if you have not already completed it. During the consultation period, we heard some horror stories of how workers on zero-hours contracts have been treated. One employee told us that, if he went off sick from work with COVID, for example, or any other illness, there was no guarantee that his job would be there for him when he was well again. Therefore, it is imperative that trade unions such as the Union of Shop, Distributive and Allied Workers (USDAW) are included in conversations around the reform of the high street.

Having a workforce that is flexible and agile to help local businesses to prosper is essential to any economic recovery model, but, in return, workers need and deserve secure, stable and unionised employment. While high-street retailers have suffered due to restrictions, global giants like Amazon have made extortionate profits. In the last quarter alone, Amazon's global revenues jumped to €80.6 billion. Sinn Féin recently supported a global campaign that called on legislators across the world to take action on Amazon's tax evasion and exploitation of workers. The Executive need additional taxation powers to level the playing field between these large corporations and small retailers.

Another sector that has already been touched on but needs attention in the aftermath of COVID-19 is tourism and hospitality, which has suffered more than any sector this year. As I come from one of the most scenic and beautiful counties in Ireland, I understand the value of tourism and the positive impact that it has on the local economy and workforce. In Fermanagh, it is our bread and butter, but tourism has been decimated by COVID-19, and the industry is, understandably, very concerned about the future. The significant fall in overseas visitors has been mitigated by a sharp rise in North/South tourism activity. The reality is that many of the hoteliers and B&Bs who come out the other end of COVID will have been kept in business by all-Ireland tourism flows. That has been acknowledged by the tourism recovery steering group set up by the Minister, which has found that, over July and August, visitor numbers from the Twenty-six Counties of Ireland to the North increased by 200%. The Minister and Tourism NI must invest in the all-Ireland tourism product and seek to build on its strengths as part of its recovery.

While we face unprecedented challenges on our way to recovery, we have an opportunity not to repeat the problems underpinning the economy. We must not seek a return to business as usual. We should seek to advance the objectives of social and economic equality, sustainable economic development and the protection of workers' rights and incomes.

Ms Bailey: I, too, welcome the motion. The Green Party believes that we can build back better and that the key to doing so is a climate change Act, that will transform and grow the Northern Ireland economy from being a fossil-fuel-driven economy to being a green-energy-driven economy. That, of course, involves talking about a green new deal and a just recovery. Climate action can be built into stimulus packages, bailouts and a planned retreat from fossil fuels that reallocates employment into secure and socially useful work while also making the global economy and supply chains more resilient to inevitable future shocks.

To create green infrastructure and jobs, green bonds could be issued directly by central government or through national or regional green investment banks, and that could also help to transform the electricity system into renewable energy generation, rolling out, for example, charging points for electric vehicles, building cycle networks and building low-carbon housing. It is also very possible to restructure national electricity grids away from a centralised model to one where energy generation is distributed among many sources, including wind and solar, but also includes community-owned wind farms. We need to end the subsidies that prop up the fossil fuel industry and reallocate that money to research and development funding for, for example, battery storage technologies and clean energy.

Given how weak the sector is at present, states could buy out oil and gas companies and take their reserves into public ownership, effectively keeping those fuels in the ground. Displaced workers could be compensated and retrained. That is what has happened in Spain, for example, with the coal industry.

The fragility of our food supply has recently come into stark focus, highlighting limited storage capacity, just-in-time supply model and dependence on imported food. The absurdity of flying and driving most of our food from big producers across the world has become apparent. During the pandemic, many have taken the initiative to support local small businesses and bought their food from local suppliers. Economic stimulus measures could build on this by ensuring that large public-sector organisations are anchored in communities, with councils, hospitals and colleges sourcing their food from local producers. The Preston model has been used and has shown that the model can work.

Mr Dickson: Will the Member give way?

Ms Bailey: Certainly.

Mr Dickson: Does the Member agree that we run a very serious risk, once the pandemic is over, of going back to our old habits? We have supported local businesses, grown more vegetables and done things differently, and, unless we get strong government intervention, we run the risk of going back to our old habits.

Mr Speaker: The Member has an additional minute.

Ms Bailey: I thank the Member for his intervention. He makes very valid points. We need to realise that the COVID crisis is the start of many more crises. We have a health pandemic leading to an economic crisis. We have taken our eye off the ball: we have a climate crisis, and we have not really begun to take on board the ramifications of that.

With that in mind, the Bank of England is predicting that the worst recession for 300 years is coming. Two hundred and thirty leading economists were asked about spending money on climate-friendly green policy initiatives, which could not only help to shift the world closer to a net zero emissions pathway but offer the best economic returns for government spending. The respondents, who included academics, senior G20 Finance Ministry officials and Central Bank officials, all gave their highest ratings for climate benefit and economic outcomes to green measures, including clean energy investment and building retrofits. That was in stark contrast to the unconditional

airline bailouts that were rated, by the same people, as “very poor” across all their metrics.

Recent findings suggest that a post-crisis green stimulus can help to drive a superior economic recovery. The top five policies agreed by the economists were clean physical infrastructure investment in the form of renewable energy assets and storage, including hydrogen, which we hear a lot about here, grid modernisation and carbon capture and storage technologies; building efficient spending for renovations and retrofits, including improved insulation, heating and domestic energy storage systems; investment in education and training to address immediate unemployment from COVID-19 and the structural shifts we need from decarbonisation; natural capital investment for ecosystems, resilience and regeneration, including the restoration of carbon-rich habitats and climate-friendly agriculture; and, of course, clean R&D spending, which we heard about from Members this evening. The senior economists who were surveyed viewed green stimulus measures as among the most beneficial for the economy, as well as having strong potential cuts to emissions.

Over recent months, the House has had much discussion about a green recovery. Now is the time when we really need to see planned actions coming forward with delivery strategies. I support the motion.

Mr Carroll: I am conscious of the limited time so I will try to be as concise as I can. There is no doubt that we can agree with elements of this report. I will talk about the positive environmental moves, such as plans to retrofit homes as part of recognising the serious climate emergency that we face. Much of the report is aspirational and without concrete detail. For that reason, we will inevitably have to wait for the proposals in order to scrutinise them properly.

That said, considering the detail in the report and the way in which it is being presented as a benchmark policy by the Committee for the Economy, some 10 months into the pandemic, it is fairly disappointing how low the Executive have set their sights and how the same neoliberal framework as was geared towards a bargain basement economy before the crisis is being presented as a solution, effectively, to get us out of it.

7.15 pm

The report came off the back of engagement in the macroeconomic outlook micro-inquiry, which does not roll off the tongue. It drew on a range of business stakeholders, including employers across all major sectors — retail, hospitality and tourism — the Chamber of Commerce and the CBI, among others. I do not deny that those groups have things to say or that they should have a voice, but it strikes me as glaring that the trade union movement was not engaged with in the same way. No unions are referenced officially in the appendix or in the meat of the proposals, and that is very concerning. This comes from an Executive whose members, many of them, spent months clapping for workers. It smacks of an approach that continues to pay lip service to the very workers who have kept people and society alive. That is utterly unacceptable in my opinion, especially as the current membership of the Minister’s Economic Advisory Group already has too large a focus on big business.

I do not criticise the lack of trade union voices for the sake of it. I do so because I recognise the deep class divide that exists in our society. Unlike some MLAs, and maybe some Ministers, I do not believe that big corporate employers and their workers have common interests; quite the opposite. I suggest that the labour movement and the working-class interest generally is better placed to inform our economic recovery. For example, we cannot address the economy without addressing the past 10 years of austerity and its continued existence in the form of public-sector pay cuts. This report states, for example:

“consumer confidence must be boosted to drive productivity and sales”.

Ministers can, to be blunt, waffle all day about consumer confidence. However, if the biggest employer on this island continues to deny decent pay to public-sector workers, people will simply not have the money in their pockets to spend.

A similar point has to be made about the claim or idea that workers need to increase their productivity. Reducing the argument to one, essentially, about being productive or unproductive implies that whether workers are good or bad is based solely on the amount of profit that they produce. It calls into question the viability of some jobs. It is exactly that kind of Tory-speak that has led many of us growing to despise it because of the impact that it has had, and will have, on our communities.

Finally, we have the question of revenue. The Executive and the Committee — maybe more so the Executive — pass the buck, claiming that we cannot raise revenue and that our hands are tied. I consider myself a James Connolly socialist who wants to see a socialist Ireland. I do not doubt the problems of partition or the nefarious role of Westminster in our affairs. However, considering that the DUP and Sinn Féin spent the last decade arguing for tax cuts for the wealthy and for corporation tax to be lowered, which would have stripped hundreds of millions of pounds from our block grant, it is simply unacceptable to say that there is nothing we can do.

The Executive need to shift the focus of their economic policy. They need to urgently do the opposite of what they have done for the last 10 years. They need to reject austerity, fight to tax the rich and do everything in their control to reverse wealth inequality, including lifting the cap on rates for high earners and wholeheartedly rejecting the privatisation of public services and the continued wasted expenditure that that creates. None of this seems to be in the report in front of us or in the mindset of the Committee for the Economy. I would welcome the Committee including that in future reports or in amendments to this one.

Mr Speaker: That concludes contributions from Members. I invite the Economy Minister, Diane Dodds, to respond to the debate. The Minister has 15 minutes.

Mrs Dodds (The Minister for the Economy): Colleagues, I am grateful for the opportunity to respond to the debate, and I thank the Committee for this important work.

When devolution was restored earlier this year, many of us thought that the mandate would be dominated by the end of the transition period and establishing our new relationship with the EU and wider world. None of us could have predicted the enormous shock that would be

delivered to our economy as a result of COVID-19. Since early in this pandemic, I have been warning that this was not only a health crisis but an economic one.

It has brought huge challenges to businesses and job losses for workers. That impact, unfortunately, is being felt most acutely by part-time workers, young workers and low-paid workers, many of whom are female. Again, that is why I have consistently warned of the impact of a cycle of restrictions and lockdowns and made it clear that, irrespective of what level of grant is available, it will not compensate for the loss of earnings or protect every job.

Recovering from the pandemic will require a Herculean effort, but I and my Department are determined to use the disruption as an opportunity to refocus and rebuild, concentrating on growth areas of the economy and on sectors in which new jobs will be created in the coming years. Many Members indicated that we will need to stimulate the high street, and I am looking forward to rolling out in the new year the high street stimulus scheme, which I hope will support Northern Ireland shops, businesses and jobs.

The report quite rightly identifies Brexit as being a major challenge. Unfettered access to our biggest market and freedom to trade within the UK's internal market are hugely important. I note the agreement announced today, but I will resist comment until we see the details.

Throughout all of this during the past year, I have been hugely impressed by the resilience and determination of our tech sector. Northern Ireland is a global leader in cybersecurity, fintech and legal tech, but we can also lead the way in life and health sciences, advanced manufacturing and clean energy. The Economic Advisory Group will continue to advise me and my officials on where else it sees opportunities for Northern Ireland in the global economy.

To capitalise on those opportunities, we need to be flexible and quick to respond. We must focus on the here and now but with an eye to the future. I understand the Committee's desire for a long-term economic strategy, but I question whether producing more long-term, strategic plans, stretching many, many years ahead, is the most sensible thing to do when technological advances are happening so quickly and changes to our way of life have accelerated so quickly. I have often said that COVID-19 is a clear demonstration of that. It has been both a disruptor and an accelerator for the economy. The process of digitisation has proceeded at a pace that perhaps in other circumstances would have taken years, not months.

Mr Storey: Will the Minister give way?

Mrs Dodds: I will give way this once, but I have —.

Mr Storey: On that very point, the Minister is well aware that a company in Ballycastle in my constituency has launched a new air sterilisation product and therefore taken advantage of an opportunity. The company also has a cross-border element, in that it has joined up with other companies in the Irish Republic. Will she welcome that innovation, which proves that, although there have been many challenges, there have also been opportunities for businesses, with many rising to the challenge of the opportunity presented to them?

Mrs Dodds: I absolutely will. I commend that company, and I look forward to visiting it in the near future. It is a

really classic example of entrepreneurship, innovation and support from our universities working together to create a new product for the time that we are in.

The Assembly is littered with long-term, glossy strategies that sit on a shelf only to be made redundant as they are overtaken by events. I must say that I favour shorter, more-focused plans that allow us to be more agile in our response.

I caution strongly against the Committee report's view that having greater tax-raising and revenue-raising powers would enable us to plan for the longer term, and with greater certainty. We must be very careful about which additional powers we seek and be clear on what we would do with such powers, if they were devolved. Devolving and using tax-raising powers would, as we all know, have to be offset against our significant subvention from Westminster. That would come at an enormous financial cost to the block grant. Anyone who thinks that now is the time to increase the level of taxation on hard-working families or struggling business is completely detached from the reality in our community across Northern Ireland.

Considerable work has already been undertaken to assist businesses in their recovery. Earlier this year, I set out my vision for economic recovery in 'Rebuilding a Stronger Economy'. That paper sets out a short- to medium-term plan for recovery. I have also brought forward a number of initiatives. In addition to the various financial business support schemes, I have launched supports for digital capability and a scheme to keep apprentices in jobs, and I have announced financial planning grants and a high street stimulus plan to help us exit the period of restriction and deliver a shot in the arm for our economy as we firmly enter our recovery phase.

I understand the Committee's concerns that sometimes the delivery of these schemes is slower than some of us would like, but the Chamber would rightly be the first to hold my Department to account when mistakes are made. I note that the report calls for decisions to be taken more quickly and the adoption of a less risk-averse approach. However, I caution that we are in charge of taxpayers' money, and it is important that reasonable requirements are in place to ensure that funding is directed to those who need it most and to safeguard against fraud and error.

The report makes a number of recommendations. While I cannot respond to them all now, I would like to address some of the key themes. The world of work has changed beyond recognition. As the report points out, we are more reliant than ever on our technology infrastructure. Our everyday home lives have become intertwined with our work lives. We have all enjoyed watching our colleagues dealing with unruly children during important Zoom calls, delivering, perhaps, their most perceptive insights when they think that the mute button is still on. Thankfully, it is no longer seen as unprofessional but as part and parcel of how we work in 2020.

However, working from home has been extremely difficult for some, especially in rural areas, let down continuously by their broadband connections, creating stress and frustration. The House is aware that, only a matter of weeks ago, I announced the awarding of a £165 million contract to Fibrus Networks. Many of the contributions today have recognised the importance of that connectivity. It will transform the landscape for many of our citizens and

businesses, but primarily across rural areas of Northern Ireland, and I welcome that. Broadband connectivity has always been important, but the pandemic and the restrictions that we have all had to live under have stressed its importance over and over again. The project is vital to our recovery and represents a considerable step towards bringing next-generation broadband services to the people who need them most.

Whilst working from home has been an option for many of us, for others it has not been possible. Restrictions have seen businesses closed to the public and staff furloughed. Many of these businesses have not been able to reopen, and employees will lose their jobs. They will need our help to retrain and to develop new skills to maximise their exposure to the jobs market. Many Members have mentioned this impact of COVID, and we are working on a skills bridge programme for our manufacturing sector, as well as our apprenticeship programmes.

The Committee's report is correct in that a flexible, agile and skilled workforce will be essential to our economic recovery. As members of the Committee know, I am a firm supporter of investing in skills. I will very shortly be laying out our new approach to skills, a key element of which will be a skills system that addresses inequalities, providing everyone with access to education and training opportunities that will enable them to fulfil their potential. I look forward to working with the Committee in addressing the skills gaps and, indeed, the gaps in skills funding. It would be a tremendous testimony to the work of the Minister and Committee if we could make sure that we restored skills funding in Northern Ireland to its 2012 levels.

In response to Mr O'Dowd's comment, I say that skills are about research and development. Yesterday, I was speaking to the vice chancellor of Queen's University, which is now noted as one of the best universities in the whole of the United Kingdom for its entrepreneurial activity. Investors tell me that that link between academia and industry is a reason to come and invest in Northern Ireland.

We need that kind of approach, which allows us to look at research and innovation as essential to the development of the economy.

7.30 pm

I want to address another remark that Mr O'Dowd made about the further education sector, which he said was perhaps the poor relation in the education sector. I just want to put on the record that, very shortly, I will open new further education colleges in Banbridge and Armagh. I look forward to opening the new further education college in Enniskillen as part of the South West College. Just last week, I announced an investment of £45 million in a new further education college in Coleraine and the tender for the contract for the new Ballymena further education college. I would like to think that, in Craigavon, after the legal case is settled, we will see the new £50 million further education college there. I hope that that demonstrates to the House that further education is something that we are incredibly proud of. We want to invest in it, we are investing in it, and it is nobody's poor relation.

Connectivity was mentioned by many Members. I know that connectivity is key to economic success. I assure

Members that I have been using my influence on it. I spoke recently to the people doing the Union connectivity review, and I have just secured £2 million to support connectivity and an air routes fund.

We had some observations about tourism and hospitality and how they have been so devastatingly impacted by COVID-19. Our tourism recovery steering group already has a draft report. I hope to work, as a matter of priority, with the sector as demand for travel returns and as we can see, with the roll-out of the vaccine, a more normal approach to our everyday life and to our holiday and tourism plans.

We have secured an additional £12 million in funding in order to encourage consumer confidence and stimulate demand. That is an area that we intend to focus on in the new year in order to reboot and renew that really important part of the community.

The green recovery was mentioned. Many in the House will have heard me speak time and again of the importance of the green recovery to Northern Ireland, the economic opportunity that we will have in clean energy and the commitment to ensure that at least 70% of our electricity by 2030 is generated from renewables. That is a huge commitment, but it is a whole-Executive commitment because it will also require sensible planning decisions to allow those commitments to be fulfilled. Economic recovery is not for just the Department for the Economy; it is for the Executive, and it will require cross-party and cross-departmental working in the Executive if we are to be effective with our economic recovery.

I thank the Committee for publishing the report. An effective Committee needs to strike a balance between supporting a Minister and holding a Minister to account for the decisions that they make. I trust that, as we plot our way through the coming months, the Committee will continue to play a constructive role and will work with the Department. We will get through this, and we will emerge more determined and more focused than ever before, and we will develop an economy that is fit for Northern Ireland's second century.

Ms McLaughlin (The Deputy Chairperson of the Committee for the Economy): I am pleased, on behalf of the Economy Committee, to make a winding-up speech on this important debate, which seeks to map out key issues for the Minister and Executive to consider and to incorporate into their planning for economic recovery and to build back better.

The Committee has proactively engaged with the Minister and risen to the challenge of ensuring that the Committee and stakeholders play a key role in the policy development process, and it will continue to do so. I thank the Minister and all the Members who contributed for their participation today. I also thank the many stakeholders who contributed their views to the Committee's special report through an online discussion event, as well as the Committee team for its work.

I will now make a very brief comment on behalf of the SDLP. I wish to stress the extent to which the proposals from stakeholders are aligned to my party's policies. The SDLP's recipe for economic recovery and progress involves investment in our energy sector, broadband, transport, childcare, renewing and saving our traditional

urban centres amidst the crisis that they are suffering, and protecting our locally owned and independent businesses.

We believe in investing in the future by investing in the infrastructure and skills development that will build our productivity. It is only by improving our productivity that we will create the economic success and wealth that our society so desperately needs. Investing in the technologies of the future rather than the fossil fuel industries of the past will see our society prosper. That involves commitments to renewable energy sources, including hydrogen and geothermal as well as wind and solar. It involves building a world-class health sciences sector. It involves not just using the most advanced technologies but having our universities, colleges and businesses develop those most advanced technologies. In short, the recommendations from the micro-inquiry are, to a very large extent, the same as the policies that the SDLP has produced in the last few months.

A Member: Will the Member give way?

Ms McLaughlin: I have only 10 minutes and have a lot of Members' contributions to get through; I am sorry.

It will come as no surprise that I warmly welcome the recommendations and hope that all parties will do so and that our Executive will work together to implement them.

I will now reflect on Members' comments. Kicking off the debate was my Foyle constituency colleague Gary Middleton. Gary concentrated his observations on the impact that COVID-19 has had on our high streets and town centres. He addressed the issues of low-paid workers, particularly in the retail, tourism and hospitality sector. He highlighted that, significantly, a large number of those low-paid workers are female and part-time. He also raised a number of constructive themes regarding telecoms and mentioned Project Stratum and the confidence and supply money that went towards developing and rolling out that project. He talked about transport infrastructure and referred to the importance of air connectivity to developing and growing our markets in Northern Ireland.

Next, Pat Catney my party colleague talked about productivity. He concentrated on how essential building productivity is to growing our economy. He talked about skills development and indicated that low productivity also reflects low incomes and lower skills, mentioning in particular the agri-food and retail sectors. He indicated that, in order to develop our productivity, we need to concentrate on skills development and that that should be done through our universities. He indicated that help is required for sectors that have been disproportionately affected by COVID-19, mentioning the help and support needed by young people, women and people in the BAME community. Pat also raised the issue of areas being left behind and the need to level up right across Northern Ireland.

Steve Aiken brought some Royal Navy comparisons to the table. He talked about the manufacturing industry, particularly our indigenous manufacturing industry, being the engine room of our economy. I agree with him. Although I do not have the flair for Royal Navy comparisons, I heard it very much from his comments. He also talked about improving our railway and connectivity infrastructure and about the energy strategy.

He finished his comments by talking about businesses that have been excluded from any support and how desperately they need some of the support packages that have been delivered to be redressed so that they, too, can be supported and be here for us all in the future.

Stewart Dickson — the birthday boy — said that Northern Ireland is no stranger to economic hardship. He also said that this is an important moment to build back better and stronger. He spoke about the six themes that are contained in the macroeconomic report and concentrated on skills and employment. He indicated his regret that there is a lack of lifelong learning opportunities in our economy and said that we should address that. He indicated that that was being addressed in many areas but that we need to make sure that it is taken forward. He spoke about connectivity and railways that are green, clean, convenient and cost-effective. That was a theme that we heard from many of the contributors to the debate.

Next up was Christopher Stafford, who threw in a wee dose of reality. He poured down on everybody's parade —.

Dr Aiken: That is Christopher. *[Laughter.]* My apologies, Mr Speaker.

Ms McLaughlin: He asked who would pay for it all and told us that everybody should just get out of the way and let businesses crack on and start to do what they do best, which is create a healthy economic environment and allow innovation. He also discussed the need for businesses to be allowed to open up and said that that was the best way to get the economy back on its feet. Unfortunately, Mr Stafford said that he has had many sleepless nights because he is worried about the national debt and who will pay for it. Will it be him, his weans or his grandchildren? He just did not know, but he knew that somebody would have to pay for it.

John O'Dowd concentrated his remarks on the report. He indicated that it is just a snapshot and contains themes for further discussion and debate. It is certainly not "oven-ready". We know what that means; it does not mean oven-ready. It was just a snapshot and a look at how we can build back better. He indicated that he was disappointed at the lack of input from trade unions and how important listening to the voice of workers will be in rebuilding the economy. He discussed the role of universities and further education and said that they are central levers and key drivers for economic recovery. He indicated that Brexit would compound what is an already very damaged economy and spoke about the need for an increase in R&D and student numbers and a greater emphasis on vocational training. He also talked about the all-island economy but said that it should be North/South and east-west. An all-island economy will bring us all opportunities.

Gordon Dunne told us about the 11% shrinkage in the economy but urged optimism. He said that today was a day to be optimistic because the roll-out of the vaccine had started. Although our hearts sank with the 11% shrinking of the economy, there are reasons to be optimistic. He acknowledged the significant financial support that has been received to date by businesses and employees and welcomed that. He expressed pride in the £165 million investment in Project Stratum and —

Mr Speaker: The Member's time is almost up.

Ms McLaughlin: — said that that had come from the confidence and supply agreement.

Jemma Dolan — I thought that you were from Derry because you said that you are from the greatest place in Ireland. You are not.

Mr Speaker: The Member's time is up.

Ms McLaughlin: Sorry. *[Laughter.]* I apologise. I did not get through everybody's contributions. It was a good debate. Minister, thank you for joining us and giving us your time.

Question put and agreed to.

Resolved:

That this Assembly welcomes the Committee for the Economy's special report [NIA 56/17-22] providing evidence on how the economy has been impacted as a result of the COVID-19 pandemic, and ideas on how to rebuild it better; supports the development of cross-departmental plans to boost our economic, health and social well-being, by investing in infrastructure, skills, manufacturing and industry; recognises that collaboration across government is vital and will translate into social progress where people, communities and high streets thrive and prosper, and where good jobs are created along with the skills and networks needed to raise productivity and earnings; and calls on the Minister for the Economy, and her Executive colleagues, to use this evidence in planning our economic recovery and future.

Adjourned at 7.45 pm.

Written Ministerial Statements

The content of these written ministerial statements is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.

Written Ministerial Statements

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Department for the Economy

£165M Broadband Improvement Contract Awarded to Fibrus Networks Ltd

Published at 12.01 am on Wednesday 18 November 2020.

Mrs Dodds (The Minister for the Economy): Today I announced the contract for the delivery of Project Stratum has been awarded to Fibrus Networks Ltd.

Project Stratum represents a £150million investment as a result of the confidence and supply arrangement, from the Department for the Economy, alongside £15million by the Department of Agriculture, Environment and Rural Affairs, as well as a substantial investment by Fibrus in network build costs. The project aims to bring next generation broadband services to premises across Northern Ireland currently unable to access speeds of 30 megabits per second or greater.

After a competitive and very robust procurement process, I am pleased to announce that the contract has been awarded to Fibrus. This announcement means that we are one step closer to bringing next generation broadband services to those businesses and people who need it most. Fibrus proposes a full fibre solution, capable of offering speeds of up to 1 gigabit per second to almost 97% of premises in the target intervention area. Deployment of the new infrastructure is expected to commence immediately and implementation will run until March 2024.

While always recognised as important, the pandemic and restrictions we have all had to live under have underscored the importance of broadband connectivity. Project Stratum will transform the broadband connectivity landscape for many of our citizens and businesses across primarily rural areas of Northern Ireland.”

The investment of £150million by my Department, combined with £15million from DAERA and the investment by Fibrus in the project, will deliver gigabit-capable broadband infrastructure to more than 76,000 premises in the intervention area. My Department will work closely with the supplier and, through continued engagement with DCMS, will deliver infrastructure to serve all premises in the target intervention area, including those not currently in scope, as soon as possible.”

This is a welcome announcement which will enable the Department to work with Fibrus to deliver this much needed improvement to broadband access for rural communities,

The implementation of Project Stratum will further Northern Ireland’s position as digital global leader. Full fibre broadband is key to unlocking the full economic and social potential of our rural communities. This investment will enable towns, villages and rural communities to keep connected and facilitate the increasing demand for working and studying at home. The benefits of Full Fibre Broadband are more relevant now than ever before.

Project Stratum complements the UK Government’s ambitious broadband targets in seeking to provide gigabit-capable broadband to the whole of the UK as soon as possible. UK Digital Secretary

With Fibrus on board, we can bring the benefits of next generation broadband speeds to tens of thousands of homes and businesses, helping people work remotely, take advantage of new tech and boost economic productivity.

Department of Health

COVID-19 Decisions

Published on Thursday 19 November 2020.

Mr Swann (The Minister of Health): As Members will be aware, the Executive met today to discuss the course of the epidemic and to consider options to maintain the position at manageable levels in the immediate run up to the Christmas period.

After extensive consideration the Executive has agreed that the below measures will apply with effect from 00.01 am, 27 November, for a period of two weeks:

- Closure of all retail except essential retail that was permitted to stay open in March
- Off licences will remain open, with an 8pm closing
- Closure of close contact services, and driving instruction (not motorcycles), except close contact for Film and TV production; those ancillary to medical, health and social care services; and elite-sports therapeutic services - i.e. – as 13 October- 19 November
- Closure of all hospitality (except for accommodation for essential travel). Takeaway and delivery, and food and drink in motorway services, airports and harbour terminals remain open.
- Closure of all leisure and entertainment (to include all soft play areas, gyms, swimming pools etc)
- Sporting events only permitted for elite sports. Individual/household outdoor exercise and school PE to continue.
- Elite sports events behind closed doors without spectators
- No household gatherings of more than one household, other than current arrangements for linked households (bubbles), with current exceptions for caring, maintenance, house moves, etc.
- Closure of places of worship, except for weddings, civil partnerships and funerals. Remain with 25 max for weddings and funerals
- Stay at home, work from home if at all possible, otherwise only leave for essential purposes such as education, healthcare needs, to care for others or outdoor exercise.
- Schools and childcare to remain open
- Universities / FE to provide learning at distance except where it is essential to provide it face to face.
- Public parks and outdoor play areas remain open
- Stay at home in guidance, with liaison with PSNI on policing and police visibility
- Financial support package to be developed over next few days

Department of Health

COVID-19: Update

Published at 5.00 pm on Friday 27 November 2020.

Mr Swann (The Minister of Health): The revelation that 100 Covid-related deaths were registered in the week to Friday 20 November is a chilling illustration of the seriousness of the invisible threat of Covid-19 that Northern Ireland, like virtually every other county in the world, is facing.

From my last written update to Members I am able to report that the number of new coronavirus cases has continued to decline overall, however it should be noted there still remains concerns in regards to the number of cases in the over 60s.

Hospital admissions have continued to decline, albeit slowly, over the last week but remain at a relatively high level. Whilst today there remains 425 Covid confirmed inpatients, thankfully the number of patients in critical care has stabilised.

That continued high number of inpatients however, combined with the fact that our HSC system is still endeavouring to deliver as much non-Covid care as possible, is resulting in ongoing pressure across our hospitals in terms of capacity and bed occupancy.

Given the further restrictions that we have entered into today, we should expect that the numbers of new cases, the subsequent pressures on our health service will decline until shortly before Christmas when they may begin to rise again. The rate of increase will of course depend on how much Rt increases above 1 following the 11th December.

So whilst the situation remains serious, I would advise Members that the correct mood to adopt right now is one of cautious optimism. While nothing is guaranteed, the progress on a vaccine does offer us hope for 2021.

Yesterday I issued an encouraging public update on the roll-out of a Covid-19 vaccination programme from next month. Members should also know that I have appointed Patricia Donnelly – an experienced and adept HSC leader - head of my Department's Covid-19 Vaccine Programme. I will continue to keep Members informed on this important issue over the coming weeks.

Whilst there is much to be optimistic about this must not be the cause of any complacency, or any weakening of our resolve to keep the spread of the virus to a minimum.

Progress has been made in reducing new cases, with restrictions in place in recent weeks having a discernible impact. That progress must not just be maintained but accelerated.

The virus is still spreading in our community, is still making too many of our fellow citizens desperately ill, and tragically is still claiming lives.

For the sake of ourselves and our health workers we have to redouble our efforts to get through this winter. All our focus now should be on maximising the benefits of the lockdown that has just begun. That is why I sincerely hope we as a society make the most of these two weeks, that we follow the public health guidance and that we stay at

home. Our actions today will determine what position our health and social care system will be in as we approach the crucial Christmas period.

There are conflicting views among Members and across society on how best to respond to this pandemic. We must find unity of purpose in making these next two weeks deliver in terms of pushing down infection rates. That is our duty.

We owe it to our frontline staff, to care home residents and to other vulnerable members of our community. We owe it to people who can be spared the devastating effects of the virus. We owe it to their families.

Let's all of us across Northern Ireland carry each other through this winter, doing all we can to ensure as many people as possible get to enjoy Christmas and live to see a better New Year.

The Executive Office

Appointment of Interim Head of the Civil Service

Published on Friday 27 November 2020

The First Minister and deputy First Minister: We are writing to inform Members that we have engaged Jenny Pyper to undertake the role of interim Head of the Civil Service.

We wrote to Members on 26 September to advise that a recruitment competition to fill the HOCS post regrettably did not result in an appointment being made, and that we were working to put in place appropriate interim arrangements. We gave careful consideration to a range of options and the relevant NICS policies and the requirements of the Civil Service Commissioners.

We have now jointly agreed to engage Jenny Pyper as Interim HOCS.

Jenny will take up the role on 1 December and it is intended that this will last for eight months, during which time the HOCS position will be reviewed and the process to fill it will be developed. Once this work is completed, we will be in a position to launch the relevant recruitment campaign to fill the role on a substantive basis.

This will be a critical period for the Executive as we deal with a number of pressing issues, not least the end of the EU Exit transition period; and our response to, and recovery from, the Covid-19 pandemic.

We have agreed that Jenny will chair a newly-established Covid-19 Taskforce, which will deal with crucial issues such as vaccination rollout, mass testing and compliance.

As set out in *New Decade, New Approach*, the Executive is committed to further reform of the Civil Service, as well as significant and ambitious reforms in the development of an outcomes-based Programme for Government. This will involve working in partnership with society and across all sectors to develop and deliver a PfG that will improve the lives of all the people of Northern Ireland.

While this will be a temporary role, it is a crucial one at a time of significant challenge and with substantial work to be done.

Jenny Pyper has a wealth of experience in public service and leadership, most recently as Chief Executive of the Northern Ireland Authority for Utility Regulation; and we believe she is well placed to lead the NICS and support the Executive through these unprecedented times.

We would like to put on record our gratitude to the Permanent Secretaries and senior leadership team of the NICS for the critical work they have undertaken during these unprecedented times; and indeed to colleagues in all parts of the Service who have not only played a vital role in responding to the pandemic, but have supported the continued delivery of services to citizens in the face of many challenges.

We very much look forward to working with Jenny and wish her well as she undertakes the Interim HOCS role.

Department of Finance

BUDGET 2021-22: Funding Available

Published on Tuesday 1 December 2020.

Mr Murphy (The Minister of Finance): The purpose of this Statement is to inform the Assembly of the funding made available for Budget 2021-22 as notified by the Secretary of State for Northern Ireland on 30 November 2020.

In line with my legal obligation under Section 64 of the Northern Ireland Act 1998 I am required to lay before the Assembly a Statement detailing the amount of funding provided for 2021-22 at least 14 days before laying a draft Budget for the financial year.

Our core DEL arising from recent Chancellor's Spending Review is set out in the table below.

£million	Non Ring-fenced Resource DEL	Capital	FTC
2021-22 Core DEL	11,596.0	1,578.0	73.6

The Chancellor also set out further funds for 2021-22 for COVID and non-Barnett items and these are set out in the following table.

£million	Non Ring-fenced Resource DEL	Capital
COVID	538.2	3.6
Farm Payments	315.6	-
Fisheries	3.1	-
Security	31.2	0.9
Total	888.2	4.5

In addition, the Secretary of State has confirmed the following funding will be available under the Fresh Start Agreement and EU Exit protocol funding.

£million	Non Ring-fenced Resource DEL	Capital DEL (Net)
Shared Education and Housing		28.4
Equality Commission	0.8	

This brings the total funding available from the British Government to

£million	Non Ring-fenced Resource DEL	Capital	FTC
2021-22 DEL	12,484.9	1,610.9	73.6

As required by legislation, I will demonstrate that the amount of funding required by any draft Budget does not exceed the amount notified by the Secretary of State as set out in this statement.

Department of Health

COVID-19 Vaccine

Published at 3.00 pm on Wednesday 2 December 2020.

Mr Swann (The Minister of Health): This statement provides an update on the latest developments relating to a COVID-19 vaccine.

I'm sure by now Members will have heard that the Medicines & Healthcare products Regulatory Agency (MHRA) has now provided an approval to supply the Pfizer/BioNTech coronavirus vaccine within the UK.

This is a very welcome development and a hugely significant day for Northern Ireland. As I have previously outlined my Department has plans and preparations in place to begin the roll-out of a COVID-19 vaccination programme.

The programme will begin initially with health and social care workers, including our care home staff and we will be setting up mass vaccination centres that will enable our frontline staff to be vaccinated quickly and safely. In keeping with the JCVI recognition for the need for flexibility in implementation given different vaccine characteristics we also expect other vaccines to become available shortly which will enable care home residents and the oldest members of our society to be vaccinated. Further groups will then be added to the programme throughout 2021 based on age and clinical vulnerability factors.

This is the news we were all hoping for before Christmas and my thanks go to all those who are working hard to make this possible. However it needs to be remembered that the vaccination process will be a major and long-running logistical exercise, with everyone requiring two doses of a vaccine. Our rate of progress will depend on available supplies that will be distributed as part of a UK-wide programme.

We will all need to be patient and allow the priority groups to receive their vaccination first. While this is not the end of the Coronavirus nightmare it should represent the beginning of the end. We need to think of vaccination as a long trek to freedom.

Unfortunately this does not mean that restrictions on our daily lives will be able to disappear anytime soon. There is still a very tough winter ahead for our health service and society and so we all need to continue to protect it and each other. However the news today is still a very positive development and offers us real hope this Christmas and into the New Year.

Executive Office

Decisions of the Executive on COVID-19, 3 December 2020

Published on Friday 4 December 2020.

Mrs Foster (The First Minister) and Mrs O'Neill (The deputy First Minister): Today, the Executive discussed its ongoing approach to mitigating the health, economic and societal impacts of COVID-19, and agreed a way forward in relation to the measures that will come into effect on 11 December 2020.

We are pleased to be able to update you on those decisions, which will allow our people, and our businesses, time to prepare.

The Executive has agreed that the following can open:

- Non-essential businesses, including retail and close contact services to include driving instructors.
- Pubs and private members' clubs serving a main or substantive meal that has been prepared in their own kitchen; restaurants and cafes. Contact details must be taken from all customers. Mitigations, that were previously required, will stay in place. Food and drink can be purchased until 10.30pm but cannot be consumed on the premises after 11.00pm, and all persons must vacate the venue by 11.00pm.
- Hotels and guesthouses. Mitigations that were previously required will stay in place, including restrictions on food and drink.
- Gyms, swimming and diving pools can open for individual training, training with a personal trainer and non-aerobic classes of up to 15. Contact details must be taken.
- Outdoor events and gatherings, subject to a risk assessment if more than 15 attending and measures in place to limit risk of virus transmission with an upper limit of 500 on participants.
- Sports events, subject to a risk assessment if more than 15 people attending with measures in place to limit risk of virus transmission. An upper limit of 500 spectators is permitted. Inter-school competitive sporting events are not permitted.
- Outdoor exercise in groups of up to a maximum of 15.
- Places of worship.
- Outdoor and indoor visitor attractions, museums, galleries and libraries.

The following must remain closed:

- Wet pubs and private members' clubs not serving a main or substantial meal. Off sales are permitted up to 10.30pm. This applies to off sales, supermarkets and hospitality venues selling alcohol.
- Concert halls and theatres, except for rehearsals and recordings.
- Nightclubs.

The Executive also agreed that:

- Current arrangements for gatherings in domestic and private dwellings will remain the same as is currently in place, apart from the temporary arrangements over the Christmas period.
- Receptions for marriages and civil partnerships are permitted, with numbers subject to risk assessment determined by the place of worship, or venue. Mitigations that were previously required will stay in place.
- Wedding ceremonies and civil partnerships will continue and the number attending will be determined by the place of worship, or venue.
- Attendees and the organiser/operator of funerals must comply with funeral guidance issued by the Department of Health.
- No holidaying in groups outside of the domestic settings rules – this applies to venues, such as self-catering chalets, which can accommodate large numbers.

The Executive is mindful that everyone has had a very difficult year. The festive period is important to us and we are taking modest steps to enable people to meet in domestic settings, outdoors, and in places of worship. This will apply from 23 to 27 December, and we acknowledge the need for everyone to make their decisions and exercise their choices most carefully over those days.

It has already been announced that during those days, up to three households may meet. This is to enable families and friends to spend time together over the Christmas period. The Executive has today agreed that the three households can consist of two households and one existing bubble. This is in recognition of the importance that bubbles have played in providing support and tackling social isolation.

We will be asking everyone to make their decisions carefully and to follow the public health guidance should families and friends decide to meet indoors. There will be guidance on NI Direct shortly.

We are acutely conscious that this is not a normal Christmas. Not everyone will choose to, or be able to, see everyone they would normally see, and this will be difficult for many. We are also conscious that not everyone has support systems, and that there are some people and families for whom Christmas is a difficult time in the best of times. The Executive, therefore, discussed some of the support systems that are in place. We are making sure that support and advice is readily accessible and we would encourage anyone who is lonely or vulnerable to make use of the help that is in place.

We are also focused on care homes, and the position of providers, residents and their families and friends. There will be more specific advice for the care home sector very soon.

We would remind Members that this remains a crucial time in our fight against COVID-19.

While the relaxation of some restrictions announced today, and the progress with vaccines, have given us much to be hopeful for, we are not out of the woods yet.

We cannot, and must not, forget the danger that COVID-19 poses to our communities.

The behaviour of each, and every one, of us over the coming weeks will determine whether we will need to put additional measures in place to protect the vulnerable in our society, and to prevent our health service from being overwhelmed.

We would urge everyone to work together and be careful at this time, particularly over the Christmas period, to protect those closest to us.

Department for Communities

Additional Support for Vulnerable People Over the Christmas Period

Published at 10.00 am on Thursday 10 December 2020.

Ms Ní Chuilín (The Minister for Communities): This statement provides an update on actions being taken to provide additional support for vulnerable people over Christmas and New Year and beyond to March 2021.

I have allocated a further £6.5 million to support those most severely impacted by the Covid-19 pandemic by tackling emotional and material need over the Christmas and New Year period.

This funding, which was secured in the October monitoring round, will see £3.5million used to support the most vulnerable in our society to access food and other essential items to take account of the challenges faced at this time of year, which have been exacerbated by the pandemic. These immediate to medium term interventions are designed to support those experiencing food poverty and insecurity between now and the end of March 2021. This funding will also allow for essential items such as sanitary products, given the impact of period poverty on individuals and families in our community. This funding should help to ensure that people do not have to choose between these essential items, and provide dignified, compassionate support for those in need.

I can confirm that £2.5m of the funding will be allocated to local councils for support with food and everyday items and will build on the previous support provided by my department earlier in the year to build the capacity of community food providers and implement more sustainable responses to food insecurity. This allocation will also provide support for volunteering in recognition of the crucial role that volunteers have played in the crisis to date.

In addition, a further £1m is being provided to established charities including St Vincent De Paul (SVP), the Salvation Army, Barnardo's, Save the Children and the food poverty charity, Fareshare. This will help to enhance their seasonal campaigns and increase the reach and impact of the interventions they all currently deliver, building on their track record across many years.

The remaining £3million will be used to fund a series of important Wellbeing initiatives, aimed at keeping people Warm, Well and Connected. This initiative was developed through engagement with the voluntary and community sector, on the basis of their insights into the difficulties being faced within our community. They reported concerns around people being able to light and heat their homes, increasing numbers of people feeling isolated and struggling, and the impact of a lack of digital connectivity. The Warm, Well and Connected initiative will target at least 15,000 people who have been most adversely impacted by the pandemic, to reduce their risk of isolation, to improve their emotional wellbeing, to promote the take up of support to address good mental health, supporting participation in physical exercise and the need to eat well. An important element of the initiative will be access to immediate help with the cost of home heating for those who find themselves with no other means of support, particularly over the Christmas and New Year period.

The initiative will be delivered in partnership with local government, 29 Healthy Living Centres, the six Rural Support Networks, which together reach 1,500 smaller rural organisations and Bryson Care. Importantly, additional partners include the Age, Disability, Carers and LGBT plus sectors, through representative groups.

I am also very pleased that I am supporting a specific Wellbeing and Resilience programme for the Voluntary and Community Sector workforce, recognising the fact that the community sector at grass roots level have been front line responders since March. We are indebted to them for the role they have played, and it is important that we now support their continued wellbeing and build resilience for the next phase of the Covid response, and for the recovery period ahead.

All of these initiatives have been developed through co-design with a wide range of partners with a view to addressing objective need across our communities as a result of the Covid pandemic, taking into account the particular issues faced at this time of year.

Written Answers

This section contains the written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.

Northern Ireland Assembly

Friday 20 November 2020

Written Answers to Questions

The Executive Office

Mr McGrath asked the First Minister and deputy First Minister what work has been done to address other discriminatory behaviour on the grounds of age in the provision of goods, facilities and services, in each of the last five years.
(AQW 5649/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill (The First Minister and deputy First Minister): We refer the Member to the answer provided to AQW 5551/17-22.

Ms Anderson asked the First Minister and deputy First Minister, following the Executive announcement that those who work from home should work from home, whether all officials and staff members in their Department, who can work from home, are working from home.
(AQW 9127/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The NI Executive guidance states 'Work from home unless unable to do so'. The position within The Executive Office is kept under review by line managers on an ongoing basis and this confirms that staff are acting in accordance with the guidance.

Ms Armstrong asked the First Minister and deputy First Minister for an update on the work of the Historical Institutional Abuse Interim Advocate.
(AQO 974/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Since the Interim Advocate took up his post in August 2019 he has played an important role in promoting the interests of victims and survivors.

His work has included putting forward the views of victims and survivors on improvements to the legislation and advising on procedures for the Redress Board.

The Office of the Interim Advocate has dealt with numerous enquiries, including over 400 regarding the redress scheme since its launch. The Personal Support Unit established by the Interim Advocate continues to provide help to victims and survivors.

Recently the Interim Advocate has facilitated discussions with victims' and survivors' groups on all aspects of an apology. He submitted a report on this on 16 October and met with us on 20 October to discuss. He has stressed the importance of a wholehearted apology dealing with acknowledgement, responsibility, recognition, and repair. Officials have also been meeting SAVIA to discuss the apology. All of this work has taken account of the experience of other jurisdictions and international best practice. We will consider the views of all victims and survivors and we will make decisions soon.

The Interim Advocate has also worked with victims' groups and officials on the development of future HIA Support Services. We are pleased to say that TEO is taking urgent steps to introduce further services. Additional support is available from Monday 2 November to meet pressing and immediate needs, and we are intending that the HIA Support Service will launch on 1 December.

Department of Agriculture, Environment and Rural Affairs

Ms Rogan asked the Minister of Agriculture, Environment and Rural Affairs (i) at what stage is the report of the Fishing and Seafood Development Programme; (ii) and when will it be published.
(AQW 6606/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): The Fishing and Seafood Development Programme (FSDP) is being taken forward in two stages.

The report from Stage 1 of the Fishing and Seafood Development Programme (FSDP) was published on the 26 September and is available on the Departments website.

The final report including an examination of the opportunities for shore based businesses and fish processors is expected early in 2021

Ms McLaughlin asked the Minister of Agriculture, Environment and Rural Affairs whether (i) he will take action with his counterpart in the Irish Government to prevent the exporting of smoky coal from Northern Ireland into the Republic of Ireland; and (ii) he will initiate action to ban the sale and distribution of smoky coal in Northern Ireland.
(AQW 7160/17-22)

Mr Poots: As Minister of Agriculture, Environment and Rural Affairs I am unable to comment on issues relating to import and export. However, my Department has policy responsibility for the sulphur content of solid fuels.

At present my Department is developing the first Clean Air Strategy for Northern Ireland. In December 2016, the previous DAERA Minister, Michele McIlveen, gave a commitment to develop an air quality strategy. Since then, my officials have been working on developing a draft Clean Air Strategy discussion document. This work has involved close collaboration with other Departments, including the Department for Infrastructure and Department for Economy. .

The Discussion Document has now been finalised and will be launched shortly for a 12 week public consultation in the coming weeks. During the consultation period stakeholder views will be sought on a range of matters relating to air quality and it is likely that discussions around smoky coal will be raised at this stage. I will, in due course, consider all consultation responses and the interests of a wide variety of stakeholders before making any decisions on possible policy options.

Mr Muir asked the Minister of Agriculture, Environment and Rural Affairs whether he plans to introduce a ban on single use plastics.
(AQW 8950/17-22)

Mr Poots: In the New Decade, New Approach deal, the Executive is tasked with bringing forward actions to address climate change including creating a plan to eliminate plastic pollution.

An Executive paper will be tabled shortly proposing an action plan to eliminate unnecessary single-use plastics in the government estate. If agreed by the Executive, the plan will be phased in over the following 12 months to enable the necessary changes to purchasing contracts with suppliers to be made.

With other UK administrations having introduced or consulting on introducing legislative measures on single-use plastics, I will review with my officials whether it would be appropriate to introduce similar measures for Northern Ireland.

On a more local front, my Department has been supporting the local charities Keep Northern Ireland Beautiful and Sustainable NI in the delivery of a multi-year behaviour change and education project. The 'Tackling Plastics' project is working with schools, the general public, local councils, businesses and the public sector to eliminate problem plastics. While legislating to ban or restrict the availability of single use plastic has an important role, changing mind-sets and lifestyles away from single use and thoughtless disposal is equally, if not more important.

I propose to launch a consultation on a review of the Carrier Bag Levy in early 2021 but at a broader level across the UK there are important legislative measures being introduced that will have a significant impact on plastic use. I am working closely with Ministerial colleagues across the UK to introduce legislation to promote a Circular Economy Package which will help to retain the value of plastic resources within the economy and out of the environment. Legislation on a Deposit Return Scheme and Extended Producer Responsibility are also being considered, both of which will help to increase plastic recycling and this would be supported

by a HM Treasury Plastic packaging tax, specifically designed to incentivise the demand for recycled plastic.

I trust this provides reassurance that I am already addressing issues with single-use plastics and that I continue to keep the situation under review.

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 7139/17-22, for his assessment of the threshold of biodiversity loss, or other environmental factors, (i) which would make new legislative measures to address biodiversity loss necessary; and (ii) which would prompt a possible review of the Biodiversity Strategy in 2021/22.
(AQW 9030/17-22)

Mr Poots: My officials are currently engaging with other UK colleagues on the proposed new Convention of Biological Diversity (CBD) targets that are to be agreed at the next Conference of Parties (COP15) event to be held in late 2021. The previous international targets, the 'Aichi Targets', form the basis of the current Northern Ireland Biodiversity Strategy and GB equivalents.

The current biodiversity strategy runs until the end of 2020. It is therefore planned to conduct a review to coincide with the new targets that will be agreed by the CBD, in which the UK government plays an active role. It is therefore likely, notwithstanding further delays to the COP 15 event due to the Covid-19 crises that this review will complete in late 2021.

There are currently a number of regulations aimed at protecting our natural environment and currently I have no plans to introduce new legislative measures. However I am content to keep the option of additional legislation under review in our efforts to conserve and restore biodiversity.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs when his Department plans to appoint members of the Office for Environmental Protection in Northern Ireland.

(AQW 9036/17-22)

Mr Poots: The commencement of the Environment Bill provisions relating to the extension of the Office for Environmental Protection (OEP) to Northern Ireland is subject to the future approval of the Assembly. DAERA officials are however engaged in preparatory work with Defra to consider detailed operational arrangements, including staffing requirements, job descriptions and the recruitment processes.

As a result of the Covid-19 crisis the passage of the Bill through Parliament has been subject to delays with the Committee Stage due to resume on 3 November 2020. These delays have made the aim of having the Office for Environmental Protection (OEP) fully operational by 1 January 2021 much more challenging. It is obviously prudent to prepare for the possibility that this target date may not be met and to that end, my officials are working closely with their Defra counterparts on a range of issues, including the potential need for interim staffing arrangements to handle complaints from the public that would fall under the OEP's remit

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs, given the concern in the local farming community around global competition, what work his Department is undertaking to prevent Northern Irish farmers being undercut by farmers from the United States of America and elsewhere.

(AQW 9103/17-22)

Mr Poots: I am aware that countries with which the UK is negotiating FTAs, i.e. the US, Australia and New Zealand are major agricultural exporters. I have been clear that tariff protection, particularly for sensitive agricultural products, including those where we have a significant production interest must be maintained. Furthermore, I have also been clear that there must be no diminution of standards for food imports and that the standards applying in GB should be no lower than those which must apply in Northern Ireland under the NI Protocol. I have written to the Defra Secretary of State on these matters and will continue to make further representations to avoid Northern Ireland farmers being disadvantaged.

I am pleased that the UK Global Tariff which will apply to imports from all countries which do not have a Free Trade Agreement (FTA) with the UK maintains agricultural tariffs at similar levels to present for most products.

Ms McLaughlin asked the Minister of Agriculture, Environment and Rural Affairs whether the Strategic Planning Policy Statement, that rules out fracking technology, also rules out the activities for which Tamboran Resources has sought to be licensed in relation to Dowra Sandstone.

(AQW 9121/17-22)

Mr Poots: It is my understanding that Tamboran Resources (UK) Limited has recently amended their application for a petroleum exploration licence. My Department has not, as yet, been consulted by the Department for the Economy on the amended application. My Department is therefore not aware of the specific details regarding the amended application.

It would be for the relevant planning authority to take into account the requirements of the Strategic Planning Policy Statement should such a planning application come before it.

Ms Bradshaw asked the Minister of Agriculture, Environment and Rural Affairs, in relation to the announcement for England, Scotland and Wales, what plans she has to introduce an early warning sewage monitoring system for COVID-19.

(AQW 9385/17-22)

Mr Poots: The Department is engaged with DEFRA and other UK regulators on its participation in the UK wide programme on COVID-19 surveillance in wastewater.

DAERA are committed to funding a virus surveillance monitoring programme in Northern Ireland and are currently scoping this programme and securing its delivery mechanisms. This programme will be in place by December 2020

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs whether he plans to make the theft of dogs a specific offence under the Welfare of Animals (Northern Ireland) Act 2011.

(AQW 9601/17-22)

Mr Poots: I understand how important dogs and other pets are to their owners and the emotional distress that losing a pet to theft can have. The theft of a pet is, however, already a criminal offence under the Theft Act (Northern Ireland) 1969. The offence attracts a significant maximum penalty of up to ten years imprisonment which is higher than that available in other jurisdictions of the UK. In determining the sentence to be imposed, the courts take account of the individual circumstances of the offence including its impact on the victim. I am, therefore satisfied that the existing law is sufficiently robust to deal with dog and pet theft.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs to detail which local council areas comply with the standards in the Northern Ireland water quality regulations.

(AQW 9720/17-22)

Mr Poots: Water quality in rivers, lakes, estuaries, coastal and groundwaters is assessed against standards set out in the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015.

In the latest full classification in 2018 only 37% of Northern Ireland's water bodies were at the relevant good status or better, with each of the local council areas having water bodies below this standard. Therefore none of the local council areas fully comply with the water quality standards in the above Regulations.

Ms Armstrong asked the Minister of Agriculture, Environment and Rural Affairs what his Department is doing to fulfil the Executive's commitment to building a united and shared society through the Together: Building a United Community strategy. (AQW 9771/17-22)

Mr Poots: DAERA's commitment to the Together: Building a United Community strategy is to promote and supports measures to address social isolation, service deficits and improve community cohesion in rural areas. This is achieved through the DAERA funding of almost £900,000 per annum for the Local Rural Community Support Service Programme and the Rural Infrastructure Support Programme. DAERA is also represented on the Good Relations Programme Board.

Mr Chambers asked the Minister of Agriculture, Environment and Rural Affairs how many new officials have been recruited to manage any checks that may be required on goods travelling in either direction between Northern Ireland and Great Britain from 1 January 2021. (AQW 9825/17-22)

(AQW 9825/17-22)

Mr Poots: As of 12 November 2020, six Inspector Group 1, three Fish Health Inspectors and 2 Plant Health staff have been recruited in relation to checks that may be required on goods travelling from Great Britain to Northern Ireland. Further appointments to veterinary and inspectorate posts within the Veterinary Service Portal Branch and Plant Health Division are expected in coming weeks.

No additional checks or documentation will be required for the movement of live animals, products of animal origin or plants from NI to EU or GB.

Ms Sugden asked the Minister of Agriculture, Environment and Rural Affairs to detail the number of instances of fly-tipping recorded since the March lockdown to date, compared to the same period in 2019. (AQW 9851/17-22)

(AQW 9851/17-22)

Mr Poots: To ask the Minister of Agriculture, Environment and Rural Affairs to detail the number of instances of fly-tipping recorded since the March lockdown to date, compared to the same period in 2019

Incidences of alleged 'illegal waste disposal' reported to my Department are recorded as such, and not under the specific term 'fly-tipping'. Since 23 March 2020 to date, my Department has received 782 reported incidents of alleged 'illegal waste disposal', compared to 566 in the same period last year, an increase of 38%.

My Department focuses its enforcement actions primarily on larger scale waste dumping activity rather than low level ad hoc dumping often referred to as 'fly-tipping', which is primarily addressed by District Councils (DCs). The increase in waste incidents given above concerned low level ad hoc dumping which were subsequently referred to and dealt with by DCs.

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs what (i) departmental; and (ii) arm's-length body spend there has been in (a) Ballintoy; (b) Balnamore; (c) Dunloy; (d) Loughgiel; and (e) Rasharkin, in each of the last ten years. (AQW 9873/17-22)

Mr Poots: The Department of Agriculture, Environment and Rural Affairs and Arm's Length Bodies has identified a total of £1,448k in Ballintoy, Balnamore, Dunloy, Loughgiel and Rasharkin from 2013-14 to 2019-20. This is broken down in Table 1 below.

Table 1

	2013-14 £'000	2014-15 £'000	2015-16 £'000	2016-17 £'000	2017-18 £'000	2018-19 £'000	2019-20 £'000	Total £'000
Ballintoy	4	4	-	-	4	-	-	12
Balnamore	-	-	-	-	-	-	-	-
Dunloy	163	72	-	-	19	14	185	453
Loughgiel	148	5	-	-	158	49	-	360
Rasharkin	15	16	465	-	105	13	9	623
Total	330	97	465	-	286	76	194	1,448

Due to the Department's document retention policy of 7 years, financial information for the 2010-11, 2011-12 and 2012-13 years is limited and has therefore been excluded.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs what proportion of the contingencies fund advance of £536,000 will be spent on setting up the Office for Environmental Protection.

(AQW 9884/17-22)

Mr Poots: The Contingencies Fund Advance of £536,000 granted to Defra on 23 October 2020 will be used solely on activities to support the establishment of the OEP in England. The approval covers expenditure across IT and networking, corporate services, estates, finance, recruitment and other HR costs. Whilst Northern Ireland will not directly receive funding from the Contingencies Fund it will benefit from the setting up of these structures, should the Assembly approve implementation of the OEP.

Practical decisions about the operation of the OEP in NI and what proportion of the OEP's budget would be allocated to work carried out in NI are still to be determined.

Mrs Barton asked the Minister of Agriculture, Environment and Rural Affairs whether agricultural goods produced and processed in Northern Ireland will be marked as origin UK or origin EU following the implementation of Brexit.

(AQW 9929/17-22)

Mr Poots: Labelling of agri-food products is complex and there are cross-cutting responsibilities across a number of government departments and agencies. Also, the rules differ according to product and destination market.

Subject to the outcome of the ongoing UK/EU negotiations, the Ireland/NI Protocol will apply from the end of the Transition Period (from 1 January 2021). Northern Ireland will remain aligned with EU regulations on food labelling as set in Annex 2 of the Protocol, while the rest of the UK will apply its own rules.

Under both EU law and the law applicable in Great Britain, country of origin labelling is required for a range of agri-food produce, including meat, fruit and vegetables, honey and olive oil.

DAERA and the Food Standards Agency (FSA) have been working with colleagues across the four nations on food labelling requirements and what this may mean for industry and stakeholders after the end of the Transition Period.

On 5 November 2020, the UK Government published updated guidance on food labelling requirements. This guidance, available at <https://www.gov.uk/guidance/food-and-drink-labelling-changes-from-1-january-2021>, indicates that from 1 January 2020:

- Where EU law does not require a member state to be indicated, food from and sold in NI can continue to use 'origin EU' or 'origin UK';
- Where EU law requires a member state, food from and sold in NI should be labelled as 'UK(NI)' or 'United Kingdom (Northern Ireland)';
- Food from NI and sold in GB may be labelled as 'UK(NI)', 'United Kingdom (Northern Ireland)' or 'UK'.

The UK Government recognises that businesses will need time to adapt to these new labelling rules. It is working with DAERA and district councils in NI on a proportionate and risk-based enforcement approach for new labelling requirements on the NI market that takes these challenges into account. This approach will be implemented in a way which supports businesses as they adapt to the new requirements.

Mr McGlone asked the Minister of Agriculture, Environment and Rural Affairs what initiatives his Department is undertaking to promote better mental health and wellbeing amongst farmers.

(AQW 10013/17-22)

Mr Poots: The Tackling Rural Poverty and Social Isolation (TRPSI) Framework supports the development and delivery of initiatives to address the three priority areas of financial poverty, access poverty and social isolation. Through this Framework, my Department supports a range of initiatives to promote better mental health and wellbeing amongst farmers and rural dwellers and further details are set out in Annex A.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs when he will launch the recruitment campaign for the Northern Ireland Member of the Office for Environmental Protection.

(AQW 10041/17-22)

Mr Poots: The establishment of the OEP in Northern Ireland is subject to the approval of the Northern Ireland Assembly and decisions on recruitment will be made in that context. DAERA officials are, however, engaged in preparatory work with Defra and other relevant organisations to consider the necessary recruitment arrangements. This work is still at a relatively early stage, and until the process is agreed I cannot advise when the recruitment campaign may be launched.

Mr Irwin asked the Minister of Agriculture, Environment and Rural Affairs to detail any funding opportunities that exist for the mushroom industry (i) in response to COVID-19; and (ii) for the purposes of innovation and efficiencies.

(AQW 10058/17-22)

Mr Poots: I consulted widely with industry stakeholders, representative bodies and political representatives prior to my Written Statement to the NI Assembly on 30th June announcing the allocation of £21.4m COVID-19 funding support. During those consultations the financial impact of COVID-19 on the mushroom industry was not raised.

COVID-19 support schemes have been developed and delivered with over £18m paid out already to dairy, beef and sheep farm businesses. Processing of claims from eligible potato businesses is ongoing and the scheme supporting the Ornamental Horticulture businesses has just closed for applications. Support for the mushroom industry does not fall within the scope of these two schemes.

Whilst DAERA is unable to provide COVID-19 support to the mushroom industry, I would encourage mushroom growers to consider the range of other COVID-19 support measures as appropriate including the Bounce Back Loan, Furlough Scheme and the Self Employed Income Support Scheme that have been introduced by Government to help businesses.

Further details on the range of COVID-19 support measures for businesses can be found on the NI Business Info website www.nibusinessinfo.co.uk. These details are updated and added to on a regular basis.

My Department is currently providing the following funding opportunities for the mushroom industry:

- 1 The Farm Business Improvement Scheme (FBIS) Capital, Tier 1 is currently open for applications and there are a number of items of equipment that are eligible for grant aid, which will support mushroom growers directly and indirectly. The scheme closes on Friday 4th December 2020.

The objective of Tier 1 is to improve the sustainability of farms in Northern Ireland. It provides support for farmers and growers to invest in equipment and machinery that will help realise improvements in efficiency, environmental practice, animal health and welfare, and health and safety, associated with modern farming practices.

Tier 1 is for projects costing from £5,000 - £30,000 (eligible costs) and is primarily aimed at the purchase of off the shelf equipment and machinery.

Further details on the FBIS Capital scheme can be found on the DAERA website <https://www.daera-ni.gov.uk/articles/farm-business-improvement-scheme>

- 2 The Agri-Food Co-operation Scheme can provide up to £30,500 of funding along with 50 facilitation days to assist groups of farmers and food producers to collaboratively progress a new project.
- 3 Eligible support measures as part of this scheme include Specialist Mentoring, Training, Business Tools, Study Tours and Co-operation Support. The scheme is delivered on behalf of DAERA by Countryside Services Ltd and further details of this scheme are available on the Countryside Service Ltd website <https://www.countrysideservices.com/agri-food-co-operation-scheme/>

Mr McGlone asked the Minister of Agriculture, Environment and Rural Affairs to outline the progress his Department has made in securing the relevant lease agreements for suitable site locations for points of entry facilities before the end of the transition period.

(AQO 1140/17-22)

Mr Poots: After a period of intensive work on the Sanitary and Phytosanitary (SPS) Operational Delivery Programme, specific sites have now been identified for each port Point of Entry. As part of the work required to secure access to these sites, the DAERA Programme Team has been in negotiations with those ports through Land and Property Services and DSO Commercial to secure the relevant lease agreements. These negotiations are at an advanced stage with the ports, and the team is intending to resolve final issues in the coming weeks.

You will also be aware that it is not possible to have the full facilities in place at each Point of Entry by 31 December 2020. In response to this DAERA have initiated contingency plans to have a level of facilities in place for the 31 December 2020, thus allowing goods requiring SPS checks to move through our ports into Northern Ireland. This will allow me to ensure Food Supply Security is maintained for Northern Ireland. To achieve this DAERA have also engaged Land and Property Services and DSO Commercial to secure the relevant short term licence agreements for the contingency work at each of the ports.

Mr Nesbitt asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the implications for the transportation of domestic pets within the United Kingdom as a result of new border control infrastructure at ports.

(AQO 1138/17-22)

Mr Poots: The UK Government (UKG) has submitted an application to the European Commission, seeking approval for the UK to be listed as a third country in respect of pet travel. The outcome of the application will determine the documentary and health preparation requirements for pet travel from GB to NI post transition.

In the meantime, my officials continue to work closely with their UK counterparts to make plans for a range of outcomes and with a view to ensuring as minimal disruption as possible.

I am extremely mindful of the potentially wide reaching societal impact of any barriers to pet travel between here and the rest of the UK. I have, therefore, raised this matter directly with ministerial colleagues across the UK and will continue to work with them with the aim of securing a satisfactory resolution to this matter.

Mr McNulty asked the Minister of Agriculture, Environment and Rural Affairs to outline his plans to bring forward legislation to ban single-use plastics.

(AQO 1137/17-22)

Mr Poots: In the New Decade, New Approach deal, the Executive is tasked with bringing forward actions to address climate change including creating a plan to eliminate plastic pollution.

The NI Executive has recently approved a plan I proposed to reduce unnecessary plastic within the NICS government estate. The overall aim of the plan is to work towards a ban on unnecessary single-use plastic in the government estate by October 2021. The actions in the plan are grouped around raising awareness and changing behaviours across the NICS and working with our suppliers and contractors.

In terms of legislation, the Treasury is introducing a tax on plastic from April 2022. All plastic packaging with less than 30% recycled content will attract the new tax. This will have two significant outcomes. More and more of the packaging on goods that you buy will either contain recycled plastic or will use alternatives to plastic. Secondly, the tax will create a demand for recycled plastic which will help to drive collection programmes for plastics that are not currently recycled.

DAERA is also working with the other UK Devolved Administrations on the reform of Extended Producer Responsibility scheme. This means that within the next few years producers will have to meet the full net costs of managing all of the packaging they place on the market when it reaches the end of its life and becomes waste. This will incentivise producers to use less packaging and to design packaging that can be reused or recycled more effectively.

With other UK administrations having introduced or consulting on introducing legislative measures on single-use plastics, I am presently reviewing with my officials whether it would be appropriate to introduce similar measures for Northern Ireland.

Mr McGuigan asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the 2019 State of Nature report by the Natural History Museum and Royal Society for the Protection of Birds which found that we are the 12th worst performing region for biodiversity loss out of 240 countries.

(AQO 1136/17-22)

Mr Poots: The 2019 'State of Nature' report was a collaboration between 78 conservation and research organisations, including the Natural History Museum and RSPB, as well as the Northern Ireland Environment Agency. It presents an overview of how the UK, and individual countries are faring, with emphasis on the last decade. This demonstrated that the abundance and distribution of the UK's and Northern Ireland's species has declined since 1970, and that this decline has continued to present, with approximately 11% of Northern Ireland's species, for which there is sufficient data available, currently threatened with extinction..

Following publication of the State of Nature report, the Natural History Museum, in collaboration with RSPB, has updated its Biodiversity Intactness Index (BII) which estimates historical biodiversity loss and how much, on average, of a region's natural biodiversity is still left. While unsighted on the full rankings, it is reported that the UK is amongst the lowest of European countries. This reflects the relatively small size of these islands and the extent and impact of industrialisation and changes in agricultural practice and management that have occurred through recorded history.

Healthy biodiversity and ecosystems are vital for human existence, providing food, energy, sustaining air quality, storing carbon, and supporting wildlife. They make a significant contribution to the economy and to the health and wellbeing of the public. Nature will play a key role in mitigating against, and adapting, to climate change. The declines highlighted in the State of Nature 2019 report are, therefore, of concern.

While our biodiversity is subject to a range of pressures and threats, it is possible to attenuate some of these by supporting nature-friendly farming and targeting conservation action. My Department is working with a range of stakeholders, including other Departments, landowners and environmental NGOs to implement these. However, the scale of action required to mitigate against the key drivers of biodiversity loss, including climate change, land management and pollution, is challenging and will require concerted action across government and key sectors, and support for those who manage our natural landscapes.

There is a role for society at large to help protect our biodiversity, where small actions, including cutting down on unnecessary car journeys, reducing use of pesticides and encouraging pollinating plants, can have a cumulative beneficial impact.

Ms Sheerin asked the Minister of Agriculture, Environment and Rural Affairs what consideration he is giving to the Livestock and Meat Commission research report on options for supporting the suckler beef and sheep sectors.

(AQO 1135/17-22)

Mr Poots: I have agreed to meet with members of the Livestock and Meat Commission (LMC), Northern Ireland Meat Exporters Association (NIMEA) and Ulster Farmers Union (UFU) to discuss the findings of the research report.

In my statement to the House today I announced that funding coupled payments targeting, for example, suckler cow and breeding ewe producers, was one option which I am considering.

There will be ongoing consultation with farmers and other stakeholders as policy is developed in this area.

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs why he declined to meet the Building Communities Resource Centre, representing the community associations of Armoy, Bushmills, Dervock, Mosside and Stranocum, to discuss their rural communities.

(AQO 1134/17-22)

Mr Poots: I received an invitation from the Building Communities Resource Centre on 3 September to discuss infrastructure challenges faced by these five villages, however my Department does not have statutory responsibility for the issues highlighted by BCRC. I did provide a detailed response explaining the support that was available from DAERA and advised that BCRC should discuss their issues with the Council.

My department has made available significant investment to help sustainable Rural Development across Northern Ireland, including supporting the development of integrated village plans. It is important that the village plans provide the catalyst for communities to work with their councils and the responsible statutory bodies to address the needs and issues identified.

It is worth noting that in April 2016 Causeway Coast and Glens Local Action Group (CCG LAG) was allocated £9.6m Rural Development Programme 'LEADER' funding by my Department to manage and bring forward actions to primarily support rural Business, Village Renewal and Basic Services in the Council area. My understanding is that the Council identified 40 villages (including Dervock, Bushmills, Mosside and Armoy) who were offered the opportunity to avail of the village plan development process. Twenty two villages, including Dervock and Bushmills co-operated with Council and received support.

The £70m allocation to LAGs across NI from 'LEADER' is now fully committed and remains on course for full investment by programme closure. The Tackling Rural Poverty and Social Isolation (TRPSI) programme remains active and supports a wide range of activity in rural areas, in collaboration with the Community and Voluntary sector and Public Authorities. I advised BCRC to continue contact the North Antrim Community Network (NACN), which is funded under TRPSI, to avail of on-going support. I know that NACN have worked with the BCRC villages to access other TRPSI funding and meet with other stakeholders and statutory bodies.

I do understand the frustrations which BCRC have but believe that DAERA have provided a range of supports to assist the villages identify needs and work with the appropriate statutory bodies to address issues identified.

Mr Middleton asked the Minister of Agriculture, Environment and Rural Affairs how his Department has assisted farmers in the Foyle constituency during COVID-19.

(AQO 1132/17-22)

Mr Poots: On 30 June I made a written statement to the assembly outlining that £21.4m would be made available to support businesses in the dairy, beef, sheep, potato and Ornamental Horticulture sectors that had been hardest hit financially as a direct result of the COVID-19 pandemic.

The Agricultural Commodities (Coronavirus, Income Support) Scheme (Northern Ireland) 2020 opened for applications from the dairy, beef and sheep sectors on 7th September and closed on the 23rd September. Almost 11,300 farm businesses were eligible to apply for approx. £18.2M, and during the period 11,177 applications were received representing a financial commitment of £18.18M.

Within the Foyle constituency there were 73 eligible claims submitted with £216,228 paid out to farm businesses.

Support is also being provided to potato farm businesses that supplied the potato processing market and eligible Ornamental Horticulture businesses. These elements of the COVID-19 support package are still being processed.

Throughout the COVID-19 pandemic CAFRE advisers have also been available to provide technical advice and support to farm businesses that have been impacted as a result of the pandemic.

Department for Communities

Mr Dunne asked the Minister for Communities when in-person welfare benefit appeals will recommence.

(AQW 6456/17-22)

Ms Ní Chuilín (The Minister for Communities): My Department has advised that oral hearings using technology options commenced on 28 September 2020. Face to face oral hearings re-commenced on 19 October 2020 in the main hearing centre.

Ms Flynn asked the Minister for Communities what progress has been made in relation to the Woodbourne Environmental Improvement Scheme, particularly regarding vesting issues.

(AQW 7079/17-22)

Ms Ní Chuilín: The Department is committed to delivering this Scheme and it has made significant progress to date in terms of resolving design issues to the satisfaction of local representations as well as achieving planning permission. There are a number of complicated delivery factors relating to land ownership. My officials are currently exploring these issues with local council and other statutory partners to resolve and move the scheme forward.

Mr Beattie asked the Minister for Communities for a breakdown of funding awarded to groups in the Upper Bann constituency, in each of the last three years.

(AQW 9075/17-22)

Ms Ní Chuilín: My Department does not record expenditure in line with constituency boundaries. Therefore I am unable to provide you with a breakdown of funding awarded to groups in the Upper Bann constituency as requested.

The Government Funding Database is a public database that holds records of applications from and funding to voluntary and community sector organisations. You may find it helpful to search the database to obtain details of funding awarded to specific organisations registered within the Upper Bann area. Please note, information within the database is held according to the registered address of the organisation, which may not correspond to the location of the group benefitting from the funding awarded.

The Government Funding Database can be accessed at: <https://govfundingpublic.nics.gov.uk/>

Mr Allen asked the Minister for Communities to detail the steps taken by her Department to support individuals and families impacted by COVID-19.

(AQW 9093/17-22)

Ms Ní Chuilín:

Social Security

My Department is committed to supporting people at this difficult time and has put a series of changes in place to ensure that the social security system is more flexible, to relieve hardship and to ensure people most in need get the help and support they require. Full details on the range of changes made in relation to welfare benefits can be found at <https://www.communities-ni.gov.uk/landing-pages/covid-19-benefits>.

Labour Market

As part of the response to the labour market impact of COVID-19, my Department is developing a range of measures including Job Start, Incentivised Work Experience Placements, Opportunity Guarantee for Young People and the Work Ready Employment Service. In addition, Expanded Flexible Funding is available to Work Coaches to address barriers to employment through the Advisor Discretionary Fund, and subject to entitlement criteria, upfront grants are available to provide support to cover initial childcare costs for parents returning to work.

Voluntary and community sectors

I have introduced a range of measures to support the Voluntary and Community sectors which deliver vital services across our communities including:

- Flexibilities in grant funding amounting to £18m to Neighbourhood Renewal and Areas at Risk organisations.
- £4.7m to date of emergency funding through the Community Support Programme.
- A COVID-19 Community Support Fund of £3.25m.
- A £750k allocation to Councils for a COVID-19 Access to Food Fund.
- An Access to Food response and investment of almost £800k to support Fareshare;
- A £700k Financial Inclusion Fund allocation for Councils.
- Establishment of COVID-19 Community Helpline which has been contacted by over 32,300 people;
- A Voluntary and Community and Social Economy (VCSE) COVID Recovery Fund (to be opened soon) of £2.5m To complement this, my Department will make a further £800k available specifically for IT to enhance connectivity and opportunity for online delivery across the VCSE sector.

Full details on my Department's community level response can be found at: <https://www.communities-ni.gov.uk/publications/dfc-covid-19-community-response-plan>.

Arts, Language, Culture and Heritage

My Department has supported artists in a number of ways, through the Artists Emergency Programme, the Individual Emergency Resilience Programme, the Organisations Emergency Fund, and funding to the arts, language, culture and heritage sectors from the Executive's allocation of £29m.

Individuals, organisations and groups within the indigenous languages sector will receive financial support by way of a £2.5million COVID-19 support fund.

Further details on the amounts awarded and the ways in which my Department has supported and continues to support these sectors can be found at: <https://www.communities-ni.gov.uk/articles/funding-arts-culture-and-heritage-sectors>

Support for the Deaf Community

My Department has partnered with the Health and Social Care Board (HSCB), Public Health Agency (PHA) with input from the British Deaf Association (BDA) to provide access to key COVID-19 public health information, as well as a COVID-19 Daily Deaf News update for the Deaf community, who can have difficulty accessing existing news sources. Further details are available at <https://www.communities-ni.gov.uk/landing-pages/covid-19-partner-organisations>.

Housing & Homelessness

You can read more about the actions my Department and Housing Executive have taken in relation to Housing and Homelessness at: <https://www.communities-ni.gov.uk/landing-pages/covid-19-housing>. This includes:

- Working with Housing Executive to ensure that housing support services are provided through the Supporting People (SP) programme and ensuring all appropriate steps in line with current government guidance are being taken by SP providers to protect the health and well-being of vulnerable service users; and
- Ensuring the continued operation of homelessness services in an effective and safe way including the provision of emergency/temporary accommodation.

As we continue to respond to the impacts of the pandemic, I will keep all support under review to ensure that the needs of people here are met.

Mr Allen asked the Minister for Communities to detail the process undertaken by Northern Ireland Housing Executive to determine housing need in a housing area.

(AQW 9317/17-22)

Ms Ní Chuilín: The Housing Executive has a legal responsibility to assess social housing and has advised that its assessment of social housing need is carried out in two stages.

Stage one is the Projected Social Housing Need Calculation. It is first necessary to determine the Projected Housing Stress i.e. the number of applicants in housing stress on the assumption that no housing supply is available. The Housing Executive then calculates the Projected Social Housing Supply. This quantifies the current and likely future available supply of social housing by adding the average level of relets multiplied by the projection period (5 years) to the number of currently available void stock. This does not include new build completions as this is what the social housing need projection is seeking to establish.

To calculate the figure for the Projected Social Housing Need in an area the Projected Social Housing Supply figure is deducted from that for the Projected Housing Stress. One year's average relets is also deducted to act as a counter to over-supply of new build, and prevent the waiting list reducing to zero.

Stage two of the assessment is a Sensitivity Analysis. This involves the Projected Social Housing Need figure being examined for trend validity, through sensitivity analysis, in order to identify fluctuations in trends and take account of specific local factors.

The sensitivity analysis also incorporates the deduction of new build schemes that have commenced on site before the date of the assessment and any schemes completed after 1st April of the relevant year and before the Housing Need Assessment. Other factors examined in the sensitivity analysis include the average residual housing need, housing market trends, local intelligence, demographics trend validity, housing mix, regeneration and rural proofing.

Mr Allister asked the Minister for Communities for her assessment of the application of the policy on the recording of potential conflicts of interest by the office of the Charity Commissioners NI.

(AQW 9389/17-22)

Ms Ní Chuilín: The management of actual or potential conflicts of interest concerning Charity Commissioners or staff is a matter for the Commission.

My Department has recently requested that the Chief Commissioner provide a copy of the current arrangements to confirm that these are open, transparent and operating effectively. Any additional assurances required will be requested from the Chief Commissioner.

Ms Sheerin asked the Minister for Communities, given that the pandemic has made inspections difficult, whether she will apply a moratorium on the obligation on private contractors to provide Building Control completion certificates as a prerequisite to payment from the Housing Executive for works related to the Affordable Warmth and Boiler Replacement schemes.

(AQW 9408/17-22)

Ms Ní Chuilín: Building Control Regulations are intended to ensure the safety, health, welfare and convenience of people in and around buildings. Building Control Certificates provide assurance that work has been completed to an agreed, acceptable standard and that public funds are being correctly and responsibly spent.

For these reasons the Housing Executive is unable to process payments to contractors, for work completed under the Affordable Warmth Scheme and the Boiler Replacement Scheme, in advance of an inspection by Building Control and receipt of a Certificate.

It is for each Council to determine the essential measures that are required to ensure the safety of their staff and householders and which may enable inspections to be carried out, particularly with regard to the level of restrictions required at any specific time during the pandemic. I have received confirmation from the eleven local Councils that arrangements are currently in place for Building Control to complete the necessary inspections, either physically through site attendance and/or virtually through alternate arrangements such as assessments of photographs of contractor's work, to enable certificates

to be issued as appropriate. Any further queries about Council processes or the alternative arrangements in place should be directed to the individual local councils responsible for completing inspections.

Ms Armstrong asked the Minister for Communities whether she will follow the Scottish Government's approach by moving away from Personal Independence Payment assessments to a new Adult Disability Payment.

(AQW 9461/17-22)

Ms Ní Chuilín: The Department's existing contract with Capita for PIP Assessments is due to expire on 31 July 2021. An independent evaluation of the performance of the PIP Assessment Service is currently being undertaken. The purpose of this work is to identify potential service enhancements and to inform the future direction of the service.

Mr Durkan asked the Minister for Communities to detail the (i) number of her departmental buildings in each constituency; and (ii) existing available desk space in each one.

(AQW 9485/17-22)

Ms Ní Chuilín:

- (i) The number of DfC departmental buildings in each constituency is as set out below. It should be noted that the majority of the buildings are owned or leased by the Department of Finance's Properties Division on behalf of DfC and any other co-located department(s). The detail below therefore refers to the small number of DfC-owned or leased buildings along with the DoF buildings for which DfC is the largest occupant.
- (ii) As part of its response to the Covid19 pandemic the Department carried out specific Covid19 risk assessments at all of its buildings. As a result, and having employed a number of mitigating factors, a reasonable safe amount of desk space was determined as part of this process.

All of the departmental buildings are occupied within this safe number.

Constituency	Number of buildings	Office capacity pre- Covid19	Office capacity during Covid19
Fermanagh and South Tyrone	2	295	195
West Tyrone	2	212	157
Newry and Armagh	2	349	227
Strangford	2	79	53
Upper Bann	3	265	188
South Down	2	64	37
Lagan Valley	1	157	97
Belfast East	1	204	122
Belfast North	4	556	323
Belfast South	7	4414	2194
Belfast West	4	1543	775
East Antrim	2	86	76
North Down	1	65	37
Mid Ulster	2	139	99
Foyle	4	1122	671
East Derry	2	264	162
North Antrim	2	308	191
South Antrim	1	168	97

Mr Butler asked the Minister for Communities what plans she has to introduce legislation to (i) regulate online advertising of gambling products and services; (ii) restrict when remote or online gambling operators can advertise to consumers; and (iii) make it an offence for remote gambling operators to target online advertising at under-18s or families with children.

(AQW 9495/17-22)

Ms Ní Chuilín: The Betting, Gaming, Lotteries and Amusements (NI) Order 1985 contains no provisions in relation to remote (online) gambling. Online advertising of gambling products and services is regulated under Section 5 of the Gambling

(Licensing and Advertising) Act 2014 which permits a remote (online) operator to advertise to consumers here provided they hold the appropriate Gambling Commission licence.

The Committees of Advertising Practice (CAP) recently launched a public consultation on proposals to introduce new strengthened rules and guidance to better protect children and young people (under-18s) and vulnerable people from potential gambling-advertising related harms. This consultation is in response to research published by GambleAware.

Meanwhile, the Advertising Standards Authority (ASA), an independent body, will continue to monitor and enforce the strict guidelines around gambling advertising. The ASA takes complaints about inappropriate content seriously, and accept complaints from both members of the public and the industry.

I continue to keep all aspects of the regulation of gambling under review, including the operation of Section 5 of the Gambling (Licensing and Advertising) Act 2014. I will make an announcement on the way forward shortly.

Mr Butler asked the Minister for Communities what plans she has to introduce legislation to require gambling operators to include explicit and prominent public health warnings about the harms associated with their products and services in their advertising and marketing.

(AQW 9496/17-22)

Ms Ní Chuilín: The Betting, Gaming, Lotteries and Amusements (NI) Order 1985 sets out the law in respect of advertising of gambling products and services.

Online advertising of gambling products and services is regulated under Section 5 of the Gambling (Licensing and Advertising) Act 2014 which permits a remote (online) operator to advertise to consumers here provided they hold the appropriate Gambling Commission licence.

Both local and online advertising of gambling products and services must comply with the Advertising Codes issued by the Committee of Advertising Practice (CAP) and administered by the Advertising Standards Authority (ASA).

Any decision to take a public health approach to gambling is a matter for the Minister of Health in the first instance and for the Executive to approve.

Mr Butler asked the Minister for Communities what plans she has to meet the Minister of Justice to discuss the enforcement of Article 130 (Restrictions on advertisements relating to gaming) of The Betting, Gaming, Lotteries and Amusement (NI) Order 1985.

(AQW 9497/17-22)

Ms Ní Chuilín: Article 32 (Bookmakers); Article 111 (Amusements); and Article 130 (Gaming) of The Betting, Gaming, Lotteries and Amusements (NI) Order 1985 sets out the law in respect of advertising of gambling products and services. Enforcement of the law is a matter for the PSNI.

I will shortly make an announcement on the way forward in relation to reform of gambling and I will engage with all Ministers as part of this process.

Mr Newton asked the Minister for Communities when she will bring forward her strategic and costed plan to bring Housing Executive homes up to an appropriate energy conservation standard.

(AQW 9516/17-22)

Ms Ní Chuilín: I refer to my response to AQW9207/17-22.

Mr Newton asked the Minister for Communities when she will make a decision on the future of the Knockagoney Avenue shops and maisonettes.

(AQW 9517/17-22)

Ms Ní Chuilín: I refer to my response to AQW 8251/17-22. The business case recommending the redevelopment of 64-86 Knockagoney Avenue was approved by the Housing Executive Board at its meeting on the 30th September 2020. It was received by the Department for Communities on 6th October 2020 and is currently being considered.

Ms Mullan asked the Minister for Communities for an update on the work at Rinmore Drive and Creggan Heights, Derry, to rectify deficiencies identified in cavity wall insulation and other building deficiencies, including a timeline from the start of the work to completion; and whether a work programme has been carried out on similar work to be carried out on identified Housing Executive stock across the Foyle constituency.

(AQW 9532/17-22)

Ms Ní Chuilín: The Housing Executive has commenced a procurement exercise to appoint a Consultant to survey the properties in Creggan to ascertain the extent of the defects affecting the thermal comfort in these properties. The survey will be carried out on a phased approach with Creggan Heights comprising the first phase. This will enable the Housing Executive to identify any deficiencies in Cavity Wall Insulation (CWI) but also identify if there are other potential structural or ventilation issues that may also be contributory factors causing condensation, damp or mould.

When the surveys have been completed, any action required will be addressed via a planned scheme approach. It is not possible to give an accurate timeline until the surveys have been completed, but the Housing Executive are committed to carrying out any remedial works as a matter of urgency.

While a number of other properties with potential CWI issues have been identified in the Foyle constituency, these will be addressed via the Housing Executive's Cavity Wall Insulation Action Plan that is currently being finalised for public consultation. This Action Plan will set out how the Housing Executive intend to address the findings and recommendations of the recent British Board of Agrément CWI report that found incidences of defective cavity wall insulation in our stock.

The scale of a cavity wall insulation programme that would be required to address all such properties would be extremely costly at a time at which the Housing Executive continues to project a significant shortfall in funding for investment in its stock. Consequently a cavity wall insulation programme is only one of a number of competing investment priorities that will have to be assessed through the Housing Executive's review of its Asset Management Strategy and Investment Plan.

Mr Easton asked the Minister for Communities how many Housing Executive tenants in North Down are waiting for housing adaptations.

(AQW 9557/17-22)

Ms Ní Chuilín: The Housing Executive has advised that there are 24 Housing Executive properties in North Down currently awaiting housing adaptations. 14 of these properties are in the pre-site stages, 5 are on site and 5 are on hold.

The 5 adaptations that are on hold are due to revisions to the OT (occupational therapist) recommendations or property access issues.

Mr Easton asked the Minister for Communities to detail the cash reserves of each housing association.

(AQW 9560/17-22)

Ms Ní Chuilín: The cash reserves for each Registered Housing Association have been extracted from the 2019-20 certified accounts and are shown in the table below:

Registered Housing Association Cash Reserves

Grove Community Housing Association	£1,555,805 ¹
St Matthew's Housing Association	£1,871,502
Clanmil	£21,109,254
Connswater Homes	£741,851
Radius	£12,460,561
Covenanter Residential Association Ltd	£133,227
Apex Housing Association	£13,287,321
Craigowen Housing Association	£2,276,297
Ark Housing	£1,089,006
Abbeyfield & Wesley	£1,625,440
Alpha Housing	£4,297,872
Triangle Housing Association	£1,478,541
Rural Housing Association	£605,665
Newington Housing Association	£1,414,978
Choice	£49,657,000 ²
Habinteg	£6,234,825
North Belfast Housing Association	£1,451,572
South Ulster Housing Association	£2,264,494
Co-ownership Housing	£32,293,601
Woodvale & Shankill Housing Association	£425,840 ¹

1 Figures obtained from audited financial statements as at 31 March 2019

2 Figures rounded to the nearest thousand in the financial statements

Ms Bradshaw asked the Minister for Communities for an update on the detail of the legislation she intends to bring forward to introduce a regulatory mechanism for letting agencies.

(AQW 9612/17-22)

Ms Ní Chuilín: As I outlined in my recent statement to the Assembly, I will bring forward legislation to the Assembly that will improve the safety, security and quality of the private rented sector.

In terms of letting agencies, as this issue cuts across the responsibilities of other Departments, officials are working with these stakeholders on the most appropriate method to introduce a regulatory framework.

Ms Bunting asked the Minister for Communities how many housing applications in East Belfast have been deferred, in each of the last 5 years.

(AQW 9623/17-22)

Ms Ní Chuilín: The Housing Executive has provided the following table which details the number of housing applications with a first preference Common Landlord Area (CLA) within East Belfast with a deferral event, for each of the last 5 years.

Year	Number of cases with a deferral event
2016 / 2017	35
2017 / 2018	54
2018 / 2019	28
2019 / 2020	35
2020 / 2021	15
Total	167

The Housing Executive has added the caveat that the figures above reflect the CLA that the applicant had selected at the time the application took place, or the current CLA for those applications that are still active. As a result it is possible that the applicant's areas of choice may have been different at the time the deferral event took place, and therefore there is a small margin of error in the statistics.

Ms Bunting asked the Minister for Communities whether the Northern Ireland Housing Executive has experienced any difficulties in sourcing building materials to carry out maintenance work and schemes, as a result of COVID-19.

(AQW 9626/17-22)

Ms Ní Chuilín: The Housing Executive has confirmed that their Direct Labour Organisation has experienced difficulties in sourcing general building materials from various supply partners, and receiving them in a timely manner.

There has also been some indication from contractors that delays have been encountered from suppliers of various products. The Housing Executive is continuing to monitor this situation.

Mr Allister asked the Minister for Communities what funding is set aside for the All-Island Local Authority Programme; and how it is spent.

(AQW 9708/17-22)

Ms Ní Chuilín: The Department is providing £62,705 to Co-Operation Ireland for the delivery of the 2020-21 All Island Local Authority Programme.

The funding meets staff costs, convening quarterly All-Island forum meetings and the annual Joint SOLACE NI/CCMA conference, evaluation and impact assessment, and programme delivery via four sub-groups:

Leadership capacity building – delivery of two bespoke training programmes for female officers within local government sector;

Brexit – publishing four information sharing updates on practical cross-border information sharing and learning relevant to the local government sector;

Climate change - convening Climate change conference and the sub group to explore opportunities for the development of practical cross border local authority projects; and

Philanthropy – convening steering group to conduct research and capacity building on how to prepare local authorities for engaging with philanthropy foundations/trusts.

Mr Allister asked the Minister for Communities what is the legislative basis and authority for expenditure on the All-Island Local Authority Programme.

(AQW 9709/17-22)

Ms Ní Chuilín: The All- Island Local Authority Programme aims to support local government through capacity building and sharing best practice between local authorities across the island. The legislation authorising the spending is provided by Schedule 2 of the Budget (No. 2) Act (Northern Ireland) 2020, and the Government Resources and Accounts Act (Northern Ireland) 2001.

Mr Easton asked the Minister for Communities why the Ulster Transport Museum will not carry out a public consultation on their decision to remove the Model Engineering Society from the site.

(AQW 9741/17-22)

Ms Ní Chuilín: The decision to remove the Society from the Cultra site is an operational matter for the management of National Museums NI which does not require public consultation.

National Museums NI and the Model Engineering Society have had a long-standing working relationship, based on a licence agreement.

Mr Easton asked the Minister for Communities why the Ulster Transport Museum will not provide the reasons why they have asked the Model Engineers Society to leave the site.

(AQW 9742/17-22)

Ms Ní Chuilín: When I last corresponded with you on 15 June 2020 in relation to this matter my letter fully outlined National Museum's reasons requiring Model Engineers Society removal, but to reiterate:

National Museums informed us that the reason for their decision is that they are developing a new masterplan for the Cultra site and looking at how they can more fully unlock its potential in the future to meet long term objectives. In this context they reviewed the relationship with the Model Engineers Society, who for over 50 years have been given free access to the Walled Garden within the Transport Museum site to operate their model engines and concluded that this was no longer operationally sustainable.

Mr Easton asked the Minister for Communities what plans the Ulster Transport Museum have for their current facility.

(AQW 9743/17-22)

Ms Ní Chuilín: The Walled Garden is a key heritage asset and National Museums NI wishes to gain greater public value from it. National Museums has prepared a plan for the next stage of the development of the garden, which is in line with the broader masterplan for the whole Cultra site. The first phase involves research, site investigation and conserving the Walled Garden.

Mr Easton asked the Minister for Communities whether there are plans to sell the Ulster Transport Museum site.

(AQW 9744/17-22)

Ms Ní Chuilín: National Museums NI have no plans to sell the Ulster Transport Museum site.

Mr Easton asked the Minister for Communities whether there are plans to move the Ulster Transport Museum to another site.

(AQW 9745/17-22)

Ms Ní Chuilín: National Museums NI have no plans to move the Ulster Transport Museum to another site.

Ms Armstrong asked the Minister for Communities to detail the current number of holders of (i) liquor licenses; and (ii) register of clubs, broken down by (a) sex; (b) age under 25 years old; (c) age 25 to 65 year old; (d) age 65 years plus; and (e) resident in Northern Ireland.

(AQW 9769/17-22)

Ms Ní Chuilín: Although my Department is responsible for the policy and legislation regarding the retail sale and supply of alcoholic drinks, the courts are responsible for issuing liquor licences and certificates of registration.

Each District Court provides my Department with the number of liquor licences and certificates of registration that they hold on an annual basis. The most recent figures the Department hold show there were 2679 liquor licences and 485 registered clubs in 2019.

It is possible for the courts to renew a licence up to 12 months after it expires and subsequent year's figures may therefore show adjustments due to successful late applications.

The remainder of the information requested will be held in the registers of liquor licences and registered clubs in each District Court. I believe that the information is held in hard copy format and can be viewed by prior arrangement.

Ms Bradshaw asked the Minister for Communities for an update on the administration of post-European Social Fund funding.

(AQW 9792/17-22)

Ms Ní Chuilín: The Department for Communities (DfC) currently provides match funding to 14 disability projects in the European Social Fund Programme 2014 -2020.

In light of the DfC strategic vision for the future and to encompass the lessons learned from the current ESF provision into the design of our future provision it is critical to ensure our people have a clear pathway on gaining the correct support to moving towards, and into the right employment. The Department is critically aware of the milestone of ESF funds ending. The replacement of this provision, that supports vulnerable individuals, is a challenge and we will fully engage and work collaboratively with all Departments in the Executive and all organisations that represent and work towards, meeting the employment needs of people with disabilities.

The Department for the Economy (DfE) together with the Department of Finance is engaging with the British Government on the Shared Prosperity Fund - this trilateral engagement is at both Ministerial and official levels.

In order to consider the future policy and delivery options DfE have established a project in collaboration with DfC. A letter dated 29 October 2020, was issued to all projects from DfE and has been posted on their website, under the European Social Fund section. All updates or related information will be shared there as we move forward.

Ms Bradshaw asked the Minister for Communities what discussions she has had with regard to ensuring a transition period for European Social Funds.

(AQW 9793/17-22)

Ms Ní Chuilín: Thank you for your correspondence of 05 November 2020.

The Department for Communities (DfC) currently provides match funding to 14 disability projects in the European Social Fund Programme 2014 -2020.

In light of the DfC strategic vision for the future and to encompass the lessons learned from the current ESF provision into the design of our future provision it is critical to ensure our people have a clear pathway on gaining the correct support to moving towards, and into the right employment. The Department is critically aware of the milestone of ESF funds ending. The replacement of this provision, that supports vulnerable individuals, is a challenge and we will fully engage and work collaboratively with all Departments in the Executive.

The Department for the Economy (DfE) together with the Department of Finance is engaging with the British Government on the Shared Prosperity Fund - this trilateral engagement is at both Ministerial and official levels.

In order to consider the future policy and delivery options, DfE have established a project in collaboration with DfC to consider options and develop details of potential ESF succession arrangements.

I trust you find this reply helpful.

Ms Sugden asked the Minister for Communities (i) for an update on the plans she has to extend the Video Relay Service for deaf people to any service that relies on telephone contact with service users or customers, i.e. public, third party and private sectors; (ii) whether this service would be provided by a single or multiple providers; and (iii) what contact she has had, or plans to have, with members of the Northern Irish deaf community as part of this process.

(AQW 9854/17-22)

Ms Ní Chuilín: My Department is committed to addressing issues of accessibility for the Deaf community and officials are currently developing options to continue to improve and expand local British Sign Language (BSL) and Irish Sign Language (ISL) interpreter support.

In October 2019 my Department introduced a Video Relay Service (VRS) in Personal Independence Payment (PIP) and Disability and Carers Service (covering Disability Living Allowance, Attendance Allowance and Carer's Allowance). As VRS is being deployed across all areas of the Department for Work and Pensions (DWP), DfC officials have ensured that additional local benefits areas have been included in this roll out from October 2020.

The Health and Social Care (HSC) Remote Interpreting Service is co-funded by the Department of Health and my Department and is managed by the HSC Board. It was launched as part of an urgent response to the COVID-19 emergency to ensure that BSL and ISL users can contact all non-emergency HSC services for information, advice and to arrange appointments and treatment. This service provides two local Deaf Community Liaison Officers who communicate directly and regularly with BSL and ISL users to promote the service and report continuous feedback from the Deaf Community regarding its effectiveness to the service's monitoring group.

The Department of Finance Collaborative Interpretation, Translation and Transcription Services contract has been extended to April 2021 and has been varied to include the capacity for VRS to be delivered by the provider, Action on Hearing Loss. This VRS is available to all public bodies listed at <https://www.finance-ni.gov.uk/publications/list-public-bodies-which-can-participate-cpd-collaborative-frameworks>.

Following my meeting with the NI Coalition on Deafness on 9 September during which I had a constructive discussion on how we continue to support Deaf people, I instructed my officials to continue this engagement with the Deaf community and its various representative groups over the coming weeks and months. Officials have subsequently met with several local Deaf organisations in recent weeks to discuss a range of sign language issues, including VRS and financial support for the sector, and will continue to do so.

I assure you that I remain committed to ensuring that BSL and ISL users have the same rights and opportunities as those in the hearing community.

Mr Allister asked the Minister for Communities what departmental and arm's-length body spend there has been in the last ten years on recreational provision in (i) Ballintoy; (ii) Balnamore; (iii) Dunloy; (iv) Loughgiel; and (v) Rasharkin.

(AQW 9871/17-22)

Ms Ní Chuilín: My Department's and its arm's-length body's spend in the last ten years on recreational provision in (i) Ballintoy; (ii) Balnamore; (iii) Dunloy; (iv) Loughgiel; and (v) Rasharkin is attached at Annex A.

Annex A

OA_LABEL	Organization	Fiscal Year	Grant Paid (£)	Project Title	Description
Ballyhoe & Corkey	Loughgiel Shamrocks GAC	2010	29,966	Safety Equipment from Stadia Safety Urgent Works Programme	CCTV system, 8 two-way communication radios, PA system, Medical room kit (including Examination Couch, First Aid Responder Kit, Spinal Board and 1 Defibrillator).
Ballyhoe & Corkey	Loughgiel Shamrocks GAC	2010	29,384	Infrastructure Works from Stadia Safety Urgent Works Programme	Erection of a boundary retaining wall. Installation of pitch perimeter fencing around the South end of the pitch.
Seacon	Balnamore Primary School Ballymoney	2013	2,821	Balnamore Primary School Lets Get Active	The project was available to all children in P4-P7. It offered additional sporting activities during afterschool clubs. The target focus was girls as they are at present more reluctant to participate in sporting after schools.
Dunloy	Dunloy GAA Club	2016	700	AED Project	Executive initiative offering AED's. £700 Individual cost of AED & training.
Dunloy	St Joseph's PTA	2016	9,260	Sport for All	The project involved partnership with the local post primary school where the majority of the girl pupils move after primary.
Dunloy	Dunloy GAA Club	2016	9,024	Dunloy GAC Youth and Parent Fitness Development Programme	An athletic development programme targeted to children and young people aged 8 - 16 with a "couch to 5k" programme for parents running alongside.
Seacon	Ballybrakes Community Indoor Bowling Club	2016	700	AED Project	Executive initiative offering AED's. £700 Individual cost of AED & training.
Dunloy	Dunloy Fc	2018/19	2,660	Small Capital Grant Application	Range of football equipment including balls, nets and cones.
Killoquin Upper	St Mary's GAC, Rasharkin	2018/19	1,455	Small Capital Grant Application	Range of football and hurling equipment.
Killoquin Upper	St Mary's GAC, Rasharkin	2019/20	3,500	Small Capital Grant Application	Portable goals.

OA_LABEL	Organization	Fiscal Year	Grant Paid (£)	Project Title	Description
Dunloy	Dunloy GAA Club	2020	2,000	Sports Hardship Fund	The Club are the facility owners and thus have ongoing costs during Covid19 such as heat, light, water rates, essential grounds maintenance, insurance and utility costs.
Killoquin Upper	St. Marys GAC, Rasharkin	2020	2,000	Sports Hardship Fund	Club expenditure for facility during this lockdown is- Heat, Light, Essential grounds/facility maintenance (to maintain a state of readiness) and Insurance.
Seacon	Ballybrakes Community Indoor Bowling Club	2020	46,440	Investment in High Performance Sports	Investment in High Performance Sports – Bowls. Replacement rink carpets.
Ballyhoe & Corkey	Loughgiel Shamrocks GAC	2020	2,000	Sports Hardship Fund	Club rent/ lease payments, heat, light, water rates, grounds/ facilities maintenance, insurance and utilities.
Dunloy	Dunloy Fc	2020/21	2,952	Small Capital Grant Application	Video analysis equipment & hurling equipment.
Killoquin Upper	St Mary's GAC, Rasharkin	2020/21	1,416	Small Capital Grant Application	Gym exercise equipment.
Total			£146,278		

Mr Allister asked the Minister for Communities what additional public housing stock is planned for (i) Ballintoy; (ii) Balnamore; (iii) Dunloy; (iv) Loughgiel; and (v) Rasharkin.

(AQW 9872/17-22)

Ms Ní Chuilín: There are no social housing units currently programmed to start in these locations as part of the Social Housing Development Programme (SHDP) 2020/21 – 2022/23.

As part of the formulation process for the SHDP 2021/22 - 2023/24, Rural Housing has indicated that they intend to seek to develop 14 new social housing units in Balnamore in 2022/23, subject to identification of a suitable development opportunity.

Mr Allister asked the Minister for Communities what is the public housing stock in (i) Ballintoy; (ii) Balnamore; (iii) Dunloy; (iv) Loughgiel; and (v) Rasharkin.

(AQW 9875/17-22)

Ms Ní Chuilín: Please see table 1 below detailing the total Housing Executive stock in the above areas:

Table 1

Area	Number of stock
Ballintoy	15 Dwellings
Balnamore	70 Dwellings
Dunloy	72 Dwellings
Loughgiel	47 Dwelling
Rasharkin	122 Dwellings

Table 2 shows Housing Association Stock in these same areas.

Table 2

Area	Number of stock
Ballintoy	2 Dwellings
Balnamore	Nil
Dunloy	4 Dwellings
Loughgiel	Nil
Rasharkin	4 Dwellings

Mr Easton asked the Minister for Communities how much public funding the transport museum at Cultra receives.
(AQW 9895/17-22)

Ms Ní Chuilín: The Ulster Transport Museum is one of four museums in the National Museums NI portfolio. Funding is allocated to National Museums NI as a corporate entity, not to the individual museums.

In 2019/20 the resource allocation from the Department for Communities to National Museums NI was £12.248m.

Mr Dunne asked the Minister for Communities for an update on the roll-out of the Sub-Regional Stadia Programme for Soccer.
(AQW 9901/17-22)

Ms Ní Chuilín: The Sub Regional Stadia Programme for Soccer is one of the commitments in the “New Decade, New Approach” Deal and as such my Department has been working to refresh and re-engage with the programme to provide a robust evidence base on the challenges, strategic priorities and needs of soccer at all levels.

A range of primary and secondary research tools have been adopted to inform the evidence base. This work is nearing completion and has utilised a club survey along with discussions with key stakeholders including governing bodies of football, Sport NI, councils and Disability Sport NI. The analysis stage has begun and will inform the shape and scope of the programme going forward.

Mr Carroll asked the Minister for Communities whether she plans to increase jobseekers allowance in line with the universal credit increase.
(AQW 9905/17-22)

Ms Ní Chuilín: Jobseeker’s Allowance was increased by 1.7% in April 2020 following the British Government’s announcement to end the benefit freeze.

A person can make a dual claim to New Style Jobseekers Allowance and Universal Credit and if entitled to both, the award will be made up of New Style Jobseeker’s Allowance rate along with the additional Universal Credit rate. This will mean that the claimant will receive an amount equivalent to the increased rate of UC.

People on Old Style Jobseeker’s Allowance can make a claim to Universal Credit if they believe that they will be better off. There are special arrangements for those in receipt of the Severe Disability Premium, who will be able to make a new claim to Universal Credit from January 2021.

People should check their eligibility before applying to Universal Credit as legacy benefits will end when they submit their claim and they will not be able to return to them in the future. For this reason, people are signposted to independent calculators on GOV.UK. The Department for Communities cannot advise people whether they would be better off moving to Universal Credit or remaining on legacy benefits.

From July 2020, a two-week run on of Old Style Jobseeker’s Allowance is available for those whose claim to Universal Credit ends entitlement to these benefits to provide additional support for people moving to Universal Credit.

Mr Carroll asked the Minister for Communities whether she plans to increase employment support allowance in line with the universal credit increase.
(AQW 9906/17-22)

Ms Ní Chuilín: The Department for Communities has made a number of changes across the social security system in response to the COVID-19 pandemic

It has always been the case that people on legacy benefits can make a claim for Universal Credit if they believe that they will be better off. There are special arrangements for those in receipt of the Severe Disability Premium, who will be able to make a new claim to Universal Credit from January 2021.

From 22 July 2020, a two-week run on of income-based Jobseeker’s Allowance, Income Support and income-related Employment and Support Allowance is available for all those whose claim ends entitlement to these benefits, to provide additional support for people moving to Universal Credit.

People should check their eligibility before applying to Universal Credit as legacy benefits will end when they submit their claim and they will not be able to return to them in the future.

To help alleviate the financial difficulties people may face during the COVID-19 public health crisis the Department has recently introduced additional support in the form of a non-repayable Discretionary Support COVID-19 Living Expenses Grant. This new grant is designed to assist with short term living expenses where a person, or any member of their immediate family, has been infected by Covid-19 or has been advised to self-isolate in accordance with the latest guidance from the Public Health Agency. There is no limit to the number of COVID-19 Living Expenses Grants that can be awarded provided the claimant is in a crisis situation and these awards will not impact any future application to Discretionary Support.

This new grant alongside other changes introduced recently have enabled many more people on low incomes to access emergency financial support and have provided further help to the most vulnerable in society who are facing extreme, exceptional or crisis situations financial hardship during this period. Further information is also available at www.nidirect.gov.uk/articles/extra-financial-support

Ms Armstrong asked the Minister for Communities what discussions she has had with her counterparts in Westminster regarding the TUC and Living Wage Foundation recommendation to increase statutory sick pay from £95.85 to £320 per week.

(AQW 9918/17-22)

Ms Ní Chuilín: In March, my predecessor, Deirdre Hargey MLA, wrote to the Secretary of State for Work and Pensions requesting that urgent consideration was given to increasing the rate of statutory sick pay to reflect the true cost of living through adopting the real living wage as the standard rate of Statutory Sick Pay. This would ensure that individuals are financially supported during this worldwide pandemic, removing a potential source of stress and worry and ensuring that all those who are ill or self-isolate do not continue working and potentially endangering the health of others and spreading the virus further.

Depending on their circumstances, people on low incomes and in receipt of Statutory Sick Pay may be able to get additional financial support through either Universal Credit or new-style ESA. I have also made available additional support to people who are on low incomes and are required to self-isolate, through the Discretionary Support Self-Isolation Grant. This payment is available to assist with short-term living expenses and it can be claimed by people who are temporarily unable to work due to COVID-19

Ms Armstrong asked the Minister for Communities whether she is considering statutory sick pay levels as part of the review of welfare mitigation measures.

(AQW 9919/17-22)

Ms Ní Chuilín: My Department is not yet in a position to provide details of the specific issues that will be covered in the forthcoming review of welfare mitigations. However, it is expected that the review will focus on support for people claiming social security benefits. Therefore the levels of Statutory Sick Pay will not form part of the review Statutory Sick Pay is payable to employees who are unable to work due to illness

Ms Armstrong asked the Minister for Communities how many people have claimed Statutory Sick Pay for COVID-19-related absences from work since March 2020.

(AQW 9920/17-22)

Ms Ní Chuilín: The Department does not hold this information in relation to Statutory Sick Pay.

HRMC holds standard payroll information on SSP payments.

Mrs Barton asked the Minister for Communities, pursuant to AQW 7895/17-22, for an update of the benefits appeals awaiting decision since 31 August 2020.

(AQW 9927/17-22)

Ms Ní Chuilín: As at 31 October 2020 there were 8,351 appeals at various stages of case progression, an increase of 620 cases since 31 August 2020.

Mr Butler asked the Minister for Communities what plans she has to introduce legislation to permit remote gambling in Northern Ireland.

(AQW 9941/17-22)

Ms Ní Chuilín: There is no evidence to suggest that any online operators are seeking to set up their operational base here. Most of the operators providing online services are registered offshore, but provide their services, under licence, to consumers here.

Any remote gambling operator wishing to provide services to consumers here must comply with the provisions set out in Section 5 of the Gambling (Licensing and Advertising) Act 2014 which permits a remote (online) operator to advertise to consumers here provided they hold the appropriate Gambling Commission licence.

Both local and online advertising of gambling products and services must comply with the Advertising Codes issued by the Committee of Advertising Practice (CAP) and administered by the Advertising Standards Authority (ASA).

On 2 November, I published the Outcome report from the recent consultation into the future of gambling regulation. I will shortly seek the Executive's agreement to my proposed way forward and I hope to make an announcement on my proposals within the next few weeks.

Mr Butler asked the Minister for Communities to detail the protections that exist for Northern Ireland consumers when accessing online gambling sites licensed by the Gambling Commission.
(AQW 9942/17-22)

Ms Ní Chuilín: Online advertising of gambling products and services are regulated under Section 5 of the Gambling (Licensing and Advertising) Act 2014 which permits a remote (online) operator to advertise to consumers here provided they hold the appropriate Gambling Commission licence and comply with their codes of practice. This inclusion ensures that consumers here will have the same level of protection as consumers in Britain in respect of the advertising of remote gambling.

The protections that exist for consumers are set out in the Codes of Practice and Licencing conditions at Part II Section 3. They include:

- Protection of Children and other Vulnerable persons
- Self-exclusion
- Prohibiting the use of credit cards for payments
- Provision of a complaints and disputes service.

Mr Allen asked the Minister for Communities to detail the total number of pending social security appeals, broken down by social security benefit type.
(AQW 9955/17-22)

Ms Ní Chuilín: As at the 31 October 2020 there were 8,351 pending appeals and details are outlined in the table below.

Appeal Type	Number Pending
Attendance Allowance	113
Bereavement Benefit	5
Carers Allowance	22
Child Benefit	20
Child Support Maintenance	18
Child Tax Credit	26
Compensation Recovery	5
Disability Living Allowance	683
Employee and Support Allowance	626
Housing Benefit	57
Incapacity Benefit	5
Income Support	67
Industrial Injuries Benefit	65
Job Seekers Allowance	44
Maintenance Calculations	22
Maternity Benefit Allowance	4
Pension Credit	5
Personal Independence Payment	5,958
Rates Collection	2
Social Fund	12
Universal Credit	552
Working Tax Credit	40
Total	8,351

Mr Allen asked the Minister for Communities to detail the average time for (i) a personal independence payment; and (ii) an employment support allowance appeal to be heard.

(AQW 9956/17-22)

Ms Ní Chuilín: The average waiting time from the date a valid appeal is lodged to first date of hearing, during the business year 2019/20, for (i) a personal independence payment appeal is 31 weeks and (ii) an employment support allowance appeal is 21 weeks.

Mr Allen asked the Minister for Communities what steps her Department has taken to clear the backlog of employment support allowance and personal independence payment appeals.

(AQW 9957/17-22)

Ms Ní Chuilín: As at 31 October 2020 there were 626 Employment and Support Allowance (ESA) appeals and 5,958 Personal Independence Payment (PIP) appeals at various stages of case progression. To maximise listing capacity the Appeals Service (TAS) has introduced additional options for case listing. Appellants can now choose to have their appeal listed on the papers, by telephone, over video link and in person. Every effort is being made to increase listing capacity across all benefit appeals including securing additional venues for physical hearings that meet the requirements of my Department's COVID-19 Secure Risk Assessment for public and staff safety which is of course paramount at this time.

Mr Allen asked the Minister for Communities to detail the projected timeframe to clear the backlog in personal independence payment and employment support allowance appeals.

(AQW 9958/17-22)

Ms Ní Chuilín: The timeframe to clear the backlog of appeals is determined by a number of factors, but primarily the directions and decisions of an independent tribunal panel in every appeal. Therefore, my Department is unable to advise when the caseload will be cleared.

My Department is working closely with Courts and Tribunals Service which has administrative responsibility for the operational effectiveness of the Appeals Service under the terms of a memorandum of understanding. Appellants now have the option to have (a) their appeal listed on the papers, (b) to have their appeal heard by telephone/video link or (c) to have their appeal heard in person. Every effort is being made to increase listing capacity across all benefits appeals types, including securing additional venues that meet the requirements of my Department's risk assessments for public and staff safety which is of course paramount at this time.

Mrs D Kelly asked the Minister for Communities (i) how many staff in her Department are working from home; (ii) how many staff have been provided with IT equipment to allow them to work from home; (iii) for her assessment of the IT equipment necessary to allow all staff to work from home; and (iv) how many staff are furloughed due to not having the IT equipment needed to allow them to work from home.

(AQW 10007/17-22)

Ms Ní Chuilín: In line with Executive guidance, all staff within DfC that can work from home, are working from home. This equates to circa 5,500 of the department's 8,500 staff.

We are continuing to make positive progress in increasing our capacity to work remotely and have increased our remote IT access from 680 pre Covid-19 to almost 5,435 devices.

DfC provide essential services to some of the most vulnerable in our society, therefore we need to continue to deliver these key services. We have made significant progress since the start of the pandemic by securing additional IT, to increase our ability to deliver more services remotely, with more IT on order. However, due to the nature of the business in some DfC areas, especially those in the front line, staff are unable to work remotely and are therefore required to work in the office.

The Furlough Scheme is not applicable to public sector organisations, such as the Civil Service.

DfC remains committed to delivering essential services to the most vulnerable in our society and our staff have demonstrated resilience throughout this pandemic in their continued commitment to provide this necessary support to the people who need it most.

Mr Durkan asked the Minister for Communities to detail the date on which the appeal was lodged for the earliest Personal Independence Payment appeal that is still outstanding.

(AQW 10011/17-22)

Ms Ní Chuilín: The date of lodgement of the earliest and still outstanding Personal Independence Payment appeal is January 2017

This case has been managed in accordance with the standard operating procedures.

Ms Flynn asked the Minister for Communities when AQW 7079/17-22 will be answered.

(AQW 10048/17-22)

Ms Ní Chuilín: AQW 7079/17-22 was answered on 16 November 2020.

Mr McNulty asked the Minister for Communities to detail (i) the progress she has made in finalising the £15 million COVID-19 relief funding for the sports sector; (ii) the engagement she has had with sectoral bodies in relation to the scheme; (iii) when she will publish the eligibility criteria; and (iv) when the scheme will open for applications.

(AQW 10072/17-22)

Ms Ní Chuilín: I can confirm that officials are developing a business case in accordance with Managing Public Money and NICS guidance as well as working with Sport NI on developing a programme that will deliver a needs based scheme to ensure that the funding is distributed equitably, with full transparency and to those who can evidence the financial losses incurred because of the Covid restrictions.

I can also confirm that I, along with officials from the Department, have engaged with representatives from across the sports sector including Governing Bodies and clubs. SportNI have also engaged with the senior representatives of sports Governing Bodies on the impact Covid has had on their clubs, activities, participation rates and on their finances. It is my intention to launch the Fund as soon as possible.

Mr Middleton asked the Minister for Communities how much funding has been provided for the COVID-19 food parcel service, broken down by council area.

(AQW 10104/17-22)

Ms Ní Chuilín: In partnership with Councils and the Voluntary and Community Sector, my Department launched its COVID-19 Food Parcel Service in April.

The initial food box scheme came to an end on 26 June and the focus moved to supporting and enhancing a more sustainable approach to help those who need help to access food.

As part of the transition from an emergency response, essential food boxes were provided to households who were still shielding i.e. those who have been advised to shield in a letter from their GP, who were unable to get out to buy food or get food in until 31 July 2020.

A total of 204,006 food boxes at a cost of just over £6.61m were delivered to those most in need since the Department for Communities launched its COVID-19 Food Parcel Service.

A breakdown by Council area is provided in the Table below.

Council	Number of Food Boxes Delivered	Cost
Belfast City	50,627	£1.64m
Derry & Strabane	25,849	£0.84m
Antrim & Newtownabbey	19,388	£0.63m
Newry, Mourne & Down	18,599	£0.60m
Ards & North Down	17,791	£0.58m
Armagh, Banbridge, Craigavon	17,122	£0.56m
Fermanagh & Omagh	14,440	£0.47m
Lisburn & Castlereagh	13,468	£0.44m
Mid Ulster	11,528	£0.37m
Causeway Coast & Glens	7,884	£0.26m
Mid & East Antrim	7,310	£0.24m
Total	204,006	£6.61m

Mr T Buchanan asked the Minister for Communities to detail the timeframe for the release of funding for the Sub-Regional Stadia Programme for Soccer.

(AQW 10136/17-22)

Ms Ní Chuilín: The Sub Regional Stadia Programme for Soccer is one of the commitments in the “New Decade, New Approach” Deal and as such my Department has been working to refresh and re-engage with the programme to provide a robust evidence base on the challenges, strategic priorities and needs of soccer at all levels.

A range of primary and secondary research tools have been adopted to inform the evidence base. This work is nearing completion and has utilised a club survey along with discussions with key stakeholders including governing bodies of football, Sport NI, councils and Disability Sport NI. The analysis stage has begun and will inform the shape and scope of the programme going forward including the potential timescale for release of funds.

Department of Education

Mr Easton asked the Minister of Education what is the cost of providing school meals for primary schools.
(AQW 9243/17-22)

Mr Weir (The Minister of Education): The Education Authority has advised that it is not possible to separately identify costs between primary and nursery schools. The cost of providing school meals for primary and nursery schools in 2019-20 was £49.945 million. This is the gross cost of providing school meals in primary and nursery schools and does not take account of income from paid meals. As the Education Authority's annual accounts for 2019/20 have not been finalised, this figure is subject to change.

Ms Armstrong asked the Minister of Education, given the long-term health impacts such chemicals have to the future fertility and increase in cancers in young people, what action he is taking to remove plastics and other items that have Endocrine-Disrupting Chemicals from all schools, especially school canteens and any sanitary provisions.
(AQW 9464/17-22)

Mr Weir: The operation of school meals kitchens and dining facilities is generally a matter for the Education Authority. Although not specifically focused on endocrine-disrupting chemicals, EA has considered measures which could help to reduce or remove single use plastics in their facilities.

EA also initiated the Plastic Waste in Schools Competition, which encouraged pupils to audit, monitor, and analyse the differing types of plastic that come into their school environment, explore what their primary uses are, look at how plastics are managed and consider what happens to these plastics after use.

While these measures may help in both health and environmental terms, school canteens are not the only sources of plastics. Ultimately the solution to this is one for wider society, which will require additional research into the long term effects of these materials and suitable alternatives.

Mr Butler asked the Minister of Education how much of the additional £12.8 million allocated for pressures including Special Educational Needs (SEN) and schools maintenance will go towards SEN schools; and whether these schools will receive this money directly.
(AQW 9702/17-22)

Mr Weir: Of the £12.8m, I have agreed that £10.9m will go towards addressing existing in-year Special Educational Needs demand pressures. £3.2m of this will specifically be for Special Schools, for which funding is managed centrally by the Education Authority in the normal way. The £1m for schools maintenance will go towards addressing pressures arising in the School Maintenance Service, which covers both Building Maintenance and Grounds Maintenance work for the schools estate.

Mr Butler asked the Minister of Education to provide (i) a breakdown of how the additional £12.8 million will be allocated; (ii) what formula has been used to allocate this funding; and (iii) how this funding will be distributed across the sector.
(AQW 9703/17-22)

Mr Weir:

- (i) The additional £12.8m will be allocated to the Education Authority (EA) as follows:
 - £10.9m for Special Educational Needs;
 - £1m for school maintenance; and
 - £0.9m for schools' contingency funding.
- (ii) The funding will be allocated to the EA to address existing in-year demand pressures, and as such a formula will not be used.
- (iii) This will be determined by the EA on the basis of existing in-year demand-pressures.

Mr McCrossan asked the Minister of Education, given their extra duties due to COVID-19, for his assessment of the need to provide teaching principals with additional resources.
(AQW 9858/17-22)

Mr Weir: I have outlined a significant package of funding to help support the safe reopening of schools. The allocations made to schools to date are to mitigate additional costs due to COVID-19, beyond teacher substitution costs, and are therefore for schools to manage within these parameters.

The Department will continue to monitor schools' funding requirements, in conjunction with the EA, as the pandemic progresses, and bid for additional resources as required.

In addition, the following support is also available to ALL schools:

- Public Health Agency helpline

- Education Authority dedicated telephone number for schools who require advice and support where a positive COVID-19 case is identified in a school
- A dedicated Education Authority email address has been established
- All schools have a named cross-organisational Link Officer.
- Information and flowcharts are also available on the DE website, EA website and C2k exchange.
- For statutory settings, the Education Authority Cleaning Service can be contacted.
- For other Education Restart queries, the Education Authority's Education Restart Helpline continues to be available.

Mr McCrossan asked the Minister of Education to detail (i) the support schools are expected to receive for cleaning due to COVID-19; (ii) whether there exists a bank of cleaning staff to cover absences; and (iii) his assessment of teachers having to clean schools due to the unavailability of cleaning staff.

(AQW 9859/17-22)

Mr Weir:

- i) The support schools are expected to receive for cleaning due to COVID-19;

Whilst the management and provision of cleaning is currently a delegated responsibility for schools, the Education Authority offers the provision of cleaning to schools, through the EA Cleaning Service which currently has a Service Level Agreement with 401 schools across NI.

Since the outbreak of Covid-19 the EA Cleaning Service has been providing advice, support and the provision of staff resources to all schools across NI, irrespective of the requirement for a Service Level Agreement. This also includes the provision of cleaning staff for schools which request additional cleaning staff throughout the school day.

The EA Cleaning Service has also been responsible for supporting all schools across NI in relation to confirmed cases of Covid-19. In order to effectively support schools, the EA Cleaning Service has established a helpline which operates from 8.00am - 8.00pm, 7 days per week. To further improve the support to schools with regards to confirmed cases of Covid-19, the EA Cleaning Services has now established Cleaning Response Teams. Utilising a fleet of vehicles and specialist sanitising machines these Response Teams will be responsible for undertaking an immediate enhanced clean in every NI school following a confirmed case of Covid-19.

The support of the EA Cleaning Service to all schools has ensured that schools have remained open and safe during the current pandemic.

- (ii) **Whether there exists a bank of cleaning staff to cover absences**

Staff resources will continue to be maintained by the creation of a pool of people, who have expressed an interest in working for the EA Cleaning Service.

- (iii) **His assessment of teachers having to clean schools due to the unavailability of cleaning staff**

As stated above since the outbreak of Covid-19 the EA Cleaning Service has been providing advice, support and the provision of staff resources to all schools across NI, irrespective of the requirement for a Service Level Agreement. Teachers should therefore not be in a position to have to undertake cleaning of schools.

Mr McNulty asked the Minister of Education to detail the full suite of support services offered to those with special educational needs when they reach the age of 19.

(AQW 9911/17-22)

Mr Weir: The Education Authority's (EA) Transition Service was created to help young people and their parent or carers access appropriate information, guidance and support to help them make informed choices about the future and its aim is to provide a high quality, collaborative and fully inclusive service for all pupils with a Statement of Special Educational Needs (SEN) at 14 years+.

The Transition Service also provides support to schools and works to promote pupil and parent or carer participation in the Transition planning process, working closely with the Northern Ireland Careers Service and other statutory and voluntary agencies.

Each area office of the Education Authority has two dedicated Education Transition Co-coordinators and every young person age 14+ with a Statement of SEN will have a named Transition Co-ordinator whose role is to provide advice and support to the young person, their parents and school, as preparations begin for adult life.

During the first term of Year 10, the young person will be introduced to the named Education Transition Co-ordinator who will support the young person throughout the Transition process.

These individuals will work with the young person, with schools and other relevant agencies:

- To support the young person throughout the Transition planning process and to advocate on issues which directly affect them;
- To ensure that a Transition Plan is compiled, maintained and reviewed on a yearly basis.

- To liaise with and support schools in the implementation of the Transition Plan;
- To collaborate with statutory and voluntary agencies
- To work to overcome any obstacles which may be prohibiting effective and smooth transition

A Transition Plan is a formal document which draws together information from a range of professionals and others within and beyond school and is a 'living' document which will be reviewed and amended as the young person grows or as their needs change.

Post-19 services are a matter for the Department of Economy (Further & Higher Education opportunities), the Department for Communities (with reference to training organisations) and the Department of Health (health and social care related pathways).

Mr McNulty asked the Minister of Education whether he will commission a review of the support provided for children with special educational needs and, in particular, the delays between a child being diagnosed with a special need and the appropriate support packages being put in place.

(AQW 9913/17-22)

Mr Weir: In order to address the acknowledged delays and issues within the current system, I established the Special Educational Needs (SEN) Governance Group to maintain strategic oversight of implementation of improvements being made within the Education Authority (EA).

To underpin this programme of improvements, the EA have recently commenced work on consolidating all of the areas for improvement, including their SEN Pupil Support Service, into an overarching work programme known as the Special Educational Needs and Disabilities Strategic Development Plan (SEND SDP).

The Department is currently consulting on a New SEN Framework which will introduce new duties for the EA, Schools and Health designed to reduce timescales and bureaucracy, which will ultimately lead to improvements and efficiencies in the SEN process.

Given this on-going work, I have no plans to commission a review of the support provided for children with SEN at this time

Mr McNulty asked the Minister of Education to detail any engagement he has had with his (i) Welsh; (ii) Scottish; and (iii) London counterparts with the view to potentially suspending the use of examination-based assessments for GCSE and A levels for 2021 and using classroom-based assessments instead.

(AQW 9994/17-22)

Mr Weir: I have regular discussions with Ministers across the other UK jurisdictions. There has been no suggestion or proposal to suspend GCSE or A Level exams.

Ms Armstrong asked the Minister of Education what support and consideration will be provided for pupils with dyslexia, or other learning disabilities, for CCEA English now that GCSE talking and listening elements have been removed from the 2020/21 exam.

(AQW 9996/17-22)

Mr Weir: Schools are best placed to give support and consideration to the specific, individual needs of their students with regard to teaching approaches and assessment adaptations. As is the case each year, individualised adaptations are made for candidates with additional educational needs.

The Education Authority, through its Pupil Support - Literacy Service, provides support for pupils, schools and parents in the area of specific learning difficulties in Literacy (SpLD) including Dyslexia.

Ms Armstrong asked the Minister of Education for an update on the New Decade, New Approach commitment of the reform of education.

(AQW 9997/17-22)

Mr Weir: In March, I temporarily suspended work on the Independent Review so that staff could be redeployed to deal with urgent Covid 19 related matters. I have, however, recently asked for planning work to be recommenced. As a result, in the coming weeks, I will table a draft Terms of Reference for the Independent Review at the Executive for consideration and comment.

In line with the New Decade New Approach document, the Independent Review will cover a wide range of issues relating to education design and delivery. The Review will focus on the education journey and outcomes of children and young people; support for schools and settings; and system level design, delivery and administration.

The Review is expected to provide a strategic and evidence based assessment of the effectiveness of the current education system in Northern Ireland and the outcomes it delivers for children and young people.

The Review itself will commence in 2021, once an open recruitment process has been undertaken to establish an appropriate Panel. I intend to ask the Panel to report within 15 months of taking up post, with an interim report to be prepared within 9 months.

Ms Armstrong asked the Minister of Education when he will deliver on the New Decade, New Approach commitment to publish a childcare strategy and childcare budget.

(AQW 9998/17-22)

Mr Weir: Resources of the Childcare Unit within my Department have been solely focussed on the response to the Covid-19 pandemic since March of this year. While this remains the immediate priority, the learning from the past eight months will help shape our plans for the full Executive Ten Year Childcare Strategy.

I have committed to a Strategic Insight Lab which will take on board this experience and, with input from key stakeholders, help inform the development of a roadmap for the way ahead. This is being planned for the New Year (work on the Covid-19 pandemic, permitting). It will provide an opportunity to review the assumptions and actions within the draft Childcare Strategy, including the commitment to an Early Education and Childcare Offer as referenced in 'New Decade New Approach'.

There is currently no capital or revenue budget allocated to my Department to fund the Executive Childcare Strategy. Significant policy and resourcing issues have yet to be considered and decisions on these will require Executive agreement.

Ms Armstrong asked the Minister of Education how many substitute teachers are currently available to school principals required to replace teachers who have to self-isolate or who have COVID-19.

(AQW 9999/17-22)

Mr Weir: There were 9,302 teachers registered as available for work on the Northern Ireland Substitute Teachers' Register (NISTR) as at 16 November 2020. In a usual month, between 3,000 and 4,000 substitute teachers will receive bookings through NISTR.

A fund for teacher substitution costs, to support existing staff absences specifically as a result of Covid-19, is being centrally managed by the Education Authority, and will be allocated to schools based on verified costs.

Mr Durkan asked the Minister of Education, in light of the decision taken in Wales to cancel GCSE and A-level exams for 2021, whether his Department intends to adopt a similar approach here.

(AQW 10010/17-22)

Mr Weir: No. I remain convinced that exams are the fairest means of awarding qualifications and for that reason my priority is that exams should proceed as planned in NI if at all possible.

Mr Allister asked the Minister of Education, pursuant to AQW 8509/17-22, how much has been paid to Deloitte.

(AQW 10022/17-22)

Mr Weir: My answers to AQW 6596/17-22 and 7368/17-22 refer.

Public disclosure of this information would be commercially prejudicial to the Education Authority (EA) as it would provide the system supplier with valuable insight and context for any future negotiations the EA might be required to undertake with them between now and full implementation of the HR & Payroll solution.

Ms Mullan asked the Minister of Education, given his view that principals are best placed to carry out the tracking and tracing of COVID-19 in schools, what additional support his Department will provide to principals to ensure that their other duties are carried out.

(AQW 10030/17-22)

Mr Weir: As you are aware, to help support schools address many of the new pressures arising as a result of Covid-19, the Minister has announced significant funding to help support the safe reopening of schools. Additional allocations, from recently agreed Executive funding, will be communicated to the Education Authority (EA), as schools Funding Authority, imminently.

The allocations made to schools to date are to mitigate additional costs due to Covid-19, beyond teacher substitution costs, and are therefore for schools to manage.

While the Department has been successful in securing additional funding to tackle Covid-19 to date, there is no guarantee of additional funding. It is for this reason that schools have been advised to exercise spending restraint in line with their current funding allocations. Notwithstanding this, the EA continues to monitor schools' funding requirements, as the pandemic progresses, in order to inform Department of Education bids for additional resource, as required.

Ms Sugden asked the Minister of Education to detail (i) the average absence figures for primary and post-primary schools since school restarted in August; and (ii) the comparable figures for the same time period for each of the past two years.

(AQW 10076/17-22)

Mr Weir: Absence is reported by schools in half day sessions. The average absence figures since schools restarted in August 2020 are 5.2% for primary and 7.7% for post primary schools. For the same period in 2019, the proportion of total possible attendance recorded as absent was 3.6% for primary schools and 5.3% for post primary schools. Data for the same period in 2018 is not available as the equivalent reports were not available then.

Mr Clarke asked the Minister of Education, given the decision by the Welsh Government, what consideration his Department has given to cancelling formal examinations in 2021 due to amount of missed teaching time.

(AQW 10112/17-22)

Mr Weir: I remain convinced that exams are the fairest means of awarding qualifications and for that reason my priority is that exams should proceed as planned in NI if at all possible.

Mr Easton asked the Minister of Education whether he plans to remove the Catholic Certificate of Education.

(AQW 10134/17-22)

Mr Weir: There are currently no proposals being brought forward in relation to the removal of the Certificate in Religious Education. Employment matters are kept under constant review.

Mr M Bradley asked the Minister of Education what processes are in place to ensure the Education Authority's Educational Psychology Service continues to work during the pandemic.

(AQW 10169/17-22)

Mr Weir: The Educational Psychology Service (EPS) continues to work remotely, where possible, but is arranging meetings with schools, using risk assessments, to progress assessment work.

Safe 'Assessment rooms' have been set up across all localities to help facilitate urgent assessments where it is not possible to carry these out at home for pre-school children or in their school setting.

For those children who require psychometric testing, appointments are underway. Each school's named Educational Psychologist has been in contact with their schools to agree priorities for the forthcoming year.

EPS continues to carry out assessments as efficiently and effectively as possible making full use of the Psychology assistants and carrying out consultations remotely where possible. The use of on-line assessment tools secured through Restart Funding will help facilitate this process alongside additional Psychology Assistants.

Ms Mullan asked the Minister of Education when the Virtual Learning Programme was launched; and whether his Department holds data on the range of software packages that have been selected by schools to date.

(AQW 10176/17-22)

Mr Weir: Schools were advised about the proposed support available to access online software on 24 June 2020. Further information on the Virtual Learning programme including FAQ guidance and a link to a funding template for completion by schools was made available on 6 July, including publication on the C2k system.

Based on information submitted by schools in their funding applications, collated by the Education Authority, a wide range of online software packages have been selected by schools to date. This includes IXL, Maths Mastery, Mathletics, Accelerated Reader, Accelerated Maths, The Transfer Tutor, Maths Seeds, Lexia, Sumdog, MyMaths, MyOn, Bug Club, Reading Eggs, Manga High, Doodle Maths/English, 10Ticks Mental Maths, Purple Mash, Timetables Rockstars, Education City and others.

Mr McCrossan asked the Minister of Education, given the evidence that there is a significant drop in participation in Physical Education (PE) and sports post-16, and considering how essential healthy physical activity is for mental and physical wellbeing, whether he will commit to making 120 minutes of PE compulsory in schools post-16.

(AQW 10220/17-22)

Mr Weir: My Department recognises the importance of physical activity and the contribution it makes to the health and wellbeing of young people. It is for that reason that Physical Education (PE) is a compulsory part of the statutory curriculum for all pupils at each Key Stage. My Department's recommendation of a minimum of two hours curricular PE each week applies only to pupils of compulsory school age.

In post-16 education, students generally undertake study towards specific Level 3 qualifications of their choice. Compulsory education ends at age 16 and there is no statutory minimum content or curriculum beyond this other than the statutory requirement for schools to provide access to a minimum number of courses under the Entitlement Framework. It is a matter for an individual school to decide what additional subjects, including PE, might be offered beyond students' specific subject choices.

Mr McCrossan asked the Minister of Education whether he will (i) confirm his commitment to the curriculum support programme by providing the sum of £2.5 million over the next three years; and (ii) commit to greater and longer-term funding in the future to enable the programme to expand and consolidate the work done to date.

(AQW 10221/17-22)

Mr Weir: My Officials are currently considering the three-year Sports Programme proposal which was submitted by the Irish Football Association and Gaelic Athletic Association on 4 November 2020.

I am fully supportive of the Sports Programme which has been funded by my Department since 2007; however, you will appreciate that as departmental budgets are currently agreed on a yearly basis only, no commitment to funding can therefore be made beyond that.

Mr Carroll asked the Minister of Education whether he has considered publicising the amount of positive COVID-19 cases in schools every week.

(AQW 10274/17-22)

Mr Weir: Information on the number of positive COVID-19 cases within schools is not collated or held by the Department of Education although it is published by the Public Health Agency (PHA).

The PHA has been collecting data on the number of COVID school incidents reported to the PHA COVID School Team since schools reopened. By the 8 November 2020 they had received in total since 24 August, 2,420 reported cases by schools (both pupils and staff) with 625 schools reported as having had at least one case.

Mr Carroll asked the Minister of Education to detail the extent of any consideration his Department has had on postponing next year's GCSE and A level examinations.

(AQW 10275/17-22)

Mr Weir: My priority is that exams should proceed as planned and that learners should be awarded certified outcomes in Summer 2021 to enable them to progress to the next stage of their education, training or into employment in Autumn 2021.

Mr McNulty asked the Minister of Education what actions he has asked the Youth Service to take to address an increase in the concerns for young people's mental health.

(AQW 10279/17-22)

Mr Weir: The mental health and wellbeing of children and young people remains a priority for my department and I have agreed that the Education Authority (EA) youth service continues to provide a range of initiatives to support this, particularly at this time. These include the FLARE programme aimed at young people aged 12 to 25 years who experience challenges to their mental health and wellbeing; the EA's youth online service, which has engaged with over 60,000 young people online during Covid-19 Restrictions; the Resilience Education Allowing Change to Happen (REACH) programme which will provide support for all pupils based on request; small group work to support targeted groups of young people who have identified mental health concerns, and intensive support for very specific pupils.

In addition, the health and wellbeing of children and young people is a key theme within the EA's Regional Youth Development Plan and Local Area Plans from which all youth work programmes are developed. Each funded youth organisation must deliver a minimum of three bespoke programmes to support the mental health and wellbeing of children and young people.

Workforce development plays a key part in the delivery of all these services and the EA youth service provides a range of opportunities for professional staff and volunteers to build capacity within the youth service to support the mental health and wellbeing of children and young people. Quality is also key and the EA's outcomes based accountability framework ensures that all programmes are strength based and intentionally build the resilience of each young person engaged, with funding for youth services only available to youth organisations who can demonstrate how they can provide youth services based on a strength-based approach.

The voice of young people is essential in responding to their needs and as part of the assessment of need on which EA youth services are based, the youth services engaged directly with more than 18,000 young people. The most recent assessment of need specifically engaged young people on their mental health. The Regional Assessment of Need can be viewed at www.eani.org.uk/services/youth-service/governance-and-leadership/regional-advisory-group

Mr Beattie asked the Minister of Education for an update on the situation at Craigavon Senior High School; and the implications for other schools.

(AQW 10291/17-22)

Mr Weir: The Public Health Agency and Education Authority are directly supporting Craigavon Senior High School. An Incident Management Team has been established by the Public Health Agency which comprises the School Leadership, Public Health Agency Doctors, Education Authority Officers, Armagh Banbridge and Craigavon Council and a representative from the Controlled Schools Support Council. The Incident Management Team convened on the afternoon of Friday 13 November and met again on the afternoon of Sunday 15 November.

The outcome of the Friday afternoon meeting was that all pupils on the Portadown campus would move to blended learning, accessed from home for a period of two weeks. The Education Authority's School Development Service will be working alongside the school to assist with the planning of blended learning. The Lurgan campus will continue to operate with in-school learning.

The Public Health Agency initiated a mobile testing unit to enable all pupils and staff to access immediate testing in order to reduce the length of time that the Portadown campus would have adopted this approach.

Advice remains that schools should continue to access testing through the established testing program in the community and follow the advice of the Public Health Agency when a positive case is notified.

Mr Lyttle asked the Minister of Education what contingency plan is in place for pupils unable to take post-primary transfer tests due to a COVID-19-related absence.

(AQW 10304/17-22)

Mr Weir: Boards of Governors of schools are responsible for setting the admissions criteria used to prioritise children for admission. Each school using academic selection in 2021 should consider the eventuality whereby test results are available, but not for a proportion of applications, when drawing up admissions criteria.

Mr Lyttle asked the Minister of Education whether any additional resources or enhanced criteria has been allocated to cope with any increase in COVID-19-related special circumstances applications for post-primary transfer.

(AQW 10305/17-22)

Mr Weir: A special circumstances procedure is used by schools that make use of academic selection, as a component of their admissions criteria. It deals with circumstances beyond the control of the candidate (for example bereavement, accident or illness) that on the day of the test may have led to that candidate's performance being adversely affected. The formulation and application of admissions criteria, including any special circumstances procedure, are matters for the Boards of Governors of schools.

Miss Woods asked the Minister of Education for an update on the new build of Priory Integrated College, Holywood.

(AQW 10457/17-22)

Mr Weir: Priory Integrated College has been selected for a major capital investment project to improve or replace its existing accommodation. The project will cater for the school's current approved enrolment of 600 pupils.

In February 2020 the EA successfully completed the appointment of an Integrated Consultant Team to carry out the design of the proposed Priory Integrated College. The business case was approved by the Department of Finance (DoF) in August 2020. This identified the preferred option as a new build school at a site on Redburn Road in Holywood.

The Integrated Consultant Team is now working on the early stages of the design process.

Ms McLaughlin asked the Minister of Education for his assessment of the recommendation of the Pivotal Public Policy Forum NI report A New Economic Vision for careers advice to begin at the onset of Key Stage 3; and whether he will progress that objective.

(AQW 10469/17-22)

Mr Weir: Within the Key Stage 3 statutory curriculum, 'Learning for Life and Work' is a compulsory area of learning which includes learning about career management and different career options.

Mr Butler asked the Minister of Education what contingencies are in place for children who miss (i) two or more AQE tests; or (ii) both GL tests.

(AQW 10530/17-22)

Mr Weir: Boards of Governors of schools are responsible for setting the admissions criteria used to prioritise children for admission. Each school using academic selection in 2021 should consider the eventuality whereby test results are available, but not for a proportion of applications, when drawing up admissions criteria.

Department of Finance

Mr Allister asked the Minister of Finance to detail the number of Civil Service staff who are (i) working from home; and (ii) on furlough, broken down by Department.

(AQW 9796/17-22)

Mr Murphy (The Minister of Finance): My Department does not hold the information requested as it is a matter for each of the relevant departments.

We do however have information for the Department of Finance based on staff headcount.

On 2nd November 2020:

- 2,521 staff (77.3%) were working from home
- 352 staff (10.8%) were working in the office
- 386 staff (11.8%) were on annual leave/sick absence

No DoF civil servants are furloughed.

Mr Wells asked the Minister of Finance how many owners of wind turbines have received a rates demand in each of the last three years.

(AQW 9922/17-22)

Mr Murphy: The table below outlines how many rate demands were issued for Wind Turbines.

Year	No of Bills Issued
2017/18	344
2018/19	437
2019/20	461

Mr Wells asked the Minister of Finance whether Land and Property Services are aware of owners of wind turbines who are not receiving a rates demand.

(AQW 9923/17-22)

Mr Murphy: Land & Property Services is not aware of any wind turbines which are not receiving a rates demand.

Mrs Barton asked the Minister of Finance whether he has received a request from the Minister for the Economy to provide support for businesses to each property for multi-property businesses that received only one Business Support Grant per business and not one grant per property.

(AQW 9926/17-22)

Mr Murphy: I have not received any such request from the Minister for the Economy in respect of the £10,000 Small Business Support Grant.

Mr McGlone asked the Minister of Finance what discussions he has had with the British and Irish Governments on the way in which the SEUPB will operate post-Brexit.

(AQW 10014/17-22)

Mr Murphy: The SEUPB role is to implement the current PEACE IV and INTERREG VA programmes and to develop and implement the new PEACE PLUS programme. Commitments have been provided for these programmes within the Withdrawal Agreement and the Political Declaration agreed at the European Council on 17th October 2019.

These commitments were noted and welcomed at an NSMC meeting in SEUPB Sectoral format on 30th October 2020. I attended this meeting along with Minister McGrath, Minister for Public Expenditure and Reform in Ireland, as co-Sponsor Department Ministers for the SEUPB.

My officials are engaging with Whitehall on the details of an agreement to be concluded by the British Government and the EU Commission for the PEACE PLUS programme. The role of SEUPB as Managing Authority for the PEACE PLUS programme will be formalised within this agreement.

Mr Allister asked the Minister of Finance why wind turbines are included in the scheme for Small Business Rates Relief, given that telecommunication masts are excluded.

(AQW 10018/17-22)

Mr Murphy: The exclusions for Small Business Rates Relief are set out in The Rates (Small Business Hereditament Relief) Regulations (Northern Ireland) 2010, as amended. The Scheme was renewed without change in 2020 for a further year by The Rates (Small Business Hereditament Relief) (Amendment) Regulations (Northern Ireland) 2020.

The scheme here was modelled on the Welsh small business scheme which still includes wind turbines within the relief. At the time of implementation wind turbines were not excluded. This remains the position. Other jurisdictions include additional relief for renewable energy. Telecommunication masts are often part of a regional network operated by multi-national companies and, therefore, not consistent with the concept of small business.

Mr Muir asked the Minister of Finance to detail the outcomes of the four resolved cases reviewed by the independent panel set up to examine the role of civil servants in the Renewable Heat Incentive scheme.

(AQW 10045/17-22)

Mr Murphy: Of the four cases heard by the disciplinary panel, one resulted in a disciplinary penalty and three resulted in a determination of no case to answer.

Mr McNulty asked the Minister of Finance what additional resources he deployed to Land and Property Services in recent months to help with the processing of the various business support grants.

(AQW 10071/17-22)

Mr Murphy: Land & Property Services' Revenue & Benefits Directorate has approximately 430 staff that have provided the core resource for administration of the various support schemes, as understanding of the rating system was required to process the applications. LPS has redeployed as many of these staff as necessary from their usual duties to work on administration of the £10,000 Small Business Grant Scheme, the 12 month rates holiday scheme and the Localised Restrictions Support Scheme. The exact number working on the schemes at any one time has fluctuated according to demand.

During the administration of the £10,000 grant scheme in April 2020 and May 2020, LPS was still working to get all staff the necessary IT equipment to allow them to access the rating system and work from home. On 1st April 2020, a total of 55 Revenue & Benefits staff were available and working from home on the grant scheme and at 1st May 2020 this had increased to 118. All staff in Revenue & Benefits available to work were working from home or in the office by 1st June 2020.

In addition, these staff have been supported by 12 LPS colleagues from Digital Operations, Communications and Corporate Correspondence teams. These staff have built the application portals for all grant schemes, provided internal procedural documentation and guidance for staff as well as external guidance for businesses, whilst handling the customer and MLA/MP queries about the grant schemes.

Mr Clarke asked the Minister of Finance whether (i) paid; and (ii) airport carparks are eligible for 12 month rates relief. (AQW 10111/17-22)

Mr Murphy: A general 4 months rates holiday was given to all businesses including car parks. A further 8 months rates holiday was then granted to specified business uses within the retail, hospitality, leisure, tourism, and childcare sectors, and the main airports, which were all identified through research undertaken by the Ulster University Economic Policy Centre, as being of the greatest need of support.

The Rates (Coronavirus) (Emergency Relief) (No.2) Regulations (Northern Ireland) 2020, provides that in order to be eligible for the additional 8 months rates support, the property has to be wholly or mainly used for one of the qualifying business uses, set out in Schedule 2 of the Regulations. <http://www.legislation.gov.uk/id/nisr/2020/144>

When this policy was being developed, consideration was given to car parks. It was concluded that car parks do not fall within the definitions of the targeted scheme. The three main airports are expressly included with the Regulations and therefore all hereditaments within each airport, including their car park provision, will benefit from the additional 8 months relief, unless an excepted hereditament within Schedule 1 of the Regulations.

Ms McLaughlin asked the Minister of Finance whether he will consider a 100 per cent business rates holiday for newspaper publishers. (AQW 10127/17-22)

Mr Murphy: I circulated a paper to Executive colleagues back in June seeking to provide the newspaper industry here with a 12 months rate holiday, given the significant loss of income that the sector has experienced. I remain keen to see this matter tabled at the Executive and agreed.

Mr McNulty asked the Minister of Finance why Land and Property Services did not start processing Localised Restrictions Support Scheme applications until after Friday 30 October 2020. (AQW 10143/17-22)

Mr Murphy: The Financial Assistance (Coronavirus) (No.2) Regulations (Northern Ireland) 2020 for the extension of the scheme to all council areas came into effect on Friday 30th October 2020. Until those regulations came into operation, my Department had no legal authority to issue payments to applicants from outside the Derry City & Strabane Council area.

Mr McNulty asked the Minister of Finance (i) for an update on the Localised Restrictions Support Scheme for businesses ordered to close from 16 October 2020; (ii) to detail the number of online applications submitted each day; (iii) when the first run of payments was authorised or made; (iv) how many payments have been made; and (v) to detail the time it has taken to make these payments. (AQW 10145/17-22)

Mr Murphy: Work is continuing at pace to progress applications as quickly as possible. LPS aims to have the majority of payments issued by the end of November 2020. LPS has prioritised applications where all the information on the application is complete and data is available for validation. Applications that are incomplete require more manual intervention and checking before they can be approved for payment.

Please note that the total number of applications received in the table below includes businesses which have made multiple applications. LPS is coming across a large number of these and it is adding to the validation and checking that needs to be completed before an application can be processed. The number of businesses which have applied is therefore less than the number of applications received.

Number of Applications Received Per Day

Date	Number	Date	Number
14/10/2020	263	29/10/2020	203
15/10/2020	318	30/10/2020	120
16/10/2020	384	31/10/2020	36
17/10/2020	147	01/11/2020	55
18/10/2020	197	02/11/2020	200
19/10/2020	4,530	03/11/2020	122
20/10/2020	1,544	04/11/2020	102
21/10/2020	808	05/11/2020	100
22/10/2020	592	06/11/2020	91
23/10/2020	379	07/11/2020	22
24/10/2020	98	08/11/2020	16
25/10/2020	100	09/11/2020	81
26/10/2020	305	10/11/2020	82
27/10/2020	285	11/11/2020	100
28/10/2020	222	12/11/2020	87
		Total	11,589

NB Applications opened for the scheme in Derry & Strabane on 14th October 2020. The scheme was extended to all Council areas on 16th October 2020

The first run of payments in respect of the scheme when it initially opened for the Derry & Strabane District Council area was on 16th October 2020. Financial regulations to extend the scheme to all District Council areas took effect on 30th October 2020. The first payment run to the wider scheme area was on 4th November 2020.

From 16th October 2020 to 23rd October 2020, 108 payments issued. In the week commencing 26th October 2020, 85 payments issued. In the week commencing 2nd November 2020, 607 payments issued. In the week commencing 9th November 2020, 2,618 payments issued.

At 13th November 2020 a total of 3,418 payments have been issued in respect of applications received.

Mr McCann asked the Minister of Finance how many registered COVID-19 deaths there has been amongst staff in Health and Social Care Trusts.

(AQW 10150/17-22)

Mr Murphy: Deaths are registered with the General Register Office and analysed by the Northern Ireland Statistics and Research Agency (NISRA). The death statistics from NISRA are based on the information recorded at death by the certifying Doctor on a Medical Certificate of Cause of Death (MCCD) form. NISRA count all Covid-19 deaths where Coronavirus or Covid-19 (suspected or confirmed) was mentioned anywhere on the death certificate.

On 1st October 2020, NISRA published high level information showing that, between March and August 2020, of the 102 Covid-19 deaths among people aged 20-69 years, seven indicated a healthcare or care-related occupation: <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Covid-19%20deaths-%20March-August%202020%20-%20Bulletin.pdf>

However, as the occupation recorded on the death certificate can be a current or a previous occupation, it is not possible for NISRA to verify if the seven Covid-19 deaths were members of staff in a HSC Trust at the time of death.

Mr Allen asked the Minister of Finance to detail (i) the number of Local Restrictions Support Grant payments made to date; and (ii) the number of applications still to be processed.

(AQW 10170/17-22)

Mr Murphy:

- (i) At 13th November 2020, 3,418 payments have been processed.
- (ii) At 13th November 2020, 8,183 applications are still to be processed. Please note there are a number of applicants who have made multiple applications or who are ineligible, therefore not all outstanding applications will result in payment.

To date, over 1,200 have been provisionally marked as ineligible or duplicate applications. As LPS is in the process of notifying these applicants, they are still recorded as unprocessed applications.

Mr Stalford asked the Minister of Finance to detail (i) the number of COVID-19-related deaths that have comorbidities; (ii) the comorbidities by category; and (iii) the categories of comorbidity by number.

(AQW 10175/17-22)

Mr Murphy: The requested information is not available at present. NISRA is currently analysing Covid-19 related deaths in relation to pre-existing conditions (i.e. an analysis of conditions that either preceded Covid-19 in the sequence of events leading to death, or was a contributory factor in the death but was not part of the causal sequence) and plans to publish the results of this analysis on Wednesday 23rd December 2020. The report and associated tables will be available on the NISRA website at <https://www.nisra.gov.uk/publications/monthly-deaths>.

Mr Muir asked the Minister of Finance when his Department will be reviewing the business case for the proposed Civic Centre in Newry as part of the application for funding from the Belfast City Deal by Newry, Mourne and Down District Council.

(AQW 10182/17-22)

Mr Murphy: DoF Officials have been engaging with departments and Belfast Region City Deal partners on the development of a number of Outline Business Cases (OBC) for projects to be taken forward under the Belfast Region City Deal. DoF officials will consider these business cases for approval once formally submitted by the Belfast Region City Deal Executive Board and the department with policy responsibility, in this case DfC, is content.

Department of Health

Mr Beattie asked the Minister of Health what help the South Eastern Health and Social Care Trust provides to children with a stammer, or any other speech impediment; and to detail the cost of these services in each financial year since 2015/16.

(AQW 6562/17-22)

Mr Swann (The Minister of Health): The Trust's Children and Young Peoples' Speech and Language Therapy Service provides assessment and support to children and their families, as well as providing training to, and working in partnership with parents and a range of other professionals including pre-school providers, education staff and other health professionals. Those children with a stammer will, where appropriate, be referred to the Trust's Specialist Paediatric Stammering Service.

Annual costs since 2015/16 for the services provided are detailed in the table below:

	2015/16	2016/17	2017/18	2018/19	2019/20
Children's SLT	£1,724,390	£2,230,093	£2,096,102	£2,158,265	£2,516,458
Stammering Service	£44,840	£44,145	£34,466	£66,477	£70,713

Mr Givan asked the Minister of Health to detail the average time for a COVID-19 test result to be communicated to an individual.

(AQW 6722/17-22)

Mr Swann: The National Testing Programme is run by the Department of Health and Social Care in England.

I am advised that in the period 1st to 17th September, 35.3% of results from testing sites were received within 24 hours and 87.9% of results were received within 48 hours.

Mr Gildernew asked the Minister of Health what adaptations or additions have been made, or are being planned, to hospital canteen and relaxation facilities to ensure safe social distancing requirements.

(AQW 6878/17-22)

Mr Swann: All Health and Social Care Trusts have made a number of changes to the configuration of hospital canteen and relaxation facilities to ensure adherence to best practice hygiene and social distancing requirements. These measures include:

- completion of Covid-19 specific risk assessments;
- introduction of one-way systems;
- clear signage on entry and on tables promoting safe social distancing of two metres, wearing of face coverings and optimal hand hygiene;
- increased availability of hand sanitising units and wipes;
- use of Perspex screens or barriers where appropriate;
- increased frequency of cleaning;

- requirement to wear face coverings in all public spaces; and
- introduction of contactless payments.

Mr Clarke asked the Minister of Health what consideration he has given to introducing Pirfenidone and Nintedanib for people diagnosed with Pulmonary Fibrosis.

(AQW 7054/17-22)

Mr Swann: I refer to my answer to AQW 7217/17-22 & AQW 7218/17-22 combined.

Mr McGrath asked the Minister of Health for his assessment of the current UK guidelines prohibiting Pirfenidone and Nintedanib medication.

(AQW 7217/17-22)

Mr Swann: Both pirfenidone and nintedanib have been recommended by the National Institute for Health and Care Excellence (NICE) and are available for treating patients with pulmonary fibrosis in Northern Ireland.

My Department has a formal link with NICE under which NICE technology appraisals are reviewed locally for their applicability here, and where found to be applicable, they are endorsed for implementation within Health and Social Care.

Whilst there is a process to check the guidance for legal and policy applicability, there is no reassessment of the clinical or cost evidence used by NICE in coming to its decisions and forming its advice.

However, I can advise that NICE has commenced a technical appraisal review on both pirfenidone and nintedanib, which is expected to conclude in 2021. The aim of a technical appraisal is to consider whether there is any significant new evidence likely to impact on the current recommendations and so determine whether the guidance should be updated.

Mr McGrath asked the Minister of Health whether he plans to review the availability of Pirfenidone and Nintedanib medication for people diagnosed with pulmonary fibrosis.

(AQW 7218/17-22)

Mr Swann: Both pirfenidone and nintedanib have been recommended by the National Institute for Health and Care Excellence (NICE) and are available for treating patients with pulmonary fibrosis in Northern Ireland.

My Department has a formal link with NICE under which NICE technology appraisals are reviewed locally for their applicability here, and where found to be applicable, they are endorsed for implementation within Health and Social Care.

Whilst there is a process to check the guidance for legal and policy applicability, there is no reassessment of the clinical or cost evidence used by NICE in coming to its decisions and forming its advice.

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Mr Muir asked the Minister of Health whether a face shield visor meets the definition of face covering as set out in The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020.

(AQW 7862/17-22)

Mr Swann: Face covering means a covering of any type which covers a person's nose and mouth. A face shield or visor may be used as a face covering, however my Department advises that cloth face coverings should be used as they provide better protection from the risk of infection from the virus that causes COVID-19. If a face shield or visor is to be worn, it should be used in combination with a cloth face covering for increased protection.

However, face coverings are not a substitute for other measures such as social distancing, hand hygiene, good respiratory etiquette and cleaning of shared contact surfaces, all of which remain critically important.

Mr Storey asked the Minister of Health whether the Direct Assessment Unit at Causeway Hospital, caring for frail, older patients, is still operational during the pandemic; and whether GP referrals to this service are continuing.

(AQW 8843/17-22)

Mr Swann: The Direct Assessment Unit (DAU) at Causeway Hospital remains operational, providing medical and multi professional assessments for the frail older patient. It can be accessed by referral from the Emergency Department, or from a GP, until 5pm. If a patient is unable to attend before 5pm they can be offered an appointment for the next day.

Ms McLaughlin asked the Minister of Health (i) what the criteria is for reintroducing shielding; and (ii) what advice he would give to those who had been shielding and are now working in high-risk environments in geographical areas where the level of community transmission is high.

(AQW 8954/17-22)

Mr Swann: In response to the infection rate in Northern Ireland, a range of robust new restrictions were introduced on 16 October. As part of this, following careful consideration, the advice of the Chief Medical Officer was that shielding should remain paused.

Updated advice for people who are Clinical Extremely Vulnerable has been published online on NIDirect and includes guidance in relation to work. The guidance notes that if it is possible to work from home, individuals should continue to do this. However, if an employer has taken the proper measures to ensure social distancing in the workplace and the person can travel to work in a way which allows for social distancing, they can continue to work.

The position on shielding will be kept under continual review. The safety and well-being of those who were previously being asked to shield will not be compromised but will always have to be balanced against the detrimental consequences of shielding, for example on mental health.

Everyone who was previously shielding continues to need to take strenuous precautions in their day to day lives and should scrupulously follow the guidance we set out when shielding was paused. This includes, good hand hygiene; staying at home as much as possible; maintaining social distancing; working from home where possible, or ensuring social distancing when going to and from work; and limiting social contacts.

In addition, it is vital that everyone in our community plays their part in keeping themselves and others safe by following the public health advice and adhering to the regulations and guidance.

Mr T Buchanan asked the Minister of Health to detail the waiting times for (i) first time; and (ii) follow up appointments for (a) cancer; (b) stroke; and (c) dementia, over the last 6 months.

(AQW 8964/17-22)

Mr Swann:

- (a) (i) From April-September 2020 patients waited an average of 16 days for first time cancer appointments.
 (ii) Data on waiting times for follow up appointments for cancer is not currently available.
- (b) (i) The following information on waiting times for first time appointments for stroke have been provided by the Health and Social Care Trusts:

Belfast Trust stated, "First time; Stroke is a medical emergency and patients present at ED either by ambulance or self –presentation. Patients are assessed and prioritised as urgent and seen by the stroke team. Patients referred as TIA are seen within 24hrs of referral and are deemed as urgent referrals".

Northern Trust has provided the following tabulated data-

Northern Trust Outpatients Average Completed Waits - Care of Elderly (Stroke)

Specialty		Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20
Care of Older Persons	Red Flag (weeks)	-	1	-	-	-	-
Care of Older Persons	Urgent (weeks)	-	3	3	13	15	17
Care of Older Persons	Routine (weeks)	-	-	20	23	20	21

"The outpatient waiting time information relates to average waiting times for patients seen for their first outpatient attendance. It is calculated as an average of the difference between the date the referral letter arrives in the hospital and the date of appointment. If a patient cancels or Does Not Attend (DNA) their waiting time is set to zero from the date of cancellation or DNA."

South Eastern Trust stated, "The South Eastern Trust can confirm that on average stroke referrals are being seen within a day".

Southern Trust stated, "The information requested would not be readily available as information on Outpatient Waits (Review i.e follow-ups) is not readily available under the categories of (a) cancer; (b) stroke; and (c) dementia as asked for in this AQ."

Western Trust stated, "The Trust reports on the number of patients who received Lysis in the month. There is currently no waiting list for first appointment in Stroke Services".

- (ii) The following information on waiting times for follow up appointments for stroke have been provided by the Health and Social Care Trusts. Only Belfast Trust and South Eastern Trust were able to provide comment on follow up appointments:

Belfast Trust stated, "Follow up appointments – there is no delay in routine stroke follow-up, patients are reviewed at 6 weeks post discharge."

South Eastern Trust stated, "Stroke inpatients are reviewed normally 6-10 weeks post discharge on an individual patient basis and the South Eastern Trust is meeting that timescale."

- (c) (i) The tabulated information (Table A) below on waiting times for first time appointments for dementia have been provided by the Health and Social Care Trusts.
- (ii) Information on follow up waiting time is also included in Table A. Only South Eastern Trust provided information on follow up appointments. Western Trust also provided the comment that, "The Trust does not formally report on follow up appointments. The Western Trust can confirm that there is internal monitoring on recall lists. However, given the complex dementia pathway, to extract and provide information would involve an extensive manual exercise."

(Table A) Waiting times for dementia appointments in the last 6 months, April 2020-September 2020

Trust		Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20
Belfast HSCT	Urgent Referrals						
	Average Wait time (days)	0 referrals	6	7	4	6	6
	Routine Referrals						
	Average Wait time (days) allocated appointments	122	89	68	51	46	25
	Average Wait time (days) non-allocated appointments	188	-	131	102	73	38
	Total average wait time	155	89	100	77	60	32
Northern HSCT	Average Wait (weeks)	6	7	7	8	10	7

South Eastern HSCT	New Patient Waiting Times		Months
	Ards		15
	Down		4
	Lisburn		13
	Reviewing Waiting Times		
	Ards		12 months behind on average / or as determined by clinician
	Down		Determined by clinician
	Lisburn		12 months behind on average (if clinically urgent seen on time)

Southern HSCT	See Southern Trusts response in section (B).
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		Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20
Western HSCT	Total Waits at Month End	398	426	465	497	491	498
	Longest Wait (Days) at Month End	231	257	448	479	349	379

Ms Rogan asked the Minister of Health to detail the number of residential care home beds commissioned in each Health and Social Care Trust in each week since January 2020.

(AQW 9099/17-22)

Mr Swann: AQW 9099/17-22

The Department does not hold this information centrally and was requested from Health and Social Care (HSC) Trusts. A breakdown of commissioned residential care home beds by week could not be provided by most of the HSC Trusts. Breakdown of the figure by month has been provided instead.

Please find information detailed below.

Table 1. Number of residential care packages in effect as month end January to September 2020, by HSC Trust

Month end 2020	Belfast	Northern	South Eastern	Southern	Western
January	701	971	798	500	518
February	703	964	799	506	526
March	705	961	776	517	527
April	698	946	753	504	530
May	678	917	678	480	518
June	682	949	675	477	519
July	682	938	699	483	515
August	691	939	695	477	514
September	677	927	679	471	502

Source: Health and Social Care Trusts

AQW 9100/17-22

The Department does not hold this information centrally and was requested from Health and Social Care (HSC) Trusts.

Please find information detailed below.

Table 2. Number of nursing care packages in effect as month end January to September 2020, by HSC Trust

Month end 2020	Belfast	Northern	South Eastern	Southern	Western
January	1,705	1,944	1,911	1,691	1,352
February	1,718	1,928	1,926	1,703	1,363
March	1,702	1,911	1,928	1,700	1,363
April	1,723	1,874	1,929	1,667	1,361
May	1,572	1,864	1,843	1,660	1,315
June	1,517	1,946	1,797	1,641	1,289
July	1,523	1,942	1,785	1,665	1,296
August	1,530	1,945	1,758	1,658	1,307
September	1,543	1,960	1,752	1,641	1,322

Source: Health and Social Care Trusts

AQW 9101/17-22

The Department does not hold this information centrally and was requested from Health and Social Care (HSC) Trusts.

Please find information detailed below.

Table 3. Number of domiciliary care packages in effect as month end January to September 2020, by HSC Trust

Month end 2020	Belfast	Northern	South Eastern	Southern	Western*
January	4,168	6,533	4,153	6,164	3,890
February	4,187	6,604	4,177	6,237	3,880
March	4,186	5,798	3,932	6,254	3,937
April	4,243	5,635	3,804	6,120	3,113
May	4,158	5,551	3,861	6,133	3,178
June	4,171	5,927	3,980	6,157	3,377
July	4,214	6,109	4,057	6,246	3,473
August	4,183	5,412	4,113	6,309	3,560

Month end 2020	Belfast	Northern	South Eastern	Southern	Western*
September	4,173	6,400	4,123	6,402	3,593

Source: Health and Social Care Trusts

*Western HSC Trust advised that the figures presented do not include cases temporarily stood-down during the first phase of the pandemic, therefore there was a reduction in packages during April to September.

Ms Rogan asked the Minister of Health to detail the number of nursing care home beds commissioned in each Health and Social Care Trust in each week since January 2020.

(AQW 9100/17-22)

Mr Swann: AQW 9099/17-22

The Department does not hold this information centrally and was requested from Health and Social Care (HSC) Trusts. A breakdown of commissioned residential care home beds by week could not be provided by most of the HSC Trusts. Breakdown of the figure by month has been provided instead.

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Source: Health and Social Care Trusts

*Western HSC Trust advised that the figures presented do not include cases temporarily stood-down during the first phase of the pandemic, therefore there was a reduction in packages during April to September.

Ms Rogan asked the Minister of Health to detail the number of community care packages commissioned in each Health and Social Care Trust in each week since January 2020.

(AQW 9101/17-22)

Mr Swann: AQW 9099/17-22

The Department does not hold this information centrally and was requested from Health and Social Care (HSC) Trusts. A breakdown of commissioned residential care home beds by week could not be provided by most of the HSC Trusts. Breakdown of the figure by month has been provided instead.

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Source: Health and Social Care Trusts

AQW 9101/17-22

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Source: Health and Social Care Trusts

*Western HSC Trust advised that the figures presented do not include cases temporarily stood-down during the first phase of the pandemic, therefore there was a reduction in packages during April to September.

Ms Anderson asked the Minister of Health what capacity community occupational therapy services are currently operating in Derry.

(AQW 9416/17-22)

Mr Swann: It is not possible to provide the figure requested for Londonderry specifically as the information is only available on a Trust-wide basis. The Western Health and Social Care Trust's Community Occupational Therapy service continues to deliver 80% of services in accordance with the staffing capacity available commensurate with Covid-19 and non-Covid-19 related absences.

Ms Flynn asked the Minister of Health to detail the services his Department coordinates or commissions with the Department for the Economy on (i) suicide prevention; and (ii) mental health.

(AQW 9421/17-22)

Mr Swann: The Department of Health and the Department for Economy co-ordinate in relation to Higher Education Institutions with regards to Action 4.5 of the Protect Life 2 Strategy for Preventing Suicide and Self Harm. This action aims to encourage universities, colleges, schools and training organisations to promote a culture of help-seeking behaviour and suicide prevention awareness among their students and trainees.

The Department of Health does not directly commission or co-ordinate mental health or suicide prevention services with the Department for Economy, however a broad range of work is undertaken by Belfast HSC Trust, the Public Health Agency, Department for the Economy (DfE) and Further and Higher Education settings to promote mental and emotional wellbeing amongst University students. This includes the student support service that is jointly commissioned by Belfast Health and Social Care Trust, Queens University Belfast and Ulster University.

Higher Education Institutions are autonomous bodies who formulate their own actions and mechanisms in regard to student welfare packages and Further Education colleges are also responsible for putting in place their individual pastoral care arrangements.

Mr McNulty asked the Minister of Health to detail the current waiting lists for the first appointment with a cardiac consultant from a GP referral to a consultation with a Cardiologist, broken down by Health and Social Care Trust.

(AQW 9458/17-22)

Mr Swann: My Department publishes quarterly National Statistics on the waiting times position for a first consultant-led outpatient appointment. This data is provided by HSC Trust and Medical Specialty, within which Cardiology is presented, and the majority of these data are the result of GP referrals. The most recent published data reflects the position as at 30th June 2020, with the 30th September 2020 publication due for release on 26th November 2020. National Statistics waiting times data can be found at:

<https://www.health-ni.gov.uk/articles/outpatient-waiting-times>

Ms Bradshaw asked the Minister of Health what proposals he will bring forward to make Group B Strep tests during pregnancy after 35 weeks available to all women who request them.

(AQW 9499/17-22)

Mr Swann: The current recommendation from the UK National Screening Committee (NSC), which advises all four UK Departments of Health, and the Royal College of Obstetricians and Gynaecologists is that screening for Group B Strep (GBS) infection should not be offered to all pregnant women. This is because it is not known whether this would do more good than harm. There is serious concern that screening would result in large numbers of women receiving antibiotics they do not need, with possible adverse health effects for mothers and babies. GBS Screening is, however, offered to women who had GBS detected in a previous pregnancy.

In Northern Ireland every pregnant woman is provided with a hard copy of the Pregnancy Book which is reviewed and updated by the Public Health Agency (PHA) on a regular basis (most recent edition published in May 2020). It is also available on the PHA website (page 51). The 2020 Pregnancy Book contains information on GBS including specific information about what happens if a woman has had GBS in a previous pregnancy and the circumstances in which a woman will be offered antibiotics during labour. <https://www.publichealth.hscni.net/sites/default/files/2020-05/Pregnancy%20book%202020%20%E2%80%93%20196%20pages.pdf>

In November 2019 the Chief Medical Officer and Chief Nursing Officer issued a reminder letter to the health service, highlighting the need to ensure that women who had GBS detected in a previous pregnancy are offered the appropriate options in relation to testing and treatment.

You will be aware that research to find the best way to prevent illness and death due to GBS infection in newborn babies is underway. Once the results of this research are available these will be considered by the NSC and the Department to determine whether the current policy should be changed.

Mr Gildernew asked the Minister of Health to list the Regulation and Quality Improvement Authority reviews which are (i) currently being undertaken; and (ii) are in the process of being published.

(AQW 9527/17-22)

Mr Swann: The reviews currently being undertaken by RQIA are

- 1 Review of Governance Arrangements in Independent (Private) Hospitals and Hospices in Northern Ireland;
- 2 Review of GP Out of Hours;
- 3 Review of Serious Adverse Incidents (SAIs);
- 4 Review of Deceased Patients Records; and
- 5 Review of Vulnerable Prisoners.

None of the above reviews are in the process of being published.

Mr Carroll asked the Minister of Health whether he has considered moving away from a psycho pathologisation approach to trans healthcare.

(AQW 9569/17-22)

Mr Swann: A review of gender identity services is currently being progressed by the Health and Social Care Board. The Gender Identity Pathway Review Group supported by a soon to be established Gender Identity Liaison Panel, in bringing forward its findings and recommendations concerning a future model of care, will be fully aware that since early 2019, transgender health issues are no longer classified as mental health and behavioural disorders under the World Health Organisation's global manual of diagnoses.

Mr Sheehan asked the Minister of Health whether his Department or its arm's-length bodies have considered becoming an EU Recognised Notifying Body.

(AQW 9583/17-22)

Mr Swann: It would not be appropriate for the Department or its ALB's to undertake this commercial function to assess a manufacturer's product for the marketplace. This role is carried out by commercial organisations, who are designated and overseen as competent to do so by the Medicines and Healthcare Regulatory Agency, the government's competent authority and regulator in this area.

Mrs Barton asked the Minister of Health to detail the number of (i) physiotherapist; (ii) speech therapist; and (iii) occupational therapist, vacancies in each Health and Social Care Trust.

(AQW 9591/17-22)

Mr Swann: Information on the number of physiotherapist, speech & language therapist and occupational therapist vacancies actively being recruited to in each Health & Social Care (HSC) Trust at 30 June 2020 is detailed in the table below.

HSC Trust	Vacancies actively being recruited to at 30 June 2020		
	Physiotherapist	Speech & Language Therapist	Occupational Therapist
Belfast	56	8	28
Northern	21	8	21
South Eastern	18	5	19
Southern	48	9	15
Western	39	7	13

Source: Recruitment & Selection Shared Services (BSO) & HSC Trusts

Mrs Barton asked the Minister of Health where the registration criteria for prospective patients applying for acceptance to a medical practice or surgery is published.

(AQW 9594/17-22)

Mr Swann: Eligibility to receive publicly-funded health care in NI is based on ordinary residence. Ordinary residence means the residence is lawful, voluntary and for a settled purpose as part of the regular order of an individual's life for the time being, whether of short or long duration. The decision on whether someone is held to be ordinarily resident in NI, and can therefore register with a GP and access healthcare in NI on the same basis as all other residents of Northern Ireland, is made by Business Services Organisation (BSO).

Information on the process to register with a GP in Northern Ireland, including the evidence required to show ordinary residence, can be found in the Entitlement Aid on the BSO website.

Paragraph 71 of Schedule 5 to the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004 (SR 2004 No.140) ("the GMS Regulations") requires every GP Practice to compile a Practice Leaflet and to make a copy of the Leaflet available to Practice patients and prospective patients.

Schedule 8 to the GMS Regulations sets out the information which is required to be included in the Practice Leaflet. This includes information on how to register as a patient and information about the GP Practice area by reference to a sketch, diagram, plan or postcode.

Mr McCrossan asked the Minister of Health to detail the rationale within the Health Protection (Coronavirus, Restrictions) Regulations which prohibits a class of 30 children, who have spent a school day together in a classroom, from doing PE together in an Assembly Hall or outside; and (ii) to make public the science that underpins this rule.

(AQW 9603/17-22)

Mr Swann: The Executive, when making a decision on restrictions, takes into account not only the medical evidence but the economic and educational evidence and the totality of the effect each one can have in reducing the rate of infections of COVID-19.

Following a review, the latest amendment, The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020 made on 3rd November 2020, now provides for physical education to take place in schools and other educational settings.

The Executive maintains an ongoing process of review of the coronavirus restrictions regulations, which considers both the current level of the pandemic and the impact the restrictions are having, and it is the Executive's clear intention not to retain the restrictions for any longer than is absolutely necessary.

Mrs Cameron asked the Minister of Health for an update on the establishment of safe settings for blood cancer patients in which critical blood cancer treatment can be administered.

(AQW 9609/17-22)

Mr Swann: COVID-19

Mr Dickson asked the Minister of Health, in relation to the ongoing pressures of a COVID-19 second wave, for his assessment of the current status of cancer services in Northern Ireland.

(AQW 9676/17-22)

Mr Swann: COVID-19 presents ongoing capacity challenges across the cancer pathway which the service is actively managing. As during the first surge, all possible steps will be taken to maintain cancer services in the event of a second surge. My Department has developed a COVID-19 Surge Planning Strategic Framework, which provides the overall structure and parameters within which HSC Trusts have developed plans for managing the response to COVID-19 in the event of further waves. This framework and plans can be viewed on the Department website <https://www.health-ni.gov.uk/publications/winter-surge-plan>.

I have established a Cancer Services Rebuilding Cell to set out the approach to implementing the reset of cancer services (assessment and treatments), taking into account the potential need for the HSC to respond to further COVID-19 surge(s) in 2020 and the existing capacity constraints in HSC.

In addition, the HSC has commissioned additional assessments and treatments from independent sector providers. This capacity is being prioritised for those patients with suspected or confirmed cancer.

One of my primary aims in the difficult weeks ahead will be to ensure the continued delivery of high quality cancer services, providing of course that it is safe to do so.

Ms Armstrong asked the Minister of Health what his Department is doing to fulfil the Executive's commitment to building a united and shared society through the Together: Building a United Community strategy.

(AQW 9685/17-22)

Mr Swann: My department continues to engage fully with the Together: Building a United Community (T:BUC) Strategy through our membership of the Good Relations Project Board, which was established to support delivery of the strategy across departments.

In recent years, T:BUC funding has supported vulnerable children and families known to Health and Social Care Trusts to, among other things: strengthen team working and leadership skills; build resilience; develop a better understanding of cultural differences; and encourage them to play an active role in their communities.

Mr Gildernew asked the Minister of Health how many FFP3 masks were issued, broken down by Health and Social Care Trust, for each month since January 2020.

(AQW 9713/17-22)

Mr Swann: The numbers of FFP3 masks issued by Business Services Organisation each month since January 2020, by Northern Ireland Health & Social Care Trust, are set out in the table below:

	BHSCT	NHSCT	NIAS	SEHSCT	SHSCT	WHSCT
January	2,135		270	385	760	770
February	4,115	35	515	820	2,235	620
March	16,475	11,060	745	5,845	10,490	7,740
April	200,820	87,145	20,780	95,070	78,865	87,900
May	29,400	2,620	7,170	2,280	1,940	14,790
June	48,625	12,790	2,485	28,295	15,105	27,270
July	19,200	6,000	1,200	10,400	12,480	13,800
August	62,820	26,160	3,330	49,470	39,680	31,200
September	32,365	19,610	2,185	7,730	18,545	17,945
October	70,630	40,595	3,190	42,755	45,150	67,950

Mr Gildernew asked the Minister of Health what percentage of Personal Protective Equipment is sourced directly by (i) his Department; (ii) other Executive Departments; and (iii) Health and Social Care Trusts.

(AQW 9714/17-22)

Mr Swann: During the period 1 March 2020 to 15 October 2020 over 99% of the Personal Protective Equipment (PPE), procured for the NI Health and Social Care Sector, by value, was sourced by the Department of Health and Business Services Organisation. The remainder was sourced for and by individual Health & Social Care Trusts.

My Department does not hold any data in relation to the PPE sourced by other Departments in Northern Ireland.

Mr Carroll asked the Minister of Health to detail any cross-border collaborative work taking place in relation to trans healthcare.

(AQW 9756/17-22)

Mr Swann: At the request of my Department, the Health and Social Care Board is leading on a review of gender identity services. As part of this review, exploratory discussions have already taken place with health service colleagues in the Republic of Ireland and Great Britain with a view to understanding the service currently offered in each jurisdiction, and considering such learning for its potential application to a new service model in NI.

The review is ongoing and I would expect any potential service model to be scoped and fully explored before the review's findings and recommendations are submitted to my Department for consideration.

Mr McNulty asked the Minister of Health how many people attended the GP COVID-19 Assessment Centres, broken down by centre for each week since they were introduced.

(AQW 9767/17-22)

Mr Swann: The number of cases referred to the primary care COVID-19 centres for each week since they were established is outlined in the table below. Information on the breakdown of referrals by each COVID-19 centre is not held by the Department.

Start	Start	Week	Weekly No. of Covid Centre Contacts reported
Mon/06/Apr/20	Sun/12/Apr/20	2	590
Mon/13/Apr/20	Sun/19/Apr/20	3	969
Mon/20/Apr/20	Sun/26/Apr/20	4	890
Mon/27/Apr/20	Sun/03/May/20	5	999
Mon/04/May/20	Sun/10/May/20	6	788
Mon/11/May/20	Sun/17/May/20	7	760
Mon/18/May/20	Sun/24/May/20	8	772
Mon/25/May/20	Sun/31/May/20	9	578
Mon/01/Jun/20	Sun/07/Jun/20	10	593
Mon/08/Jun/20	Sun/14/Jun/20	11	495
Mon/15/Jun/20	Sun/21/Jun/20	12	524
Mon/22/Jun/20	Sun/28/Jun/20	13	473
Mon/29/Jun/20	Sun/05/Jul/20	14	470
Mon/06/Jul/20	Sun/12/Jul/20	15	426
Mon/13/Jul/20	Sun/19/Jul/20	16	396
Mon/20/Jul/20	Sun/26/Jul/20	17	425
Mon/27/Jul/20	Sun/02/Aug/20	18	440
Mon/03/Aug/20	Sun/09/Aug/20	19	488
Mon/10/Aug/20	Sun/16/Aug/20	20	506
Mon/17/Aug/20	Sun/23/Aug/20	21	623
Mon/24/Aug/20	Sun/30/Aug/20	22	646
Mon/31/Aug/20	Sun/06/Sep/20	23	711
Mon/07/Sep/20	Sun/13/Sep/20	24	1017
Mon/14/Sep/20	Sun/20/Sep/20	25	812
Mon/21/Sep/20	Sun/27/Sep/20	26	712
Mon/28/Sep/20	Sun/04/Oct/20	27	770
Mon/05/Oct/20	Sun/11/Oct/20	28	906
Mon/12/Oct/20	Sun/18/Oct/20	29	907

Start	Start	Week	Weekly No. of Covid Centre Contacts reported
Mon/19/Oct/20	Sun/25/Oct/20	30	1045
Mon/26/Oct/20	Sun/01/Nov/20	31	891
Mon/02/Nov/20	Sun/08/Nov/20	32	848

Mr Beattie asked the Minister of Health what work his Department is doing to address children's mental health.
(AQW 9775/17-22)

Mr Swann: Child and Adolescent Mental Health Services (CAMHS) provides a Stepped Care Model for children and young people up to the age of 18 who are experiencing mental health issues. There have been considerable improvements in CAMHS in recent years, including the development of a 33 bedded purpose built Children and Adolescent Mental Health Inpatient Unit (Beechcroft), implementation of the Stepped Care Approach and the publication of the Integrated Care Pathway for CAMHS in Northern Ireland.

I published a Mental Health Action Plan and a COVID-19 Mental Health Response Plan in May 2020, with specific actions focused on the mental health needs of children and young people.

My Department is leading on a cross-Government Action Plan to take forward agreed recommendations from the Children Commissioner's 'Still Waiting' Report, to improve mental health services and support for children and young people, where resources allow. Implementation of the 'Still Waiting' Action Plan was included as an action in the Mental Health Action Plan.

The Department of Education's Framework for Children & Young People's Emotional Health and Wellbeing in Education which is near completion will have a focus on providing early and enhanced support for those children and young people who may be at risk or showing signs of needing further help. While DE have been leading on the Framework, DoH have been particularly involved in the mental health aspects. My Department recently committed recurrent funding of £1.5 million to help support this work.

Mr Lyttle asked the Minister of Health for an update on the review of Equal Lives.
(AQW 9785/17-22)

Mr Swann: The Department carried out an evaluation of the cross-departmental Bamford Action Plan 2012-2015 in 2016, however Executive approval to publish the report had not been completed prior to the collapse of the Executive in early 2017 and the report therefore remains unpublished. My officials are working on options for publication.

In the interim period, and building on the vision set out in the Equal Lives report, Transformation funding was allocated to the Health and Social Care Board in 2018 for the development of a new regional learning disability service model. Progress on the development of the model is continuing and being closely monitored by my officials.

Mr Gildernew asked the Minister of Health how many FFP3 masks are currently held within (i) Business Services Organisation; (ii) Northern Health and Social Care Trust; (iii) Western Health and Social Care Trust; (iv) Southern Health and Social Care Trust; (v) South Eastern Health and Social Care Trust; (vi) NI Ambulance Service; and (vii) the emergency pandemic stockpile.

(AQW 9809/17-22)

Mr Swann: The number of FFP3 masks currently held in each Health & Social Care Trust as well as Business Services Organisation (BSO) and the Pandemic Influenza Preparedness Plan (PIPP) stock is set out in the table below This reflects the position as of 10 November 2020.

Stock of FFP3 Masks (000's)

BSO	1,006
BHSCT	49
NHSCT	69
NIAS	14
SEHSCT	68
SHSCT	47
WHSCT	54
PIPP	0

Mr Gildernew asked the Minister of Health for his assessment of care home beds in the south Tyrone area following the recent Regulation and Quality Improvement Authority action on the Valley Nursing Home.

(AQW 9811/17-22)

Mr Swann: In respect of the RQIA action at the Valley Nursing Home, the immediate focus is on assisting the home to address the current COVID outbreak and helping care home staff provide the appropriate level of care for the residents.

At September 30th 2020, there were 40 registered care homes within Co Tyrone.

These 40 homes provide a total of 1180 single bed places, plus a further 60 shared rooms.

The number of available beds / vacancies can vary on an hourly basis as residents are admitted / discharged and social workers, GPs and other health care professionals make direct contact with a home to check availability when the need arises.

At a strategic level, there have been challenges in parts of the system for some time, particularly with regard to the location, size and registration category of care homes, most noticeably in the lack of provision of beds for people with a dementia. The outbreak of the Covid-19 pandemic has placed unprecedented pressures on the HSC system in general but more specifically in terms of the availability of hospital and care home beds.

The Trust along with the HSCB along with my Departmental Officials will continue to work to resolve these issues.

Mr Easton asked the Minister of Health how many nursing vacancies exist in the Belfast Health and Social Care Trust.

(AQW 9821/17-22)

Mr Swann: Information on the number of registered nursing vacancies actively being recruited to at 30 June 2020 in the Belfast and Northern HSC Trusts is detailed in the table below.

HSC Trust	Registered nursing vacancies actively being recruited to at 30 June 2020
Belfast	621
Northern	256

Source: Recruitment & Selection Shared Services (BSO) & HSC Trusts

Mr Easton asked the Minister of Health how many nursing vacancies exist in the Northern Health and Social Care Trust.

(AQW 9823/17-22)

Mr Swann: Information on the number of registered nursing vacancies actively being recruited to at 30 June 2020 in the Belfast and Northern HSC Trusts is detailed in the table below.

HSC Trust	Registered nursing vacancies actively being recruited to at 30 June 2020
Belfast	621
Northern	256

Source: Recruitment & Selection Shared Services (BSO) & HSC Trusts

Mr Carroll asked the Minister of Health for his plans to address pay discrepancy for staff working in intensive care units.

(AQW 9837/17-22)

Mr Swann: There is currently a skill mix of band 5 and band 6 ICU Nurses within the HSC.

Banding of all Agenda for Change roles, including those within nursing, is determined by the duties and responsibilities of a role assessed in partnership with Trades Unions using a job evaluation scheme. Across the UK, jobs are matched to nationally evaluated profiles, based on the roles undertaken.

These profiles work on the basis that similar posts and responsibilities across the UK health services reflect the demands of the job and to ensure equality of pay. This process ensures that the level of post is dependent on the role, not the environment and as there is a difference between roles, for example between a qualified critical care specialist nurse and a nurse working in ICU, a skills mix is necessary.

Due to the global health emergency and local COVID-19 transmission rates, critical care requirements are significantly stretched across the region, resulting in increased pressures on the critical care nursing workforce.

In recognition of this, my Department is currently considering if interim arrangements can be put in place for progression of Band 5 to Band 6 for critical care nurses who meet an agreed criteria.

Mr McNulty asked the Minister of Health what assurances he can give that cancer diagnoses and cancer treatment services will be protected from any pause in services due to the COVID-19 pandemic.

(AQW 9845/17-22)

Mr Swann: The COVID-19 Surge Planning Strategic Framework which I published on 6 October 2020 included reference to the Cancer Services Rebuilding Cell, which has been established to oversee the resumption of cancer screening, diagnosis and treatment in clinically safe environments as quickly as possible, and to protect these services as much as possible during the current and future waves of the pandemic. The framework can be viewed on my Department's website at:

<https://www.health-ni.gov.uk/publications/winter-surge-plan>.

All possible steps will be taken to maintain services including commissioning additional assessments and treatments from independent sector providers, with capacity prioritised for those patients with suspected or confirmed cancer.

One of my primary aims in the difficult weeks ahead will be to ensure the continued delivery of high quality cancer services, providing of course that it is safe to do so.

Ms Sugden asked the Minister of Health what actions have been taken to support and protect dementia sufferers and their carers, in care homes and in private residences, in the context of a second wave of COVID-19 this winter.

(AQW 9852/17-22)

Mr Swann: Trusts have been requested to develop support plans that ensure that Trusts and service providers are working closely together to maintain services in a safe and effective way.

Along with the Community and Voluntary sector, Trust staff continue to provide local support to people with a dementia and their carers. This has included telephone calls to provide information and offer reassurance and use of other technologies including Apps and video links.

Trust Memory Services have adapted to current circumstances and through the use of technology and other innovative practices, are able to undertake assessments and care reviews.

The HSC, including the Department, will continue to provide information and guidance in relation to a range of COVID-19 related issues that impact on those who have a dementia, whether they live in the community or are placed in a care home setting.

Information about Dementia and COVID-19 is available on the following links:

- <https://www.nidirect.gov.uk/campaigns/dementia>
- <https://www.health-ni.gov.uk/>

Information booklets are also available at:

- <https://www.publichealth.hscni.net/search/node?keys=dementia>

We will continue to review all such interventions and ensure they remain appropriate.

Mr Lyttle asked the Minister of Health when the Children and Young People's Strategic Partnership will be made statutory.
(AQW 9861/17-22)

Mr Swann: My Department sought views on this issue as part of the 2017 public consultation on the draft Adoption and Children Bill. The Department of Education has subsequently advised that it is in the process of establishing structures to monitor and report on the Children's Services Co-operation Act (Northern Ireland) 2015 and the Children and Young People's Strategy, for which it has lead responsibility. I have agreed to delay our proposals to place the Children and Young People's Strategic Partnership (CYPSP) on a statutory basis until those structures are established and have been operating for a period, to assess how effective the new structures are in improving co-operation between public sector bodies, as well as the role that the CYPSP will have within them and how its effectiveness might be strengthened. Once this has been done, the merit of placing the CYPSP on a statutory basis will be reconsidered.

Mrs Cameron asked the Minister of Health (i) for an update on the business case for specialist perinatal mental health services; (ii) whether any outstanding issues on the business case have been resolved with the Public Health Agency; and (iii) when it will be concluded.

(AQW 9868/17-22)

Mr Swann: The business case for specialist perinatal mental health services is being finalised by the Public Health Agency. On receipt of the finalised business case my officials will complete a final review and forward to me for consideration.

Mr Gildernew asked the Minister of Health why he has yet to bring forward breastfeeding legislation.

(AQW 9877/17-22)

Mr Swann: I am committed to the promotion of breastfeeding especially considering the lifelong health benefits this delivers for the infant. I believe however that education, changing attitudes through public information, and supportive environments are especially important. It is important that all avenues are explored before a conclusion is reached that legislation is the best

or only way of meeting the desired policy objective. It is therefore necessary that my Department explores and assesses all alternative methods of achieving the same end.

Mr Clarke asked the Minister of Health how many (i) Belfast Health and Social Care Trust staff; (ii) staff from other Health and Social Care Trusts; and (iii) agency staff are currently working in Muckamore Abbey.

(AQW 9880/17-22)

Mr Swann: The information requested is set out in the table below, broken down by categories of staff.

	Belfast Trust staff	Agency staff
Registered Nurses	26.43	73.8
Senior Nurse Assistants	58.52	45.41
Day care staff	29.68	0
Social Workers	5	Less than 5
Psychology & Behaviour Team	13	0
Medical	Less than 5	Less than 5
Allied Health Professionals	18.62	0
Administrative staff	20	8
Management	6	Less than 5
Patient and Client Support Services (Catering, laundry, cleaning)	62	8
Estates	9	0

The figures provided represent whole-time equivalent staff. Numbers of agency staff employed at the hospital can fluctuate. There are no staff from other HSC Trusts currently working in Muckamore Abbey Hospital.

Mr McNulty asked the Minister of Health to detail the number of (i) GP practices; (ii) patients in each practice; and (iii) GP's in each practice.

(AQW 9910/17-22)

Mr Swann: Information relating to GP practices is produced by the Family Practitioner Services Information Unit, of the Business Services Organisation. The number of GP practices and the number of patients in each practice can be found in the Quarterly General Medical Services Statistics at:

<http://www.hscbusiness.hscni.net/services/3174.htm>.

The Business Services Organisation also publishes the Northern Ireland GP list, which includes the practice number of each GP, at: <http://www.hscbusiness.hscni.net/services/1816.htm>

Ms S Bradley asked the Minister of Health, further to the announcement of Pfizer and BioNTech having a 90 per cent effective COVID-19 vaccine, how many of the UK advanced order of 30 million doses are due to be distributed to Northern Ireland.

(AQW 9915/17-22)

Mr Swann: It has been agreed that the Barnett formula will be used to allocate vaccine share across the 4 nations after a small share of the vaccine has been set aside for use in the crown dependencies. The Barnett formula split for Northern Ireland is 2.85% and therefore we should receive roughly 1,506,000 doses of the total order from Pfizer of 40 million doses.

Ms Armstrong asked the Minister of Health whether his Department is counting the number of people who have deleted the Stop COVID-19 app.

(AQW 9916/17-22)

Mr Swann: Information on the number of people who have deleted the STOPCovid NI app is not collected by my Department. An undertaking was made to key stakeholders prior to the launch of the app to limit the data collected to help address any privacy concerns.

Ms Armstrong asked the Minister of Health what action he is taking to deal with the number of people removing the Stop COVID-19 app.

(AQW 9917/17-22)

Mr Swann: Use of the app is entirely voluntary and it is designed not to track usage for privacy reasons.

The benefits of using the app to assist in breaking the chains of transmission are being actively promoted through a communications campaign through news and social media.

As you will be aware, I have had personal experience of receiving a notification via the app after which I worked in self-isolation for the stipulated 14 day period. I shared this on Twitter at the time in the hope that this would encourage others to download and use the app.

Mr McGrath asked the Minister of Health, in light of the announcement by Pfizer on a potential COVID-19 vaccine, (i) how many vaccines have been ordered for Northern Ireland; (ii) what the criteria will be for those to receive the vaccine; and (iii) to detail the timescales for delivery of the vaccine.

(AQW 9940/17-22)

Mr Swann: The UK has secured access to 6 vaccine candidates, across 4 different vaccine types which could potentially result in 350 million doses of COVID-19 vaccines being made available in the UK. Northern Ireland will receive a 2.85% share of the total UK stock of COVID-19 vaccines that are eventually approved for use.

Vaccination policy in Northern Ireland is guided by the recommendations of the Joint Committee on Vaccination and Immunisation (JCVI), an independent expert advisory group. JCVI will recommend which COVID-19 vaccine(s) should be used, and on the priority groups to receive the vaccine based on the best available clinical, modelling and epidemiological data. JCVI have published an interim prioritisation list which is available at: <https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-25-september-2020>.

The two leading COVID-19 vaccines secured for use in the UK could potentially be available before the end of the year while the other COVID-19 vaccines are due to be ready for deployment at various points throughout 2021. The vaccines will only be deployed for use if they have passed the required safety and efficacy tests.

Mr Clarke asked the Minister of Health to detail the total cost of agency staff at Muckamore Abbey since the start of the ongoing investigation, including all associated costs.

(AQW 9967/17-22)

Mr Swann: In the period from September 2017 until September 2020, the total agency costs incurred at Muckamore Abbey Hospital were £11,575,121.

Ms Flynn asked the Minister of Health how his Department will engage the maximum number of groups, individuals, families and those with lived experience on the substance use consultation, given current limitations around COVID-19.

(AQW 9973/17-22)

Mr Swann: There has already been substantial engagement with relevant stakeholders, including professional bodies, service providers and service users who assisted my Department during the co-production phase of the new Substance Use Strategy consultation document. In addition, my officials also met with Siobhan O'Neill, our Interim Mental Health Champion, as part of the consultation development and she has committed to lend her support to engagement events around the consultation process.

Due to the nature of the current pandemic, the consultation will be mainly digital in nature, and responses can be completed online using the Citizen Space portal. The consultation will run for 14 weeks to maximise the opportunities for people to engage in the process.

The consultation has been widely publicised through press releases, social media, and issuing the document to a wide range of consultees. In addition, we have asked that all key stakeholders share it with all those with an interest – including asking service providers to seek input from their service user and family groups.

Planning is underway for at least two independently facilitated public engagement workshops to be held online during the course of the consultation period so that as wide a range of views as possible can be incorporated. In addition, we are working with the regional service user group to discuss how best we can engage directly with service users and their families, including those not in treatment.

My officials will also actively provide briefing to those who wish to discuss the strategy and are happy to engage directly with any groups who wish to contribute, including the Health Committee and a wide range of stakeholder organisations.

Ms Flynn asked the Minister of Health when he will publish the findings of the review into mental health crisis services.

(AQW 9974/17-22)

Mr Swann: My intention is to publish the review of mental health crisis services in April 2021. My officials will use findings to influence, shape and inform development of a new ten year mental health strategy.

The mental health crisis review team will provide my Department with initial thinking by December 2020 for inclusion in the draft mental health strategy that I expect to be published for consultation by the end of the year.

Mr Carroll asked the Minister of Health to detail his plans for improving access to post-acute rehabilitation for stroke patients. (AQW 9983/17-22)

Mr Swann: The reform of stroke care in Northern Ireland remains a key priority for me. My department's consultation, 'Reshaping Stroke Care', outlined a specific commitment to driving improvements in community-based services, including rehabilitation.

While work on a range of projects, including Reshaping Stroke Care, has been paused in the context of the need to prioritise the response to the coronavirus pandemic over the past few months, I am committed to progressing as soon as possible. In the interim, the Stroke Network has been developing a long term support specification which includes the provision of rehabilitation services.

Mr Carroll asked the Minister of Health to detail his plans to increase the number of pharmacists and community pharmacists. (AQW 9987/17-22)

Mr Swann: My Department published its Pharmacy Workforce Review and associated Action Plan on 9th November 2020. The Review contains an analysis of the current pharmacy workforce in Northern Ireland. The Action Plan sets out a suite of proposed actions against each of the recommendations made in the report, including a number of actions around how to increase the number of pharmacists and community pharmacists in Northern Ireland. A copy of the published report and Action Plan can be viewed at: <https://www.health-ni.gov.uk/publications/pharmacy-workforce-review-2019>

Mr Dickson asked the Minister of Health to detail the amount of money allocated to the commissioning of a Nightingale Hospital at the Whiteabbey Hospital site; and what long term benefits this additional funding will have for services at the hospital post-COVID-19.

(AQW 9990/17-22)

Mr Swann: The capital costs allocated for the necessary refurbishments at the Whiteabbey site to develop the Nightingale facility amount to £4.53 million. It is anticipated that the facility will remain assigned for Nightingale purposes for a period of up to two years.

Developing the second Nightingale facility at Whiteabbey provides a legacy facility for future use, which would not have been the case had a commercial site been chosen. The future use of the Whiteabbey facility will be carefully considered in due course.

Mr McNulty asked the Minister of Health to detail any additional support provided to groups, such as Women's Aid, since January 2020 to cope with domestic violence.

(AQW 9991/17-22)

Mr Swann: In acknowledgement of the challenges posed by covid-19 my Department facilitated advance payment of grant funding and contract payments to voluntary and community groups, including Women's Aid and Nexus NI.

My Department also granted key worker status, for the purposes of accessing childcare, to all health and social care workers from 23 March - 29 June when access was restricted, which included those working in refuges and on the Domestic and Sexual Abuse Helpline, ensuring continued provision of vital services.

My Department approved a bid from the Health and Social Care Board for additional funding to Women's Aid of £60k for a 6 month period during the initial coronavirus surge to support families who have experienced, or been a victim of, domestic abuse.

Health officials also took part in fortnightly PSNI-led teleconferences with other government departments and delivery partners in the voluntary and community sector to share statistics and ensure a joined up approach as part of recovery planning.

Mr McNulty asked the Minister of Health, in light of Pfizer's announcement on Monday 9 November 2020 on a potential COVID-19 vaccine, (i) how many vaccine units have been pre-ordered by his Department; (ii) what engagement he has had with the (a) UK Government; and (b) Irish Government in relation to securing and deploying vaccine supplies; (iii) what engagement he has had with GP representatives in relation to the deployment of a vaccination programme; and (iv) to detail the timescales for delivery and deployment of a vaccine.

(AQW 9995/17-22)

Mr Swann: My Department has not directly ordered any COVID-19 vaccines as the Department for Business, Energy & Industrial Strategy (BEIS) is leading on the procurement of COVID-19 vaccines on behalf of the whole of the UK. Six vaccine candidates, across 4 different vaccine types have been secured which could potentially result in 350 million doses of COVID-19 vaccines being made available in the UK. This includes 40 million doses of the Pfizer vaccine. Northern Ireland will receive a 2.85% share of the total UK stock of COVID-19 vaccines that are eventually approved for use.

I and my officials have been liaising with our counterparts across the UK regarding the plans for vaccine deployment across each country. The Irish Government is part of an EU led COVID-19 vaccine procurement process.

My officials have also been engaging with GP representatives to discuss their role in a COVID-19 vaccination programme.

It should be noted that the Pfizer vaccine still has to receive approval from MHRA before it can be considered for use in a vaccination programme. It is possible that we may have the vaccine in use before the end of the year and we are currently planning on that basis, however realistically it may be next year before sufficient doses are available to vaccinate on a large scale.

Mr McGlone asked the Minister of Health what evaluation has been carried out into the risk of a mutated form of COVID-19 from mink.

(AQW 10016/17-22)

Mr Swann: The public health implications of recent findings of mink-specific variants of SARS-CoV-2 in Danish mink farms are being assessed urgently at international levels and by national public health authorities. The European Centre for Disease Control and Prevention (ECDC) is working with the Danish public health agency on the human implications for public health and has produced a Rapid Risk Assessment available at:

<https://www.ecdc.europa.eu/en/publications-data/detection-new-sars-cov-2-variants-mink>.

In the UK Public Health England are working with departments and agencies to assess the public health risks. A zoonosis risk assessment is in preparation and is expected to be published shortly.

In the meantime my Department has taken urgent steps to minimise the risk of this strain being imported into Northern Ireland. Specifically, the International Travel Regulations have been amended on 9 November to restrict travellers from Denmark. The Chief Medical Officer has also issued precautionary advice to the HSC on the appropriate investigation and management of those presenting to the health service with a travel history to Denmark.

My Department and the Public Health Agency are working with their counterparts in Ireland and taking practical steps to minimise any risk associated with travellers arriving from Denmark and coming to Northern Ireland through Ireland.

Ms Flynn asked the Minister of Health whether any specific COVID-19 modelling has been completed by the Chief Scientific Advisor or the Chief Medical Officer on post-primary transfer test settings.

(AQW 10051/17-22)

Mr Swann: The Chief Scientific Adviser and the Chief Medical Officer have not undertaken any modelling in respect of the settings for post-primary school transfer tests.

Mr Carroll asked the Minister of Health what plans his Department has to address loneliness this winter.

(AQW 10064/17-22)

Mr Swann: I recognise the importance of loneliness and its impact on health and wellbeing along with the particular challenges of this key issue for those who are already vulnerable. My Department have a range of policies/programmes/initiatives already in place that should help alleviate some of the pressures that people are experiencing.

The Department is also represented on the All Party Group on Loneliness which was formed following a series of all-party roundtables and policy events at Stormont in 2019 and 2020. In addition the Department is now part of a 4-country Group in the UK and we are liaising with counterpart policy leads to learn and share best practice.

The Department are also seeking partnership with counterparts in ROI, and beyond, to learn and share from other's experiences and innovative approaches to tackle loneliness and social isolation in relation to health and wellbeing.

The Institute of Public Health in Ireland is represented on my Department's Reform Board for Adult Social Care. They have carried out research into loneliness on an all island basis. We are liaising with them to further investigate their research and specifically the research that relates to Northern Ireland.

The Department has set up monitoring of loneliness via different surveys for adults and children. This will allow us to look at loneliness in conjunction with other health information, including general health and mental health as well as health behaviours.

A scoping exercise within the Department's policy areas and across the HSC including Trusts and DOH arms length bodies, is underway, to further identify policies; strategies, programmes and initiatives in place (including funding/investment) and those that are under development that contribute to tackling loneliness and isolation that impact on health and wellbeing, aligned to my Department's priorities and outcomes for government.

Mr Carroll asked the Minister of Health how those most at risk of loneliness are able to access the mental health and emotional support they need to cope and recover from COVID-19.

(AQW 10065/17-22)

Mr Swann: I recognise the importance of loneliness and its impact on health and wellbeing and in particular the challenges of this key issue for those who are already vulnerable during the pandemic.

Since the beginning of the pandemic, mental health services have in general not stopped unless it has been deemed clinically appropriate or in direct response to workforce resource pressure, albeit some services have been delivered using different methods such as telephone and video communication.

Mental health services in Northern Ireland are provided in line with the regional stepped care model. This approach remains during the COVID-19 pandemic. All those who need care and treatment will be provided with services that are clinically appropriate.

Mr Carroll asked the Minister of Health whether he has discussed with his Executive the colleagues the prospect of developing a long-term cross-departmental loneliness strategy.

(AQW 10066/17-22)

Mr Swann: Loneliness is a vital theme within a number of existing and relevant policies of the Department with the overall objective of improving the welfare of the population. Whilst the Department does not have one separate policy for loneliness, there are a range of policies; programme and initiatives in place – that make a positive contribute to tackling loneliness specifically related to health and wellbeing.

My officials are currently carrying out a scoping exercise to identify and co-ordinate what is currently in place both in the Department and across the wider landscape of the HSC (in our 5 Trusts and our Arm's Length bodies).

It is anticipated that the first phase of this exercise will be completed by the end of 2020. The findings of which will inform how we move forward from a policy perspective.

It is clear from the preliminary research that loneliness is a key issue and as such cannot be solved by any one Department, organisation or sector working alone. Therefore a collective and collaborative approach would be beneficial. This would support a more joined up and co-ordinated working together to rebuild approach and identifying existing policies and synergies across organisations. Going forward we need to be action orientated so as to better target resources that contribute to tackling loneliness for those who are most vulnerable, both now and in the future.

Mr Clarke asked the Minister of Health when AQW 7054/17-22 will be answered.

(AQW 10110/17-22)

Mr Swann: I refer to my answer to AQW 7217/17-22 & AQW 7218/17-22 combined.

Mr McNulty asked the Minister of Health to detail the number of cancer diagnoses in each of the last 24 months for (i) bowel; (ii) lung; (iii) breast; (iv) prostate; (v) gynaecological; (vi) upper GI; (vii) head and neck; (viii) urinary; (ix) haematological; (x) melanoma; and (xi) other cancers, broken down by Health and Social Care Trust.

(AQW 10144/17-22)

Mr Swann: Full registration of all cancer patients in Northern Ireland (NI) is currently only available from the NI Cancer Registry (NICR) up to the end of 2018.

Information provided by the NICR on the number of cancer diagnoses in each month from January 2017 to December 2018 for (i) bowel; (ii) lung; (iii) breast; (iv) prostate; (v) gynaecological; (vi) upper GI; (vii) head and neck; (viii) urinary; (ix) haematological; (x) melanoma; and (xi) other cancers, broken down by Health and Social Care Trust is provided in Tables 1-11 overleaf.

Table 1: Number of cases of bowel cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan 17	19	18	17	24	14	92
Feb 17	20	25	14	21	18	98
Mar 17	9	32	15	28	19	103
Apr 17	12	37	16	11	17	93
May 17	15	19	22	24	18	98
Jun 17	25	22	17	18	22	104
Jul 17	19	21	13	22	12	87
Aug 17	9	26	22	28	9	94
Sep 17	22	28	22	8	16	96
Oct 17	21	20	20	20	23	104

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Nov 17	16	31	25	24	18	114
Dec 17	21	21	31	10	13	96
Jan 18	20	24	20	29	14	107
Feb 18	11	16	20	13	14	74
Mar 18	22	26	18	23	20	109
Apr 18	22	33	22	19	13	109
May 18	21	29	18	18	14	100
Jun 18	18	23	25	16	14	96
Jul 18	19	24	16	16	14	89
Aug 18	26	28	20	14	12	100
Sep 18	15	28	22	17	12	94
Oct 18	12	32	26	24	18	112
Nov 18	21	26	28	20	14	109
Dec 18	25	27	20	14	10	96

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Table 2: Number of cases of lung cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan 17	21	27	16	23	23	110
Feb 17	26	25	25	22	21	119
Mar 17	16	24	22	24	14	100
Apr 17	26	23	16	15	10	90
May 17	29	28	22	26	24	129
Jun 17	28	26	28	17	16	115
Jul 17	25	30	18	24	16	113
Aug 17	28	26	21	24	17	116
Sep 17	35	30	21	24	17	127
Oct 17	21	27	29	18	14	109
Nov 17	32	23	22	13	29	119
Dec 17	25	30	15	8	25	103
Jan 18	28	24	17	14	17	100
Feb 18	18	18	22	12	23	93
Mar 18	34	28	16	27	15	120
Apr 18	18	26	17	22	17	100
May 18	30	27	22	19	20	118

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jun 18	32	29	19	22	14	116
Jul 18	22	33	20	28	24	127
Aug 18	36	31	15	17	28	127
Sep 18	19	27	17	16	15	94
Oct 18	26	26	18	20	17	107
Nov 18	30	27	6	17	15	95
Dec 18	21	18	21	16	15	91

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Table 3: Number of cases of female breast cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan 17	21	28	33	20	15	117
Feb 17	27	21	19	15	21	103
Mar 17	25	34	30	19	23	131
Apr 17	22	29	29	31	17	128
May 17	21	48	38	19	21	147
Jun 17	26	23	23	33	22	127
Jul 17	28	28	17	23	17	113
Aug 17	25	32	17	22	14	110
Sep 17	27	32	13	29	25	126
Oct 17	23	38	23	34	30	148
Nov 17	23	32	30	28	25	138
Dec 17	18	26	18	19	14	95
Jan 18	23	31	32	24	19	129
Feb 18	23	22	31	41	7	124
Mar 18	29	51	20	27	11	138
Apr 18	19	41	15	16	19	110
May 18	28	47	27	26	21	149
Jun 18	16	37	25	18	25	121
Jul 18	26	37	23	32	12	130
Aug 18	23	31	29	25	19	128
Sep 18	17	47	23	19	21	127
Oct 18	29	40	23	25	21	138
Nov 18	25	42	17	25	15	124
Dec 18	18	31	19	21	15	104

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Table 4: Number of cases of prostate cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan 17	18	35	26	23	21	123
Feb 17	8	25	21	17	13	84
Mar 17	16	20	31	18	20	105
Apr 17	7	21	23	16	16	83
May 17	22	27	19	23	18	109
Jun 17	11	37	28	19	12	107
Jul 17	6	20	16	18	12	72
Aug 17	14	35	13	14	14	90
Sep 17	12	23	17	14	13	79
Oct 17	24	25	20	22	18	109
Nov 17	19	29	19	31	26	124
Dec 17	6	23	15	19	14	77
Jan 18	9	29	22	19	12	91
Feb 18	8	21	18	9	16	72
Mar 18	18	25	26	17	22	108
Apr 18	18	27	21	20	12	98
May 18	29	46	26	20	23	144
Jun 18	20	38	26	20	18	122
Jul 18	12	25	16	22	24	99
Aug 18	17	32	20	12	24	105
Sep 18	15	24	16	13	19	87
Oct 18	22	37	30	33	28	150
Nov 18	22	29	17	11	26	105
Dec 18	12	21	28	12	11	84

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Table 5: Number of cases of gynaecological cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan/Feb 17	20	21	19	10	16	86
Mar/Apr 17	18	27	22	14	20	101
May/Jun 17	15	24	29	25	18	111
Jul/Aug 17	18	25	15	13	12	83

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Sep/Oct 17	15	26	17	22	13	93
Nov/Dec 17	15	26	18	29	15	103
Jan/Feb 18	16	29	19	17	11	92
Mar/Apr 18	24	30	24	25	17	120
May/Jun 18	15	35	31	20	14	115
Jul/Aug 18	22	26	16	21	14	99
Sep/Oct 18	17	32	24	26	18	117
Nov/Dec 18	23	23	21	15	18	100

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Table 6: Number of cases of upper gastrointestinal cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan/Feb 17	15	18	20	18	8	79
Mar/Apr 17	12	18	21	10	13	74
May/Jun 17	16	19	16	12	8	71
Jul/Aug 17	15	20	10	10	16	71
Sep/Oct 17	8	18	16	13	5	60
Nov/Dec 17	16	17	12	18		63
Jan/Feb 18	9	16	5	12	14	56
Mar/Apr 18	17	22	14	9	8	70
May/Jun 18	22	18	7	13	8	68
Jul/Aug 18	18	26	17	8	9	78
Sep/Oct 18	11	19	15	12	17	74
Nov/Dec 18	10	15	10	12	10	57

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Southern & Western Trusts combined for some months in order to preserve patient confidentiality.

Table 7: Number of cases of head & neck cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan/Feb 17	12	15	6	12	8	53
Mar/Apr 17	10	13	10	10	6	49
May/Jun 17	12	17	9	8	15	61

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jul/Aug 17	14	17	11	7	9	58
Sep/Oct 17	15	20	8	15	7	65
Nov/Dec 17	16	14	13	15	5	63
Jan/Feb 18	15	16	7	6	9	53
Mar/Apr 18	12	16	15	8	7	58
May/Jun 18	22	16	12	5	10	65
Jul/Aug 18	19	10	15	14	7	65
Sep/Oct 18	21	16	9	12	10	68
Nov/Dec 18	13	14	15	12	12	66

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Table 8: Number of cases of urinary cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan/Feb 17	18	30	28	20	22	118
Mar/Apr 17	29	29	29	13	20	120
May/Jun 17	23	28	29	15	23	118
Jul/Aug 17	16	22	22	22	15	97
Sep/Oct 17	13	27	19	21	16	96
Nov/Dec 17	26	29	19	21	26	121
Jan/Feb 18	20	27	21	19	15	102
Mar/Apr 18	29	24	19	9	11	92
May/Jun 18	21	29	17	22	10	99
Jul/Aug 18	16	29	16	9	9	79
Sep/Oct 18	17	27	16	15	12	87
Nov/Dec 18	16	20	23	13	13	85

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Table 9: Number of cases of haematological cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan/Feb 17	32	37	24	20	19	132
Mar/Apr 17	25	40	33	31	28	157
May/Jun 17	41	47	34	32	17	171

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jul/Aug 17	22	35	25	26	17	125
Sep/Oct 17	26	47	34	25	14	146
Nov/Dec 17	27	43	40	23	22	155
Jan/Feb 18	25	39	18	34	23	139
Mar/Apr 18	18	30	22	33	18	121
May/Jun 18	25	43	32	25	26	151
Jul/Aug 18	24	44	23	26	19	136
Sep/Oct 18	28	33	33	35	19	148
Nov/Dec 18	33	36	26	25	27	147

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Table 10: Number of cases of melanoma diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan/Feb 17	14	12	14	10	6	56
Mar/Apr 17	13	9	8	9	14	53
May/Jun 17	11	17	19	13		60
Jul/Aug 17	10	10	6	12	6	44
Sep/Oct 17	8	13	12	18	14	65
Nov/Dec 17	11	18	13	21	11	74
Jan/Feb 18	13	17	13	6	7	56
Mar/Apr 18	12	16	13	17		58
May/Jun 18	11	20	19	8	12	70
Jul/Aug 18	17	28	24	13	16	98
Sep/Oct 18	10	25	20	17	9	81
Nov/Dec 18	8	15	14	14	9	60

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Southern & Western Trusts combined for some months in order to preserve patient confidentiality.

Table 11: Number of cases of other cancer diagnosed in NI during 2017-2018 by month of diagnosis and Health and Social Care Trust of residence.

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
Jan/Feb 17	41	58	49	40	32	220
Mar/Apr 17	41	46	47	43	27	204

Month of diagnosis	Health and Social Care Trust					
	Belfast HSCT	Northern HSCT	South-Eastern HSCT	Southern HSCT	Western HSCT	Northern Ireland
May/June 17	50	45	48	57	38	238
July/Aug 17	49	54	50	48	32	233
Sep/Oct 17	43	65	54	47	42	251
Nov/Dec 17	48	53	55	37	32	225
Jan/Feb 18	40	54	40	47	42	223
Mar/Apr 18	52	56	52	34	33	227
May/June 18	45	58	52	46	32	233
July/Aug 18	55	61	38	38	37	229
Sep/Oct 18	35	78	58	36	42	249
Nov/Dec 18	53	53	48	40	42	236

Source: Northern Ireland Cancer Registry (NICR)

Note: Northern Ireland total includes some cases with an unknown Health & Social Care Trust of residence.

Mrs Cameron asked the Minister of Health whether he has requested military operational support to assist with the nationwide roll out of an approved COVID-19 vaccine.

(AQW 10156/17-22)

Mr Swann: Officials in the Department have been engaged with armed forces representatives throughout the pandemic and on a range of issues. Armed forces colleagues are providing advice and assistance in relation to the logistical aspects of the plans for the COVID-19 vaccination programme in Northern Ireland.

Mr Allister asked the Minister of Health what action was taken by his Department in consequence of Exercise Cygnus in 2016.

(AQW 10164/17-22)

Mr Swann: To specifically address the lessons from Cygnus, a cross-government Pandemic Flu Preparedness Board (PFRB) was established to provide oversight for a UK-wide programme to deliver plans and capabilities to manage the wider consequences of pandemic influenza. In Northern Ireland, this work is overseen by the Civil Contingencies Group (NI) resilience programme, in its role as the principal strategic emergency preparedness body for the public sector.

While Exercise Cygnus was concerned with pandemic influenza, many of the outcomes from the exercise apply across responses to a range of Health and Social Care (HSC) emergencies where they affect, or have the potential to affect, Northern Ireland. Further, work to build resilience and increase emergency preparedness following Cygnus was undertaken by my Department, including: the training and exercising of key staff; the review of existing legislation and emergency plans; and the establishment of a bespoke Emergency Operations facility.

My Department continues to work collaboratively as part of the Civil Contingencies Group (NI), and with wider HSC providers.

The future work of the PFRB will take the learning from this current crisis to further support our preparedness capabilities and resilience in order to continue to provide an effective response to all health emergencies.

Mr Carroll asked the Minister of Health whether he will address the discrepancy of staff in intensive care units on band 5 and others on band 6 pay grades.

(AQW 10198/17-22)

Mr Swann: There is currently a skills mix of band 5 and band 6 Nurses within Intensive Care Units across the HSC.

Banding of all Agenda for Change roles, including those within nursing, is determined by the duties and responsibilities of a role assessed in partnership with Trades Unions using an agreed job evaluation scheme. Across the UK, jobs are matched to nationally evaluated profiles, based on the roles undertaken.

These profiles work on the basis that similar posts and responsibilities across the UK health services reflect the demands of the job and to ensure equality of pay. This process ensures that the level of post is dependent on the role, not the environment and as there is a difference between roles, for example between a qualified critical care specialist nurse and a nurse working in ICU, a skills mix is necessary.

Due to the global health emergency and local COVID-19 transmission rates, critical care requirements are significantly stretched across the region, resulting in increased pressures on the critical care nursing workforce.

In recognition of this, my Department is currently considering if temporary arrangements can be put in place for progression of Band 5 to Band 6 for critical care nurses who meet agreed criteria.

Mr Carroll asked the Minister of Health whether he has considered uplifting pay for staff working in intensive care units.
(AQW 10202/17-22)

Mr Swann: There is currently a skills mix of band 5 and band 6 Nurses within Intensive Care Units across the HSC.

Banding of all Agenda for Change roles, including those within nursing, is determined by the duties and responsibilities of a role assessed in partnership with Trades Unions using an agreed job evaluation scheme. Across the UK, jobs are matched to nationally evaluated profiles, based on the roles undertaken.

These profiles work on the basis that similar posts and responsibilities across the UK health services reflect the demands of the job and to ensure equality of pay. This process ensures that the level of post is dependent on the role, not the environment and as there is a difference between roles, for example between a qualified critical care specialist nurse and a nurse working in ICU, a skills mix is necessary.

Due to the global health emergency and local COVID-19 transmission rates, critical care requirements are significantly stretched across the region, resulting in increased pressures on the critical care nursing workforce.

In recognition of this, my Department is currently considering if temporary arrangements can be put in place for progression of Band 5 to Band 6 for critical care nurses who meet agreed criteria.

Mr Muir asked the Minister of Health when AQW 7862/17-22 will be answered.
(AQW 10252/17-22)

Mr Swann: Face covering means a covering of any type which covers a person's nose and mouth. A face shield or visor may be used as a face covering, however my Department advises that cloth face coverings should be used as they provide better protection from the risk of infection from the virus that causes COVID-19. If a face shield or visor is to be worn, it should be used in combination with a cloth face covering for increased protection.

However, face coverings are not a substitute for other measures such as social distancing, hand hygiene, good respiratory etiquette and cleaning of shared contact surfaces, all of which remain critically important.

Ms Bradshaw asked the Minister of Health what proposals his Department is working on to address the increasing cost of locums.

(AQW 10322/17-22)

Mr Swann: Employment of agency staff and locums has been necessary to ensure that safe and effective services are sustained and maintained.

A key factor in tackling this issue is transformation of HSC and the need for long term investment in our HSC workforce. The Bengoa report made clear that rising locum and agency costs are due to the current configuration of services and that "changing the model of care" is the only solution. Officials are currently working with HSC employers and Trade union colleagues on detailed proposals to reduce agency and locum spend in NI, beginning, as a first step, to examine the root causes of agency expenditure.

We are now, however, experiencing a second wave of infections, and, as a result, the number of patients in Trust hospitals who are COVID-19 positive continue to rise. My Department's immediate priority therefore is to continue working closely with HSC Trusts to ensure there is sufficient capacity within the system to meet these exceptional demands.

Mr Middleton asked the Minister of Health how many patients have entered Altnagelvin Hospital, tested negative for COVID-19, and then subsequently tested positive for COVID-19 whilst in hospital care.

(AQW 10334/17-22)

Mr Swann: Information on the number of patients admitted with a negative test on admission, but that subsequently test positive for COVID-19 whilst in Altnagelvin hospital is not available.

Department for Infrastructure

Mr Chambers asked the Minister for Infrastructure whether there are points of contact within her Department for elected members with street lighting queries to deploy other than the online reporting facility.

(AQW 9431/17-22)

Ms Mallon (The Minister for Infrastructure): In addition to the online reporting system, where elected representatives can track the progress of repairs (<https://www.nidirect.gov.uk/services/report-street-light-fault>), my Department has in place a central telephone number (0300 200 7899) to facilitate reporting of street lighting and other issues, particularly those with health and safety implications which may require urgent attention.

Mr McCrossan asked the Minister for Infrastructure for an update on works undertaken by her Department in West Tyrone (i) for the 2019/2020 financial year; and (ii) the schemes being undertaken in 2021/2022.
(AQW 9479/17-22)

Ms Mallon: The electoral area of West Tyrone straddles two DFI Roads Section Office areas, specifically Derry & Strabane and Fermanagh & Omagh East. The information requested is collated by Section Office area but is not available specifically for the area requested.

Details of works undertaken in 2019/20 and programmed for 2020/21 within the Fermanagh & Omagh East Section Office area are included in the spring Fermanagh and Omagh District Council report which is available via the following link:

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/Fermanagh%20and%20Omagh%20District%20Council%20Report%20Spring%202020%20-%20FINAL%20REPORT%20AS%20ISSUED%20TO%20FODC.PDF>.

Details of work completed in 2019/20 and work programmed for 2020/21 within the Derry and Strabane Section Office area will be included within the Derry City and Strabane District Council report which is due to be presented to Council on Wednesday 9 December, after which my officials will send you the link to the report.

Details of works programmes for 2021/22 are not available at this time.

Mr Robinson asked the Minister for Infrastructure (i) why Northern Ireland was excluded from the Veterans' Railcard Scheme; and (ii) how she will address this.
(AQW 9513/17-22)

Ms Mallon: The Veterans Railcard will offer 1/3 off train fares in GB for military veterans and family members they are travelling with. To avail of the scheme, military veterans will be required to pay an annual fee for the card and there will be restrictions to the discount available during peak periods.

Translink currently offers a discount of 1/3 on rail, Goldline and Ulsterbus services when purchasing tickets after 9.30am. Translink also offers multi-journey tickets which provide a greater discount than the Veterans Railcard can provide on services before 9.30am, due to the minimum pricing restrictions on the Veterans Railcard for services at this time.

In addition, under the NI Concessionary Fares Scheme, residents here in receipt of a War Disablement Pension or a Guaranteed Income Payment from the Service Personnel and Veterans Agency may apply for a War Disablement SmartPass, which allows the card holder free concessionary travel on public transport services within the North. Similarly, everyone over the age of 60 is entitled to free travel on public transport services.

It is, therefore, unlikely that the introduction of a similar scheme in Northern Ireland would offer significant further benefits beyond those already available to veterans here.

Mr Blair asked the Minister for Infrastructure what funding her Department provides towards maintenance of electric car charging stations.
(AQW 9533/17-22)

Ms Mallon: The e-car public charge point network is owned, operated and maintained by the Electricity Supply Board (ESB). My Department does not provide any funding towards the maintenance of the public network of electric car charging stations. For information in relation to the e-car public network, ESB can be contacted at ecars@esb.ie or enquiries can be sent directly to ESB, Two Gateway, East Wall Road, DUBLIN 3, D03 A995.

I fully recognise the importance of having modern, reliable public electric vehicle charging infrastructure in providing confidence for users of ultra-low emission vehicles and in respect of the connectivity improvements this would bring. I am committed to seeing this infrastructure increased as part of my Department's climate change action and I have agreed with the DAERA Minister to work collaboratively to promote the use of electric vehicles and specifically to improve the charge point network.

Mr Boylan asked the Minister for Infrastructure to give a projected timescale for when the driving test backlog will be cleared.
(AQW 9563/17-22)

Ms Mallon: Driving instructors are included in the Executive's regulations on businesses that must close until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests will resume on 21 November. Motorcycle lessons and tests are not affected by these restrictions.

The DVA has identified that over 1,000 key workers and customers who had their driving test cancelled from late March to the end of June fall within the group of customers who had their tests cancelled due to the current restrictions. The DVA considers these customers as a priority group and has provided them with advance access to the booking system from 9 November to enable them to reschedule their appointments before it opens to the remaining customers whose tests were cancelled.

To create additional capacity the DVA will open up the booking system for February for the customers impacted by the recent restrictions only. Over 2,000 additional booking slots have also been made available in November, December and January as the DVA increases capacity by recruiting additional examiners. These slots will initially only be available to these impacted customers. Once all customers who had their tests recently cancelled have had the opportunity to rebook their appointments, the DVA is planning to open up the booking service for all other customers in late November/ early December.

The DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

In a normal year the DVA conducts around 47,000 Category B (private car) driving tests. However, this is not a normal year and therefore assessing the current demand for driving tests is very difficult and will continue to be influenced by a range of factors beyond the DVA's control, such as Covid restrictions.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Boylan asked the Minister for Infrastructure to detail what options her officials are looking at regarding the future development of Narrow Water bridge.

(AQW 9564/17-22)

Ms Mallon: I am committed to progressing the long awaited transformative, iconic, Narrow Water Bridge. The Narrow Water Bridge is a commitment in New Decade, New Approach and is currently at options analysis stage and my officials are working to update an economic appraisal of options for development in collaboration with Southern colleagues in the Department for Transport. Current options under consideration include road design in addition to pedestrian and cycling options

Work has included significant stakeholder engagement and most recently, in September, I met with representatives from the Narrow Water Bridge Community Network and local political representatives to discuss the local support for a bridge to link the communities on both sides of the lough and how to maximise the multiple opportunities this project would deliver for local communities and our wider island economy.

I have recently engaged with Minister Ryan on the Narrow Water Bridge at the North South Ministerial Council on 7 October.

Mr O'Dowd asked the Minister for Infrastructure whether her Department has any plans to install electric car charging points in Department for Infrastructure owned carparks in Upper Bann.

(AQW 9585/17-22)

Ms Mallon: The e-car public charge point network is owned, operated and maintained by the Electricity Supply Board (ESB). ESB is responsible for the development of their network of charge points and decides on a commercial basis what public infrastructure is required to meet current and future demand. For information in relation to the e-car public network, ESB can be contacted at ecars@esb.ie or enquiries can be sent directly to ESB, Two Gateway, East Wall Road, DUBLIN 3, D03 A995.

The market is also open to other commercial operators who would wish to provide charging infrastructure and it will be for them to consider site locations. My Department will, however, liaise closely with commercial providers to ensure the charging infrastructure remains fit for purpose commensurate with growth.

I fully recognise the importance of having modern, reliable public electric vehicle charging infrastructure in providing confidence for users of ultra-low emission vehicles and in respect of the connectivity improvements this would bring. I am pleased that my Department has been able to support the EU INTERREG VA Funded FASTER electric vehicle network project. This is a joint proposal across Scotland, Ireland and Northern Ireland to support the overarching ambition to transition

to low carbon transport systems and to demonstrate how working together across these islands we can provide early systems learning in relation to the electrification of transport.

The project will complement and enhance the existing EV charging infrastructure, which was co-financed by the EU through TEN-T funding.

The project will install a total of 73 electric vehicle charging points across the island of Ireland and the West of Scotland by 31 March 2023.

Mr O'Dowd asked the Minister for Infrastructure to detail (i) what procedures the Southern Division of DfI Roads has in place for dealing with correspondence from elected members of Armagh City, Banbridge and Craigavon Borough Council; and (ii) what quality controls are in place to ensure such correspondence is dealt with in a timely manner.

(AQW 9586/17-22)

Ms Mallon: My Department is committed to providing quality services to all of our customers, including the elected members of Armagh City, Banbridge and Craigavon Borough Council, and our Customer Charter sets out the standard of service you can expect.

In relation to correspondence, acknowledgements to written correspondence received by the Department are issued within 3 working days, with staff endeavouring to investigate and provide a more detailed response within 15 working days that has been through the applicable clearance and approval process. Performance against these targets is also subject to ongoing monitoring and review by management within Southern Division.

Reports of routine road and street-lighting faults received by telephone call or email are recorded on our fault management system, with customers notified of the enquiry reference number. In addition, the on-line Report a Fault service on the NI Direct website is available to both public representatives and members of the public to log routine faults directly onto the fault management system. The website also provides information on the Track a Fault service through which customers can monitor the progress and results of an investigation.

The fault management system has recently been enhanced so customers receive an automated email acknowledgement as well as an indication of when the fault is likely to be dealt with. The email also includes a hyperlink to the Track a Fault service, together with guidance on how to view the Department's current policies, such as its Roads Maintenance Standards for Safety, which aims to help inform customers about our role and approach.

Mr McCrossan asked the Minister for Infrastructure to detail (i) planned; and (ii) considered road improvements to the existing A5 road in Strabane.

(AQW 9600/17-22)

Ms Mallon: My Department is shortly due to release its Annual Report to Derry City and Strabane District Council in advance of its meeting with Council next month. This report, which will provide a comprehensive list of all completed and proposed works within the Council area including those on the A5 road in Strabane, will after the meeting be available on the Department's website at <https://www.infrastructure-ni.gov.uk/publications>.

Ms Bailey asked the Minister for Infrastructure (i) whether she met wedding car operators in advance of announcing the Support Fund for Taxi Drivers and Private Coach and Bus Operators last week; and (ii) whether wedding car operators will be eligible for support under the Support Fund for Taxi Drivers and Private Coach and Bus Operators.

(AQW 9633/17-22)

Ms Mallon: Flood Protection Schemes

Ms Rogan asked the Minister for Infrastructure what funds have been allocated to flood protection schemes in this financial year.

(AQW 9634/17-22)

Ms Mallon: My Department has allocated £6.6m to flood protection schemes in this financial year. This includes funding for flood alleviation and drainage infrastructure works.

Mr Muir asked the Minister for Infrastructure whether she will extend the £19 million Support Fund for Taxi Drivers and Private Coach and Bus Operators to include wedding and event car hire businesses.

(AQW 9641/17-22)

Ms Mallon: I recently secured funding of £14m for taxi drivers and £5m for private bus and coach operators from the Executive. The funding for taxi drivers is open to drivers in all classes, including Class C which wedding car drivers fall under. This package, taken together with the £1.5m that I have already put in place to waive fees for the renewal of taxi and bus vehicle licences, will ensure that more drivers will be able to continue in the trade and hence be available for recovery, post-Covid.

The financial assistance scheme for taxi drivers is open to all self-employed licensed drivers including wedding car drivers who were available to work from 22nd March to 30th September 2020 and is being launched this week. The bespoke support

offered will be via a one off payment of £1500. This one off payment will be a contribution to their yearly overhead costs including PPE and recognises the financial pressures sustained by eligible taxi drivers due to Covid-19.

Ms Anderson asked the Minister for Infrastructure whether she will explore the possibility of earmarking the Section 76 financial contribution to the Department for Infrastructure from housing developers in Skeoge, Derry, for sewerage and drainage infrastructure along the A2 Buncrana Road.
(AQW 9651/17-22)

Ms Mallon: The financial contributions to my Department from the developers of the housing lands in the Skeoge area of Derry are to mitigate the transport impacts associated with the development and were identified when planning permission was granted. As such, this funding can only be used to address transport impacts and not improvements to sewerage and drainage infrastructure.

These housing lands were zoned as part of the Derry Area Plan 2011 which acknowledged that many development sites will require the improvement of existing infrastructure and indeed the provision of additional infrastructure, such as roads and sewerage. It further advises that developers would bear the costs associated with these works to facilitate their developments.

Ms Anderson asked the Minister for Infrastructure whether she will direct her officials to fully explore a Nature Based Catchment Management Strategy for the Linear park in Gallaigh, Derry, in order to sustainably address persisting drainage issues which hampers development in the wider Ballyarnett area, including the expansion of the A2 Buncrana Road.
(AQW 9652/17-22)

Ms Mallon: On the 11 November 2020 I launched a public consultation on Living With Water in Belfast - a £1.4 billion investment plan for drainage and wastewater management within the greater Belfast area. The plan sets out a new approach to the provision of drainage and wastewater infrastructure by promoting holistic and integrated solutions that achieve a wide range of benefits at reduced cost and disruption. Proposed measures include blue/green infrastructure such as river floodplain reconnection works alongside more conventional hard engineered improvements to sewerage networks and wastewater treatment works.

The plan is being developed as part of my Department's Living With Water Programme (LWWP), a multi-agency initiative which provides a blueprint for an integrated nature based catchment management approach to drainage and wastewater management. The LWWP is initially focussing on Belfast but I am very keen to see the Living With Water approach being extended to other parts of the North. This includes Derry, where I have recently allocated £130k from this years' budget to start the development of a Living With Water feasibility study. This study will initially focus on working with the designers of the A2 Buncrana Road Strategic Road Improvement scheme to bring forward integrated drainage solutions within the Skeoge River and Pennyburn Culvert catchments. The study will examine opportunities to use blue/green spaces, such as the linear park in Gallaigh, to naturally attenuate surface water to improve water quality in the rivers and reduce flood risk within the surrounding area.

Ms Anderson asked the Minister for Infrastructure, in the review of planning, whether she will consider a mechanism to provide a solution when a householder infringes their covenant not to construct a wall, fence or tree on a service strip which has not been adopted by the Department for Infrastructure, and where a developer refuses to consider legal action to remedy this situation due to reputational damage, which ultimately prevents the roads from being adopted.
(AQW 9653/17-22)

Ms Mallon: The adoption of Private Streets including service strips is a developer led process, and planning conditions are normally placed on development which include service strips, to ensure visibility is retained from individual driveways in the interests of road safety and to prevent damage or obstruction to services. Given the length of time involved in some cases, issues in relation to service strips may fall outside the timeline for planning enforcement. Service strip infringements are often best resolved by the developer and homeowners in the interests of getting the road infrastructure adopted and maintained as a public road.

Although the issue of service strips infringement will not be included in this Review of the Planning Act, as it is considered to fall outside the scope of the terms of the review, the more general issues related to enforcement will.

Mr Boylan asked the Minister for Infrastructure for an update on her Department's legislative plans.
(AQW 9662/17-22)

Ms Mallon: In terms of primary legislation, you will be aware that I am currently progressing the Harbours (Grants and Loans Limit) Bill, which is scheduled for introduction to the Assembly on 23 November 2020 for accelerated passage.

I am also planning a number of pieces of subordinate legislation to address the increasing problem of mobile phone use by drivers and also the introduction of part-time 20 mph speed limits at a further 100 schools. The first piece of mobile phone legislation will increase the fixed penalty fine for using a mobile phone whilst driving from £60 to £200. The second, which is subject to affirmative resolution procedure in the Assembly, will increase the number of penalty points for the illegal use of mobile phones from three to six. I hope to be in a position to implement these increased deterrents by the end of January 2021, subject to the usual Assembly approval processes. The legislation required to introduce part-time 20 mph speed limits

at a further 100 schools is in the final stages of drafting and I expect the relevant notice will be advertised shortly as required by the legislative process.

In addition, as a member of the Committee for Infrastructure, you will be aware that a significant part of my Department's legislative programme involves the development of routine subordinate legislation in key areas such as rail, ports, planning, transport, roads and driving. This legislation is required to address issues such as Brexit, Road Safety and Roads management, and the planning process, which generate an ongoing need for legislative change. I am also exploring a number of additional areas for legislative change that can be advanced within the period remaining before the end of the mandate.

Mr Boylan asked the Minister for Infrastructure whether she is exploring the removal of permitted development rights for precious metals.
(AQW 9663/17-22)

Ms Mallon: While I am bringing forward legislation to remove permitted development rights for petroleum (oil and gas) exploration, I have also asked officials to brief me on the operation of the minerals exploration permitted development regime for precious metals. This will allow me to consider whether I wish to bring forward any further changes to permitted development rights for mineral exploration.

Mr Muir asked the Minister for Infrastructure for an update as to when previously planned works will be carried out at Patton's Lane, Holywood.
(AQW 9728/17-22)

Ms Mallon: The Environmental Improvement scheme planned for Patton's Lane in Holywood is being delivered in partnership with the Department for Communities.

At a joint inspection involving my officials and their counterparts from the Department for Communities the scope of the works and the principles for the design were agreed.

My Department is now seeking to undertake the necessary design work in order to have this work progressed during the current financial year.

Mr Boylan asked the Minister for Infrastructure (i) for an update on the Road Safety Grant Scheme; and (ii) where funding is intended to be allocated, broken down by Division.
(AQW 9746/17-22)

Ms Mallon: The Road Safety (Safe Travel) Grant Scheme closed for applications on 9th October 2020. My Department received 61 applications for project funding, and all projects are being assessed against the criteria for the scheme. Starting with the top scoring projects, funding will then be allocated to projects which meet the criteria. Work continues to score each project. Decisions are expected to be issued shortly after which the breakdown of funding will be available.

Mr Boylan asked the Minister for Infrastructure what engagement she has had with transport sector representatives following the drafting of support schemes.
(AQW 9747/17-22)

Ms Mallon: After I initially met with representatives of the transport sectors on the 30 September 2020 to discuss the proposed support schemes, I engaged with representatives of the bus sector on the 27 October 2020 to discuss the proposed design of a support scheme.

In developing a draft support scheme, my Officials have also met with representatives of the bus sector on the 8 October 2020, 3 November 2020 and 17 November 2020.

Mr Givan asked the Minister for Infrastructure what engagement her Department has had with the Quarry Products Association NI regarding buffer zones.
(AQW 9749/17-22)

Ms Mallon: The 1995 'Report of the Blasting Controls Working Group' which deals with buffer zones around quarries was updated in October 2017 in consultation with stakeholders including the Quarry Products Association NI (now the Minerals Products Association NI). QPA also regularly engages with several business areas in the Department including planning where they can raise any issues of concern.

Ms Sugden asked the Minister for Infrastructure to detail her plans for reopening the practical driving test booking system for slots beyond January 2021 for all learner drivers.
(AQW 9778/17-22)

Ms Mallon: Driving instructors are included in the Executive's regulations on businesses that must close until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests will resume on 21 November. Motorcycle lessons and tests are not affected by these restrictions.

The DVA has identified that over 1,000 key workers and customers who had their driving test cancelled from late March to the end of June fall within the group of customers who had their tests cancelled due to the current restrictions. The DVA considers these customers as a priority group and has provided them with advance access to the booking system from 9 November to enable them to reschedule their appointments before it opens to the remaining customers whose tests were cancelled.

To create additional capacity the DVA will open up the booking system for February for the customers impacted by the recent restrictions only. Over 2,000 additional booking slots have also been made available in November, December and January as the DVA increases capacity by recruiting additional examiners. These slots will initially only be available to these impacted customers. Once all customers who had their tests recently cancelled have had the opportunity to rebook their appointments, the DVA is planning to open up the booking service for all other customers in late November/ early December.

The DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Ms Sugden asked the Minister for Infrastructure (i) what plans she has to extend the two-year validity period of theory test pass certificates for those learner drivers whose theory tests expire after 31 October 2020; and (ii) whether any extension will be backdated to include anyone whose theory test expired from 1 November 2020 onwards.

(AQW 9779/17-22)

Ms Mallon: The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 have been amended to allow an eight month extension to the validity of theory test pass certificates, which expired between 1 March and 31 October 2020 and a 6 month extension to the validity of off-road motorcycle test pass certificates, which expire between 1 March 2020 and 31 August 2020.

Further legislation will be brought forward and put in place to help further mitigate the impact on customers due to the cessation of practical driving tests as a result of the latest Covid restrictions.

Theory test pass certificates which have already been extended by eight months, will have their validity period extended by a further 4 months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months. There is no requirement to further extend the validity period of off-road motorcycle test pass certificates as these tests have continued to be delivered from 6 July 2020.

Customers whose certificates expire between the relevant dates do not need to do anything: their certificates will be automatically extended, and customers will be able to book a practical driving test when the service reopens on 21st November 2020.

Ms Sugden asked the Minister for Infrastructure what steps are being taken to (i) process the backlog of planning applications; and (ii) ensure other statutory agencies involved in the planning process are working to schedule.

(AQW 9780/17-22)

Ms Mallon: While responsibility for processing the majority of planning applications falls to councils, my Department has taken a number of steps to assist with the processing of planning applications as expeditiously as possible during the pandemic, such as: temporarily suspending the requirement for a pre-application community consultation public event; encouraging councils to review their schemes of delegation in order to reduce the number of applications which would be required to go before planning committees for decision; and working with the Department for Communities to bring in regulations enabling councils to hold planning committee meetings remotely in order to allow council business to proceed.

I am also aware that many councils have adopted pragmatic contingency arrangements to ensure planning applications continue to be processed during this period.

In relation to statutory consultees, I am aware that they are working hard to conduct business as usual, in terms of processing statutory planning consultations, albeit subject to the Covid restrictions. All key statutory consultees are available to participate in virtual or telephone meetings and address any planning queries. My Department is also working closely with statutory consultees through a cross governmental Planning Forum to implement recommendations from a recent report on the role of statutory consultees in the planning process. It is intended that this work will improve the efficiency and effectiveness of the planning process particularly with regard to major and economically sensitive planning applications.

Ms Sugden asked the Minister for Infrastructure, pursuant to AQW 6243 17-22, for an update (i) on her work with the Office for Low Emission Vehicles for the development of a UK-wide transport decarbonisation plan; and (ii) on her contribution to the Department for the Economy Energy Strategy.

(AQW 9781/17-22)

Ms Mallon: Over the last few months, my officials have been working closely with the Department for Transport (DfT) on the development of UK wide transport decarbonisation plans and with the Department for the Economy on the transport elements of the proposed new Energy Strategy for the North.

In respect of the UK wide plans, my officials will be engaging further with DfT, and the other Devolved Administrations on emerging findings following engagement with key stakeholders from across the transport and environmental sectors in the coming weeks.

In parallel, my Department continues to lead the Transport Working Group, set up to inform the transport elements of the draft energy strategy. The working group has prioritised four key areas for consideration: modal shift; the electrification of transport; the introduction of alternative fuels; and the future of mobility.

The outcomes from these comprehensive pieces of work will help shape how transport decarbonisation can be achieved across these Islands, with particular focus on the Northern Ireland context, and will help inform any future policy intentions I would wish to bring forward.

Ms Bradshaw asked the Minister for Infrastructure to detail any plans for roll-out trials of low traffic neighbourhoods, as applied in some parts of England.

(AQW 9789/17-22)

Ms Mallon: The Low Traffic Neighbourhoods scheme in England is a UK Government scheme and as such it is not being rolled out locally. My Department is currently engaging with local residents on a number of similar schemes to address concerns about the speed and the volume of through traffic in residential areas.

My Department will study the outcome of the trials in England with a view to taking any lessons learned from it which can be applied here.

Mr Allister asked the Minister for Infrastructure, pursuant to AQW 8353/17-22, what steps are now planned to make adequate sewerage provision in the villages of (i) Armoy; (ii) Dervock; (iii) Mosside; and (iv) Stranocum.

(AQW 9795/17-22)

Ms Mallon: For each Price Control (PC) period, NI Water prioritises its Wastewater Quality Programme with the environmental regulator, the Northern Ireland Environment Agency (NIEA). In doing so, a prioritised list of schemes for wastewater treatment works, serving a population equivalent greater than 250, is identified to deliver defined quality improvements or major upgrades. These are prioritised with a strong emphasis on environmental compliance, headroom capacity issues and the potential to ease development constraints.

There are over 100 towns and villages experiencing wastewater capacity issues across Northern Ireland. Unfortunately, due to insufficient funding being made available, the upgrades to the wastewater treatment works serving Armoy, Dervock, Mosside and Stranocum have had to be deferred until at least PC27(2027-2033), when they will be subject to NI Water's business planning prioritisation process and the availability of funding for PC27.

Mr Robinson asked the Minister for Infrastructure why the Northern Division have only one gully cleaner operational.

(AQW 9801/17-22)

Ms Mallon: My Department currently has 7 of its in-house gully emptiers assigned to Northern Division. One of these machines is out of service until mid-December for a major repair. A further three gully emptiers are also available to Northern Division through external contract.

Mr Muir asked the Minister for Infrastructure whether funding from the Blue/Green Fund is available for feasibility studies.[R]

(AQW 9814/17-22)

Ms Mallon: The Blue Green Fund which I announced in June 2020, encompasses a number of individual projects and programmes, some of which have already been launched such as my Departments' contribution to the COVID 19 Town Revitalisation Schemes; and further projects and programmes which are currently being developed to be rolled out in the near future including the Blue/Green Challenge Fund to support community groups and businesses.

The Blue/Green Fund is Capital, and therefore it is important that careful consideration is given to the use of the fund for feasibility studies, to ensure that the product will represent an asset which can be capitalised.

The underlying theme for all of the Blue Green projects and programmes is to act as a catalyst for positive infrastructure and cultural change in the way we live and travel. By their nature many of these programmes and projects are and will be pilots to establish feasibility, and to pump prime for future activities.

Mr Muir asked the Minister for Infrastructure, in light of the recent serious road traffic accident in the vicinity, when the speed limit review will be carried out at The Cotton, Newtownards Road, Donaghadee.

(AQW 9815/17-22)

Ms Mallon: I was very sorry to hear reports of the collision involving a pedestrian on the Cotton Road and I hope the young person is recovering from her traumatic experience. I have asked officials to contact the PSNI when their investigation is complete to obtain further information relating to this collision and to consider any emerging factors relevant to my Department.

As I previously advised in my recent correspondence to you, I can confirm that I have asked my officials to carry out a speed limit review along this stretch of road during the next few months and to advise you of the outcome when this has been completed.

Mr Muir asked the Minister for Infrastructure to detail the rationale for the £100,000 cap on payments to an individual bus and coach operator to be provided as part of private bus and coach support scheme.[R]

(AQW 9816/17-22)

Ms Mallon: The DfI support scheme for private coach and bus operators being developed will distribute £5m of public funds. £100k is the maximum payment which can be paid through this scheme and is in addition to other available financial support such as the £25k of business support grants, furlough and rate support and COVID 19 loans. This scheme was devised to help ensure payments can get to the industry quickly and the cap was recommended in line with value for money. It is estimated that this £100,000 cap will impact on approximately 2% of operators and I have asked my officials to continue to work with the industry through this crisis.

Mr Boylan asked the Minister for Infrastructure to detail (i) the methodology behind finding the compliance rate of face coverings on public transport; and (ii) how often this is reviewed.

(AQW 9830/17-22)

Ms Mallon:

- (i) Translink operational staff undertake surveys to assess compliance with the requirement to wear face coverings on public transport. The surveys record the numbers of passengers wearing face coverings and the number who are not. On rail services, surveys are undertaken across the whole rail network. On Ulsterbus, they are carried out at various stations and mid-route on some services. Metro and Glider services are subject to surveys across a range of different routes and halts.
- (ii) Whilst the methodology for undertaking the reviews has not been revised the surveys are, on average, carried out on a monthly basis.

Mr Boylan asked the Minister for Infrastructure when the current backlog of driving tests is expected to be cleared.

(AQW 9831/17-22)

Ms Mallon: Driving instructors are included in the Executive's regulations on businesses that must close until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests have also ceased over this period of increased restrictions based on public health and scientific advice. Motorcycle lessons and tests were not affected by these restrictions.

To create additional capacity the DVA has opened up the booking system for February for the customers impacted by the recent restrictions only. Over 2,000 additional booking slots have also been made available in November, December and January as the DVA increases capacity by recruiting additional examiners. These slots have only been released to impacted customers and once all customers who had their tests recently cancelled have had the opportunity to rebook their appointments, the DVA will open up the booking service for all other customers.

The DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their

validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

Given the ongoing unprecedented situation we find ourselves in as a result of the pandemic, assessing the current demand for driving tests is very difficult and will continue to be influenced by a range of factors beyond the DVA's control, such as Covid restrictions. It is therefore not possible to accurately give a projected timescale when the demand for driving tests will return to pre-Covid levels.

It remains my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 7857/17-22, whether Derry City and Strabane District Council's ability to enforce against sand extraction at Kildoag Road, Goshaden, Derry, is being hampered by her Department not enacting legislation in respect of the Review of Old Minerals Permissions.

(AQW 9883/17-22)

Ms Mallon: Councils currently have a range of powers available to them under the Planning Act (NI) 2011 to enforce against unauthorised development should they consider it necessary. These enforcement powers are separate from the provisions relating to the Review of Old Minerals Permissions under the Planning Act which have not been commenced.

In addition to planning enforcement powers, councils also have powers under the Environment and Clean Neighbourhoods Act (NI) 2011 to take action in relation to nuisance and amenity issues.

Mr Muir asked the Minister for Infrastructure whether she will bring forward a pilot school streets initiative involving the creation of temporary restrictions on motorised traffic at drop-off and pick-up times outside of schools.

(AQW 9886/17-22)

Ms Mallon: As Minister responsible for promoting and improving road safety, I want to work actively with partners to reduce death and serious injuries on our roads and I believe providing road safety measures at schools can go a long way to help.

I was therefore delighted to have been able to commit funding in this year's capital budget towards the introduction of part-time 20 mph speed limits at around 100 schools. These measures will increase driver awareness and achieve reductions in vehicle speeds outside and near these schools ensuring that parents, children and staff will be safer as they go to and from the schools on a daily basis. Our efforts are therefore currently primarily focussing on the delivery of this challenging commitment.

However, I am also interested in the school street initiative and have asked my officials to explore options for a 'School Street' scheme in Northern Ireland and to liaise with the Department of Education and Sustrans.

Mr Muir asked the Minister for Infrastructure whether she has spoken with the Minister of Health regarding improving active travel access to Health and Social Care Trust sites for staff.

(AQW 9887/17-22)

Ms Mallon: Since the summer officials have made improvements to active travel access to the three hospitals within the Belfast Health and Social Care Trust area. This includes a two way cycle lane along the Dublin Road, providing improved access to the City Hospital, with further consideration being given to a trial cycle lane along the Donegall Road. In addition a two way cycle lane has been put in place along the Grosvenor Road to provide access for staff to the Royal Victoria Hospital. A small improvement has been made along the Crumlin Road to help those who wish to travel actively to the Mater Hospital. I have asked my officials to make contact with their counterparts in the Department of Health to see if any further opportunities to work on active travel issues with Health and Social Care staff can be identified. I will ensure that my Department pursues all possible opportunities to promote active travel and the benefits it brings to mental and physical health.

Mr Muir asked the Minister for Infrastructure for her assessment of the impact upon (i) Translink; and (ii) the provision of public transport services as a result of receiving £10 million for lost passenger income from the October monitoring round.[R]

(AQW 9889/17-22)

Ms Mallon: The member will be aware of the significant impact that Covid-19 has had on the passenger income that public transport providers across these islands normally rely on to maintain public transport services and also of the huge efforts that Translink, our own publicly owned public transport provider, has made to keep services running safely for those passengers who rely on them to get to work or for other essential purposes.

To keep these services running over the winter period and to ensure that the company's financial viability is not put at risk, Translink's latest assessment is that it needs a further £20m and that amount was part of the bid lodged by my Department with the Department of Finance. The £10m allocation provided to me, which is in response to a much wider range of pressures than Translink's alone, falls far short of what is needed.

However, the member will also be aware that the Executive has previously committed to ensuring the necessary steps are taken to maintain the viability of Translink and its ability to deliver necessary public transport services. I am working closely with the Minister of Finance and other Executive colleagues to ensure that this commitment translates into timely funding allocations that can ensure that the provision of the public transport services on which so many people rely is not adversely impacted.

Mr Easton asked the Minister for Infrastructure, in order to clear the MOT backlog, whether she is considering using garages with the correct equipment and expertise to be allowed to do MOT testing, as in the rest of the United Kingdom.
(AQW 9894/17-22)

Ms Mallon: MOT tests are conducted in compliance with The Road Traffic (Northern Ireland) Order 1995 and the Motor Vehicle Testing Regulations (Northern Ireland) 2003 and this existing legislative framework does not provide for vehicle tests to be conducted at private garages.

From 20 July, the Driver and Vehicle Agency (DVA) resumed MOT testing at all test centres for priority vehicle groups, including those vehicles that are not able to avail of a Temporary Exemption Certificate (TEC). This includes taxis and buses due a first time test, vehicles not previously registered in Northern Ireland, vehicles whose MOTs have expired by more than 12 months that includes vehicles previously declared SORN and those sold by car dealerships.

From 1 September, MOT testing was further extended to include four year old cars and motorbikes and three year old light goods vehicles. Vehicle testing also resumed for vehicles in this category that currently have a TEC; they will be called for test when the TEC expires. In addition, the DVA also resumed the testing of heavy goods vehicles and trailers.

TECs will continue to be issued for all other eligible vehicles until vehicle testing services can be fully reinstated. Vehicles whose existing MOT certificate expired from 26 March 2020 or will expire before testing for their category resumes will be automatically exempt from testing for a full 12 months, with their new MOT expiry date pushed forward into 2021.

The DVA can currently test all vehicles that require an MOT, and MOT test appointments are available to book within the waiting time targets in all test centres so there is no backlog. However, in order to prevent a backlog of MOT tests, the DVA has recently recruited some vehicle examiners and is currently in the process of recruiting additional examiners. The DVA will also use overtime to provide additional capacity and cover for vehicle tests, if due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, examiners are unable to attend work.

Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Chambers asked the Minister for Infrastructure to detail (i) the cost of the recent resurfacing of a portion of Gransha Road, Bangor; and (ii) whether this work came from a departmental reserve list of projects.
(AQW 9899/17-22)

Ms Mallon:

- (i) The resurfacing scheme at the Gransha Road in Bangor has only recently been completed and the final costs have still to be determined; however the estimated cost is around £175,000.
- (ii) The Gransha Road resurfacing scheme was included on the list of proposed schemes for the 2020/21 financial year and therefore did not feature on the recent reserve list.

Mr Dunne asked the Minister for Infrastructure when street lights on both sides of the A2 Dual Carriageway from Palace Barracks to Redburn Square, Holywood, are going to be replaced and working.
(AQW 9900/17-22)

Ms Mallon: I can confirm that phase 1 of the street lighting replacement scheme on the A2 Dual Carriageway from Palace Barracks to Redburn Square was completed in April 2020. The second phase of this scheme addressing the lighting on the Belfast bound carriageway began on Monday 9 November and is expected to be completed by Friday 20 November.

Miss McIlveen asked the Minister for Infrastructure, given recent development along the road, what consideration has been given to reducing the speed limit from 60mph to 40mph between the entrance to Loughview Cemetery and the start of the current 30mph zone on the A21 Ballygowan to Comber Road.
(AQW 9925/17-22)

Ms Mallon: Requests for a change to a speed limit on a public road are assessed in accordance with the Department's guidelines 'Setting Local Speed Limits in Northern Ireland' which can be accessed via the following link: <https://www.infrastructure-ni.gov.uk/publications/setting-local-speed-limits-northern-ireland-rsppg-e051>

Officials have carried out an assessment of this section of the A21 Ballygowan to Comber road in accordance with this policy and concluded that the existing speed limit remains appropriate based on the current level of development and the nature of the road.

Mr Allister asked the Minister for Infrastructure, now that drivers attending appointments are prohibited from entering the building, why no means of shelter is provided at Ballymena MOT centre.

(AQW 9952/17-22)

Ms Mallon: The Driver & Vehicle Agency (DVA) continues to review its risk assessments to ensure that all relevant control measures relating to Covid-19 are incorporated into its driver and vehicle testing processes. As a result, localised arrangements are being put in place to accommodate as many customers as possible within the test centre buildings while their vehicle is being tested. Customers will be required to wear face coverings and comply with local H&S requirements and this position will be kept under review.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Muir asked the Minister for Infrastructure (i) to detail how she arrived at the figure of £1,500 for each taxi driver from her support fund; and (ii) for her assessment on whether this is sufficient funding for taxi drivers to cover the course of the COVID-19 pandemic.

(AQW 9969/17-22)

Ms Mallon: The Taxi Drivers' Financial Assistance Scheme, which launched on 13th November, recognises that self-employed taxi drivers have significant overheads, including additional PPE costs, which were not covered by payments received through the available self-employed income support schemes (SEISS). It provides additional support to that which was/is available to self-employed drivers through the SEISS. The SEISS allowed individuals to claim a taxable grant worth 80% and 70% of their average monthly trading profits. This separate scheme recognises that drivers have not been able to earn as much income to cover their ongoing costs, such as taxi insurance, but which they have still had to pay out.

The one off payment of £1500 is based on the evidence and information provided by the sector relating to their average yearly overhead costs; these costs have been independently verified by the Department. The amount is in recognition of the financial pressures sustained by eligible taxi drivers due to Covid-19 and the additional costs incurred on PPE.

I recognise that, similar to other support schemes, this will not fully fund the overheads but it will make a significant contribution to the overheads faced by sector.

Mr Muir asked the Minister for Infrastructure whether she will seek further funding to assist taxi drivers as part of the January monitoring round.

(AQW 9970/17-22)

Ms Mallon: As you are aware I recently bid for £25m and was allocated £19m to fund the private coach and bus scheme, and the taxi driver financial assistance scheme to assist with overheads including PPE and insurance costs which was launched on 13 November. £6m from the £25m bid is being held at the centre and it will provide me with some flexibility in keeping under review the circumstances of the sectors.

I continue to press for the inclusion of the taxi and private coach and bus sectors in the various other support schemes being taken forward across the Executive.

Mr Muir asked the Minister for Infrastructure for her assessment of the impact of receiving no funding for Driver and Vehicle Agency lost income in the October monitoring round.

(AQW 9971/17-22)

Ms Mallon: As the Driver & Vehicle Agency (DVA) is primarily funded through fees collected for all of its services to the public, COVID-19 has had a major impact on the financial position of the Agency.

At the October monitoring round my Department put forward a £12m bid for the remaining estimated loss of DVA income. This bid for funding was unsuccessful at this round and a further bid has since been submitted. If no funding is received for this loss of fee income, the DVA Trading Fund will be in a significant deficit position for the 2020-21 year and planned capital investment for future years may not go ahead. I would intend to submit another bid for this funding as part of January Monitoring.

Mr Boylan asked the Minister for Infrastructure for an update on the work of the Safe Transport Team.

(AQW 9980/17-22)

Ms Mallon: The Safe Transport Team (STT) have been policing bus, train and Glider services since 21 September 2020 and have carried out the following operations:

- 2 x plainclothes operations within Great Victoria Street/Europa Buscentre;
- 1 x operation with passive drugs dog in Great Victoria Street/Europa Buscentre;
- 2 x targeted operations on the Glider service in West Belfast relating to Anti-Social Behaviour;
- Travelled the length of the rail network including the Cross-Border route on the Enterprise as far as Newry, and visited every station and unmanned halt along the entire rail network;
- Carried out Anti-Social Behaviour patrols at Downpatrick and Newtownards bus stations and liaised with Neighbourhood Policing Teams in those areas in relation to issues raised by Translink; and
- Numerous journeys on late night rail services.

The team have also met with each of the bus and rail operational teams and are developing detailed plans to further ensure the safety of our public transport network.

Mr Boylan asked the Minister for Infrastructure what date bus and coach operators can access the funding from the forthcoming support scheme.

(AQW 9981/17-22)

Ms Mallon: A financial support scheme for bus operators is currently being developed, as a high priority, by my officials. It is planned that the scheme will open for applications during week commencing 23 November.

Mr O'Dowd asked the Minister for Infrastructure on what grounds planning permission would be given to a proposed housing development which has no connection to outfall sewers or storm sewer available.

(AQW 10001/17-22)

Ms Mallon: Under the reformed 2 tier planning system, councils are responsible for determining the vast majority of planning applications including those for housing developments.

Whilst the Department's Strategic Planning Policy Statement (SPPS) recognises that adverse environmental impacts associated with development can include sewerage, drainage, waste water and water quality it notes that planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

All such planning applications are considered on a case by case basis on their merits, taking into account the Local Development Plan; regional planning policy; local circumstances and characteristics; the advice of statutory consultees, including (where relevant) NI Water and DfI Rivers; and, all other material considerations. Ultimately, the interpretation, relevance and weight to be attached to all material considerations, is a matter of planning judgement for the planning authority.

Mr Allister asked the Minister for Infrastructure (i) whether her Department holds a copy of an archaeological evaluation of the Boyne Bridge, South Belfast; and (ii) if so, whether she would lay a copy of the same in the Assembly Library.

(AQW 10021/17-22)

Ms Mallon: I can confirm that my Department holds a copy of an Archaeological Evaluation and Bridge Coring preliminary Report, which discusses the coring of the south end of the Boyne Bridge in Sandy Row, Belfast in order to establish whether or not the 17th century Saltwater Bridge over the Blackstaff River still exists in a buried state at its south end.

A copy of this report will be provided to the Assembly Library. This report is also available to view on the planning portal using the reference number LA04/2020/0223/DC.

Mr Easton asked the Minister for Infrastructure for an update on the resurfacing of Moss Road, Millisle.

(AQW 10053/17-22)

Ms Mallon: My Department has added the resurfacing of the urban stretch of the Moss Road, Millisle to its resurfacing programme for the current financial year. Design work is currently being undertaken for this scheme and work is programmed to commence during the current financial year.

Mr Boylan asked the Minister for Infrastructure what consideration has she given to introducing e-scooter regulations.

(AQW 10060/17-22)

Ms Mallon: I can confirm that it is currently illegal to use e-scooters on public roads and public spaces for rental or private use here and in GB.

However, DfT in conjunction with local authorities are currently running pilot e-scooter rental schemes in GB within designated areas which began in July this year. The aim of these schemes, which do not extend to Northern Ireland, is to help assess their safety and impact on public spaces. I have asked my officials to monitor these schemes, and once an analysis is available, to provide me with a report which will assist my consideration of their legal position here.

Mr Boylan asked the Minister for Infrastructure whether she will engage with bus and coach representatives over the forthcoming support schemes.

(AQW 10062/17-22)

Ms Mallon: I have had a number of meetings with representatives and key stakeholders from the bus and coach industry. These discussions have been useful, and my officials continue to engage regularly with the industry to keep them informed and seek their input on the development of the support scheme.

Miss McIlveen asked the Minister for Infrastructure to detail the timescale for the resurfacing of Mill Street and Castle Street, Comber.

(AQW 10074/17-22)

Ms Mallon: My Department's budget for carriageway resurfacing is limited and therefore work has to be prioritised and targeted at those roads which are in the poorest condition and where the greatest benefits can be accrued.

Mill Street and Castle Street, Comber are both in reasonable condition and therefore my Department currently has no plans to carry out any resurfacing work at either of these locations.

Mr McCrossan asked the Minister for Infrastructure for an update on the St. Lucia site, Omagh.

(AQW 10081/17-22)

Ms Mallon: The St Lucia site remains in joint ownership between my Department and the Ministry of Defence (MOD) who retain ownership of the Historic Core. My officials continue discussions with MOD colleagues regarding the transfer of this remaining part of the site, however it is unlikely that any additional resource will be offered with the transfer.

You will be aware that the purpose of the gifting of this site was to generate revenue for the NI Executive. However the transfer of the Historic Core in its current condition and given the current market conditions is likely to place a considerable financial burden on the Executive and be disproportionate to its market value.

Notwithstanding this, I have asked my officials to explore all the available options in respect of the site with key stakeholders including the Department for Communities (DfC).

Mr Muir asked the Minister for Infrastructure to detail the timescale for commencement of consultation proposals arising from the Operation SNAP initiative.

(AQW 10124/17-22)

Ms Mallon: Implementation of Operation SNAP in Northern Ireland will require amendment of existing road traffic legislation so that the existing offence of careless driving can be discharged by means of a fixed penalty.

I discussed the need for this legislation during my meetings with the Chief Constable in May and June 2020. I recognised the need for action and committed to the development of proposals to consult on the creation of a fixed penalty for careless driving. I will work with PSNI to achieve implementation as soon as possible.

Mr Easton asked the Minister for Infrastructure whether she will be introducing a compensation scheme for people in North Down whose property has flooded following heavy rain.

(AQW 10135/17-22)

Ms Mallon: I understand that an intense band of rain on the evening of Wednesday 11 November 2020 led to flooding impacts across the South East. My Department's Roads and Rivers operational teams responded at the time to reduce the impacts of any flooding but unfortunately some properties were affected.

Homeowners affected by flooding may be able to avail of my Department's Homeowner Flood Protection Grant Scheme, which is designed to encourage the owners of residential properties that are located within known flood prone areas, to modify their properties to make them more resistant to flooding. I also understand that local government colleagues are working with affected households to determine if they are able to avail of the Scheme of Emergency Financial Assistance operated by the Department for Communities which provides a one off payment of £1,000 to assist with making homes fit to live in again as quickly as possible.

Mr Stalford asked the Minister for Infrastructure how her Department determines the locations of cycle lanes.

(AQW 10173/17-22)

Ms Mallon: When I took up post in January 2020, I made a commitment to deliver sustainable infrastructure that will transform our communities and lives. With the ongoing COVID-19 emergency, we are now having to adapt to a new way of living, and as part of that, we need to create more opportunities for active travel and make our roads safer for those who want to walk and cycle.

For many of those key workers during this health emergency, this is a preferred option for getting to and from work, so it is important that safe and effective options are in place. The more recently installed pop-up cycle lanes connecting to the three main hospitals go a small way to achieving this.

Cycle lanes are identified as opportunities to build on existing cycling infrastructure to improve the network and take account of key destination, demand and more specifically where road safety issues would deter those choosing to travel by bicycle.

Going forward, the draft Belfast Bicycle Network, which was consulted on in 2017, is intended to guide the development and operation of the bicycle infrastructure in Belfast for the next ten years, and I will publish the final version of this Plan in the coming months.

Mr Stalford asked the Minister for Infrastructure to detail the locations of planned cycle lanes in South Belfast until the end of 2022.

(AQW 10174/17-22)

Ms Mallon: The draft Belfast Bicycle Network, which was consulted on in 2017, is intended to guide the development and operation of the bicycle infrastructure in Belfast for the next ten years, and I will publish the final version of this Plan in the coming months.

With the ongoing COVID-19 emergency, we are also now having to adapt to a new way of living, and as part of that, we need to create more opportunities for active travel and make our roads safer for those who want to walk and cycle.

My officials are currently looking at a connection between the newly installed cycle lane on the Donegall Road to the Dublin Road cycle lane, to aid key workers travelling to the Belfast City Hospital by bicycle. My Department is also discussing opportunities with Belfast City Council, the Department for Communities and Universities to develop further opportunities as they arise, to help promote active travel and support the transformation of communities.

As details of these arise during my tenure as Minister I will announce in due course.

Mr Easton asked the Minister for Infrastructure whether MOT tests cancelled after the latest COVID-19 restrictions will get rebooking priority.

(AQW 10188/17-22)

Ms Mallon: Vehicle testing was not included in the Executive's regulations on businesses that must close between 16 October and 20 November to help stop the spread of Covid-19. Therefore, no MOT tests have been cancelled as a result of this period of increased restrictions.

Mr Muir asked the Minister for Infrastructure whether practical driving tests will resume on 20 November.

(AQW 10253/17-22)

Ms Mallon: Driving instructors are included in the Executive's regulations on businesses that must close until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests have also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests will resume on 21 November. Motorcycle lessons and tests were not affected by these restrictions.

The DVA has identified that over 1,000 key workers and customers who had their driving test cancelled from late March to the end of June fall within the group of customers who had their tests cancelled due to the current restrictions. The DVA considers these customers as a priority group and has provided them with advance access to the booking system from 9 November to enable them to reschedule their appointments. The booking system will then open on 23 November to the remaining customers whose tests were cancelled.

To create additional capacity the DVA will open up the booking system for February for the customers impacted by the recent restrictions only. Over 2,000 additional booking slots have also been made available in November, December and January as the DVA increases capacity by recruiting additional examiners. These slots will initially only be available to these impacted customers. Once all customers who had their tests recently cancelled have had the opportunity to rebook their appointments, the DVA is planning to open up the booking service for all other customers in late November/ early December.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA

has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Easton asked the Minister for Infrastructure for his assessment of what the speed limit should be in rural communities. (AQW 10262/17-22)

Ms Mallon: As Minister responsible for promoting and improving road safety, I want to work actively with partners to reduce death and serious injuries on our roads. I believe that reducing the maximum speed traffic can travel at on some of our roads can help in this regard.

Our system of speed limits uses the presence of street lighting to distinguish between urban and rural environments. Unless signed otherwise and in general, where street lighting is present the speed limit will be 30mph, whereas if street lighting is not present the national speed limit applies, which on single carriageway roads is 60mph for cars.

Most villages will have street lighting and the speed limit will normally be 30mph. However, there are some exceptions across Northern Ireland and these are signed appropriately.

The same general approach as outlined above is used for speed limits through smaller settlements.

Mr Beggs asked the Minister for Infrastructure what financial assistance is being proposed for Belfast International Airport. (AQW 10277/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited, but the Airports (NI) Order 1994 does allow it, subject to the necessary funding being made available, to consider grants or loans to airport operators to defray capital expenditure incurred by them.

However, due to the exceptional circumstances that emerged from the COVID 19 pandemic, the Department for Infrastructure was asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport.

I am committed to working with both my Executive colleagues in the Department for the Economy and the Department for Finance to identify and put in place any appropriate support for Belfast International Airport. I have accepted an invitation to meet with Belfast International Airport representatives, along with my ministerial colleagues in the Department of Finance and the Department for the Economy, given the different statutory responsibilities we each hold in respect of airports and connectivity.

Ms Dolan asked the Minister for Infrastructure what action has been taken to address the sewerage problems at the Galliagh Shore development in Fermanagh. (AQO 1104/17-22)

Ms Mallon: I would like to express my sympathies to the residents of Galliagh Shore regarding this very distressing situation.

This is a very complex issue in a private development, where a developer has not entered into an agreement with NI Water to adopt the sewers in the development. The developer has subsequently gone into liquidation and the sewerage infrastructure is overflowing and causing pollution. While this matter is not of the residents' making, neither my Department nor NI Water has legal responsibility for addressing this issue.

However, I am sensitive to the residents' extreme distress and I am in discussion with Conor Murphy, Minister of Finance, regarding NI Water's future funding, to enable the company to fulfil its statutory responsibilities and the matter of inadequate private sewerage infrastructure sites, such as Galliagh shore.

I am also keen to work with other Executive colleagues, to find a resolution to the problems in Galliagh Shore and the many other developments which are in a similar situation, and there are an estimated 55 such sites. However, I am aware that there are civil proceedings ongoing and that the NHBC is considering a revised offer to the residents. I would not wish to prejudice those proceedings and will allow those to come to a resolution before making any decisions on the matter.

Mr Middleton asked the Minister for Infrastructure for her assessment of the impact of under-investment in water and sewerage infrastructure in Northern Ireland. (AQO 1103/17-22)

Ms Mallon: There has been historic underinvestment in our water and sewerage infrastructure and we are now reaching a tipping point in terms of the ability to provide water and sewerage infrastructure that will enable our economy to recover, keep our environment safe and protect peoples' health.

The capital funding shortfall for NI Water in the current Price Control period (2015-21), is around £60m, from a total capital determination from the Utility Regulator of £990m in that period. This in itself was a constrained regulatory settlement reflecting the inability of the Executive to provide the necessary levels of funding for water and sewerage services.

The result of this underinvestment in our water and sewerage infrastructure is that there are estimated to be 116 economically constrained areas, which are having a detrimental impact on local development across the North. NI Water envisages addressing 49 of the 116 economically constrained areas during the next Price Control (PC21 2021-27). However, given the increasing pressure on the wastewater and sewer network, NI Water has indicated that a further 30 economically constrained areas may emerge during PC21.

In total, an estimated £2bn is needed from 2021-22 to the end of the next regulatory Price Control (PC21) period in 2027, to finance capital investment in water and wastewater. This figure includes approximately £600m for the Living with Water programme, with further spend on that programme also needed in PC27 (2027-2033).

Ms McLaughlin asked the Minister for Infrastructure for an update on her Department's work to deliver cleaner and greener infrastructure.

(AQO 1106/17-22)

Ms Mallon: As Infrastructure Minister, my focus is on using available resources to green our infrastructure and deliver sustainable transport that connects people; unlocks our economic potential; protects our valuable environment and improves health and well-being for all our communities across Northern Ireland.

Earlier this year I was delighted to announce a £4m joint investment in carbon neutral Hydrogen technologies by Translink, Energia, the Office for Low Emission Vehicles, and my Department. I have committed a further £30m to the procurement of Low Emission Buses by Translink.

Supported by my Walking and Cycling Champion, I have been encouraging people to embrace active travel and have announced an array of Active Travel initiatives across Northern Ireland including pop up cycle lanes and trial pedestrianisation of streets.

I have also made £20 million available through a Blue/Green infrastructure fund and I was delighted to announce that some of this allocation will go towards the grant funding to Councils for a total of six greenways this year.

On 11th November, I launched the public consultation process for the Living With Water Programme, Strategic Drainage Infrastructure Plan for greater Belfast, entitled, "Living With Water in Belfast". This strategic plan promotes an integrated approach to the provision drainage and wastewater infrastructure and encourages key stakeholders to work collaboratively to bring forward sustainable blue/green schemes that will not only provide drainage improvements but will also improve the environment in which we live.

Mr Harvey asked the Minister for Infrastructure for an update on the Ballynahinch bypass scheme.

(AQO 1107/17-22)

Ms Mallon: In June, I announced my commitment to fund the continued development of a number of Strategic Road Improvement schemes, including the A24 Ballynahinch Bypass, as part of my plan to aid economic recovery and community transformation, while addressing regional imbalance.

The Ballynahinch Bypass scheme is now at an advanced stage of development and preparatory work on contract documentation has been completed.

I have asked officials to complete the work necessary to allow me to make the Direction Order. This includes a review of the environmental reports which is nearing completion and, subject to the outcome of the review, I hope to be in position to make the Direction Order for the scheme in the new year.

I reaffirm my commitment to moving ahead with the Ballynahinch Bypass scheme and I am currently considering the next steps.

Mr Gildernew asked the Minister for Infrastructure for her assessment of how Brexit will impact on cross-border transport.

(AQO 1108/17-22)

Ms Mallon: The British Government's decision to leave the European Union has the potential to have a profound effect on the way we live our lives and go about our business on the island of Ireland.

In that respect, I have great concerns that any movement away from the common standards, practices and regulations which our motorists and transport operators have become accustomed to will have a detrimental impact in areas such as International Haulage Access and Cross Border Public Transport and I will do everything in my power to avoid this happening.

North/South cooperation on transport is one of many clear obligations of the NI Protocol and I expect these obligations to be both delivered and protected.

I have personally written to both the British Government's Minister for Transport and my Executive colleagues to specify my concerns and to seek assurances that our businesses and citizens will be neither impeded nor disadvantaged by leaving the European Union.

Mr Dunne asked the Minister for Infrastructure what action she proposes to address the funding imbalance for roads maintenance in North Down.

(AQO 1109/17-22)

Ms Mallon: My Department allocates funding for roads maintenance on a Council area basis, rather than by Constituency area.

Ards and North Down Borough Council area is allocated funding for Capital Structural Maintenance on the same basis as other District Councils using established criteria, such as road length and structural condition, to reflect need.

I am satisfied that there is no imbalance in respect of the funding allocated to the North Down and Ards Borough Council area.

I will continue to seek funding for all council areas to ensure our vital transport infrastructure is maintained to the standard required.

Ms P Bradley asked the Minister for Infrastructure whether she plans to change advisory 20mph speed limit locations to mandatory 20mph speed limits locations in Greater Belfast.

(AQO 1110/17-22)

Ms Mallon: As Minister responsible for promoting and improving road safety, I want to work actively with partners to reduce death and serious injuries on our roads. I believe that reducing the maximum speed traffic can travel on some of roads can help.

My Department is committed to introducing measures that reduce the speed of traffic on our roads and improve driver behaviour, in order to reduce the number of collisions, primarily those involving pedestrians and cyclists.

Mandatory 20mph speed limits are normally provided along with traffic calming features which slow traffic and there over 700 locations where such limits apply. Trials have indicated that providing 20mph limits without traffic calming features has only a limited impact on changing traffic speeds and therefore we now only provide mandatory 20mph speed limits where traffic speeds are already close to 20mph.

I believe that there is merit in considering more extensive use of 20mph mandatory speed limits and this year I have allocated £2m for the provision of part-time 20mph speed limits at schools.

I consider this the best starting point for changing driving behaviours and raising awareness. While I have no plans at present to make any of the existing advisory 20mph limits mandatory, I would envisage that through time mandatory 20mph limits will become more prevalent in our residential streets.

Ms Armstrong asked the Minister for Infrastructure whether she intends to bring formal proposals for an infrastructure commission to the Executive.

(AQO 1111/17-22)

Ms Mallon: I received the final report of the Ministerial Advisory Panel on Infrastructure on 2 October 2020. The report is clear in its recommendation that an Infrastructure Commission should be established in Northern Ireland.

I subsequently shared the report with Executive colleagues, the Infrastructure Committee and the Speaker with a view to undertaking a period of engagement in respect of the Panel's recommendations.

I have already met Ministers Murphy and Poots in respect of the Panel's work and am looking forward to meeting my other Ministerial colleagues in coming weeks. The Chair of the Panel also met the Committee on 11 November 2020.

I acknowledge that the report and its recommendations go beyond the remit of my own Department and recognise the importance of this period of engagement in ensuring that any proposal I bring before the Executive will enable us to consider how we might best move forward to support the long-term planning and delivery of infrastructure, a critical component in the Executive's Brexit planning and Covid recovery.

Department of Justice

Miss Woods asked the Minister of Justice (i) how many prisoners have been committed to Care and Supervision Units (CSUs) within the Northern Ireland Prison Service (NIPS), each year for the last ten years; and (ii) how many prisoners have been committed to CSUs for more than 15 days within the NIPS, each year for the last ten years.

(AQW 8374/17-22)

Mrs Long (The Minister of Justice): The table opposite outlines (i) how many prisoners have been committed to Care and Supervision Units (CSUs) with the Northern Ireland Prison Service (NIPS), each year for the last ten years; and (ii) how many prisoners have been committed to CSU's for more than 15 days within NIPS, each year for the last ten years.

Year	Committed to CSU	Over 15 days
2010	587	25
2011	902	145
2012	885	87
2013	1097	118
2014	1320	115
2015	1258	113
2016	1471	108
2017	1191	168
2018	1320	227
2019	1340	195

Mr Chambers asked the Minister of Justice whether she plans to issue a statement in relation to a matter involving a social media post involving Policing Board member Gerry Kelly MLA that has been referred to her by the Policing Board.
(AQW 9432/17-22)

Mrs Long: This matter regarding Mr Kelly's Tweet has been referred to me by the Chair of the Policing Board for consideration under the powers available to me in the Policing (Northern Ireland) Act 2000 regarding the removal of members of the Policing Board.

I am currently considering this matter and will issue a statement when I have reached a conclusion.

Mr Dunne asked the Minister of Justice when physical Court and Tribunal Services will be restored.
(AQW 9446/17-22)

Mrs Long: The Northern Ireland Courts and Tribunals Service (NICTS) continues to move forward towards full business recovery following the initial peak of the COVID-19 pandemic.

The work of the courts was initially consolidated into five court hubs in order to facilitate the delivery of urgent matters, whilst maintaining the safety of all users and staff in the courts in line with public health advice. A series of COVID-19 Risk Assessments on operational buildings were undertaken to ensure that they comply with Public Health Agency (PHA) guidelines on managing the risk of COVID-19 and are safe for staff, judiciary and court users.

Currently, all but three of the smallest hearing centre venues are now operational and court business is already being conducted through virtual, physical and hybrid hearings.

In order to provide more capacity, NICTS is working to scope additional accommodation outside of the NICTS estate which could be used for conducting or supporting hearings.

Dedicated courts for new summonses issued by the Public Prosecution Service (PPS) have commenced and jury trials have resumed.

Ensuring the safety of court users is a key priority, particularly for those with life limiting health conditions. NICTS has consulted with the PHA on the approach to physical hearings, including jury trials, so that business recovery can take place while maintaining a secure environment where court users can feel safe and confident.

NICTS and the Office of the Lord Chief Justice will continue to work closely with the justice organisations and other stakeholders to plan how to increase the current levels of business while adhering to the new social distancing controls.

Mr Beattie asked the Minister of Justice how many prisoners have been held in care and supervision units in each of the last five years.
(AQW 9473/17-22)

Mrs Long: The number of prisoners held in Care and Supervision Units in each year of the last five years is shown in the table below.

	2015	2016	2017	2018	2019
Total	583	650	611	679	755

Some of these individuals may have been held in the CSU on more than one occasion.

Mr Beattie asked the Minister of Justice how many prisoners in the separated regime have been held in care and supervision units in each of the last five years.

(AQW 9474/17-22)

Mrs Long: The number of prisoners in the separated regime held in Care and Supervision Units in each year of the last five years is shown in the table below.

	2015	2016	2017	2018	2019
Total	5	8	8	5	4

Some of these individuals may have been held in the CSU on more than one occasion.

Mr Beattie asked the Minister of Justice how many prisoners in the non-separated regime have been held in care and supervision units in each of the last five years.

(AQW 9475/17-22)

Mrs Long: The number of prisoners in the non-separated regime held in Care and Supervision Units in each year of the last five years is shown in the table below.

	2015	2016	2017	2018	2019
Total	578	642	603	674	751

Some of these individuals may have been held in the CSU on more than one occasion.

Ms Bunting asked the Minister of Justice, following the publication of CJINI's report on Police Custody, how her Department plans to work with the PSNI to ensure police custody staff are trained to know the signs of human trafficking and what to do if they suspect a person in custody has been trafficked.

(AQW 9509/17-22)

Mrs Long: My department works closely with the PSNI Modern Slavery and Human Trafficking Unit (MSHTU) and officials meet regularly with the senior police team to discuss progress on delivering a range of objectives in the Modern Slavery Strategy.

The purpose of the strategy is to raise awareness of modern slavery offences and so to reduce the threat from, the vulnerability to, and the prevalence of, modern slavery in Northern Ireland which brigades ongoing strands of activity including raising awareness, training, and cooperation between relevant partner agencies. Progress on delivery of objectives is monitored through quarterly meetings of the Organised Crime Task Force's (OCTF) sub group on modern slavery.

I understand that a Modern Slavery & Human Trafficking specific eLearning package (CLASSIS) has been developed for delivery to police custody staff as well as other front-line PSNI officers. The PSNI has also established a strategic working group, comprised of staff from a variety of disciplines from across the organisation, in order to further progress the training recommendations contained in the CJINI report.

Ms Bunting asked the Minister of Justice to detail the timeline in which her Department will review the operation of section 22 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015; and how her Department will assess the impact of section 22 on children and young people.

(AQW 9510/17-22)

Mrs Long: I welcomed the recent publication of the Criminal Justice Inspection Northern Ireland's first in-depth assessment on how the criminal justice system in Northern Ireland deals with modern slavery and human trafficking. This report included a recommendation to review the effectiveness of the Section 22 defence to protect vulnerable victims, with a particular reference to children, and its use in Northern Ireland, within one year of the publication of the Independent Anti-Slavery Commissioner's Review.

While I could not commit to the timeframe for this recommendation, I did indicate that a review of the effectiveness of the section 22 defence will be included as part of the development of a longer term Modern Slavery Strategy.

I also indicated that related reviews and experiences of this issue elsewhere in the UK will be taken into account, and while the Independent Anti-Slavery Commissioner's recently published review of section 45 in the Modern Slavery Act 2015 is applicable to England & Wales, it will inform the work I intend to take forward to review our equivalent provisions in section 22 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

Ms Bunting asked the Minister of Justice to detail the timeline in which her Department will review potential barriers to modern slavery and human trafficking victims claiming compensation under the Criminal Injuries Compensation Scheme, as recommended by CJINI in their recent report on Modern Slavery and Human Trafficking.

(AQW 9511/17-22)

Mrs Long: A facilitated engagement event between relevant NGOs and representatives of the Department's Compensation Services is planned to take place before the end of 2020. This will explore the specific issues regarding victims' access to the criminal injuries compensation scheme. Any agreed further work-streams will be incorporated into future Modern Slavery Strategies, which is important in terms of helping to meet the needs of victims of modern slavery and human trafficking, and the Non-Governmental Organisation (NGO) engagement group plays a central role in this.

Compensation Services within the Department of Justice has removed the requirement for applicants to provide evidence of a National Referral Mechanism decision that they were potential victims of human trafficking. Human Trafficking guidance leaflets will be amended accordingly to reflect this and are available on the Department of Justice website and NI Direct.

Ms Hunter asked the Minister of Justice to detail (i) the average time taken for sexual offence cases involving a child victim from offence reported to case completion in (a) 2018/19; and (b) 2019/20; (ii) the measures that are in place to reduce delays for young victims and witnesses in the criminal justice system; (iii) any additional measures that have been put in place to address delays caused by court closures; and (iv) how measures to reduce delay are monitored and evaluated.

(AQW 9556/17-22)

Mrs Long: The average (median) time taken from the date an offence was reported to the police until the time a subsequent case was dealt with at court, for cases where the principal offence was a sexual offence that specified the involvement of a child, for cases dealt with at courts in 2018/19 was 754 days, and in 2019/20, 722 days.

Note:

- 1 Figures relate to the number of calendar days between the listed dates for each table. Court recess dates are not taken into account.
- 2 Figures relate to cases disposed at court during the time period specified. Each period is a financial year, running from 1st April to the following 31st March.
- 3 Figures relate to cases brought on behalf of the PSNI, Harbour and Airport police in Northern Ireland that resulted in a court disposal. Appeals are not included.
- 4 Figures do not include cases where the case was dismissed but a caution was administered, fixed penalty registrations, penalty notices for disorder or cases resulting from a breach of a court order.
- 5 The figures reported relate to cases where the principal offence was as described. Some cases which contained sexual offences involving children but where the principal offence was in a different category have not been included in this calculation. This is because the dataset utilised for measuring case processing time is based on the principal offence in individual cases.
- 6 Case processing time datasets do not contain specific information in relation to age of victims, other than where specified in the offence description. Therefore, some cases where it was not possible to identify that the victim was a child may not have been included in figures quoted.

The speed that cases progress matters to victims and witnesses, their families and their communities and can help offenders to better understand the implications of their actions and create a better opportunity for rehabilitation. Reducing the time it takes to complete criminal cases is a challenging and complex issue and reforms take time to embed and for their impact to be seen.

In addition to the wider programme of measures that my Department is leading to tackle delay in the criminal justice system more generally, in September 2019 Her Honour Judge Smyth established a judge-led pilot to fast track serious sexual offence cases involving children under 13 years old to the Crown Court. The purpose of this pilot is to expedite cases involving very young children in order to maximise the opportunity for them to provide their best evidence and minimise the stress and emotional impact of the criminal justice process. The participating criminal justice organisations have reflected on the first 12 months and assessed that it has been successful in making a difference to the children and their families involved in these cases. As such, the pilot has been extended for a further year.

In relation to additional measures that have been put in place to address delays caused by court closures, the Lord Chief Justice has issued a practice direction which aims to;

- ensure that both the prosecution and the defence take adequate and prompt steps to check witness availability so as to ensure that avoidable adjournments, and hence avoidable delay, can be prevented;
- improve arrangements for the notification of witnesses and checking witness availability in order to avoid witnesses being notified unnecessarily that they will be required to give evidence; and
- ensure the early agreement of non-essential witnesses whose evidence may be read at trial.

The judiciary are reviewing outstanding business and prioritising urgent cases. Under the direction of the judiciary, staff from the Northern Ireland Courts and Tribunals Service will agree a plan for trials and listings over the coming weeks and months.

To facilitate Covid-Secure Jury trials, significant construction and digital upgrade works have been progressed at Laganside Courts and five regional venues. NICTS has consulted with the Public Health Agency (PHA) on the approach to physical hearings, including jury trials, so that business recovery can take place while maintaining a secure environment where court users can feel safe and confident. Courtrooms have been specially adapted with the addition of glass screens, as well as

a wide range of other PHA-compliant measures. In addition, priority has been placed on victim support accommodation / services and the ability to provide remote evidence as and when required.

The length of time for cases to progress to completion in courts is published annually in an official statistical publication by the Department. Additionally, dashboards based on management information, updated quarterly, containing information on end to end time for case progression, as well as for the individual process stages within the justice system, are provided to the Criminal Justice Board, to allow for monitoring and evaluation of performance of the justice system at more immediate intervals. In addition, new initiatives are routinely evaluated, subsequent to implementation.

Ms Bunting asked the Minister of Justice when she plans to implement the Duty to Notify provisions set out in section 27(5) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.
(AQW 9625/17-22)

Mrs Long: The 'Protect' section of the draft Modern Slavery Strategy for 2021/22 commits "to proactively identify and report victims of modern slavery". Under this objective, I have proposed to scope the potential for Duty to Notify provisions in Northern Ireland. The 12 week public consultation on this draft strategy was launched on 16 October. Subject to the outcome of that consultation, the Strategy will be formally launched before the end of March 2021 and work to scope the Duty to Notify provisions will commence in April 2021.

It is not possible at this point to provide a definitive timescale for completing the scoping exercise. The draft Modern Slavery Strategy for 2021/22 represents a significant body of work to be taken forward, and updates on progress will be provided as part of the annual progress reports on the delivery of the Modern Slavery Strategy.

Mr Newton asked the Minister of Justice for her assessment of the extent of anti-social behaviour in the Belfast East Constituency; and what plans she has to address the issues.
(AQW 9630/17-22)

Mrs Long: Recognising the negative impact which anti-social behaviour has on communities across Northern Ireland, tackling anti-social behaviour is a strategic objective for Policing and Community Safety Partnerships (PCSPs) which are jointly funded by my Department and the Northern Ireland Policing Board.

Belfast PCSP, and the East Belfast District PCSP, have a key role in responding to local concerns regarding anti-social behaviour in the Belfast East Constituency, liaising with the local community and key partners to assess the extent of anti-social behaviour in the area and developing actions to address these findings. Details of this assessment is included in their three year Strategic Assessment 2019-2022 and Annual Action Plans.

Given the new demands created by Covid-19, including an unprecedented rise in anti-social behaviour in the Belfast East Constituency following the introduction of restrictions in March, the PCSP has been actively seeking alternative ways to maintain the operation of their functions and programmes to ensure communities are supported and solutions are delivered to issues of local concern.

I understand, through their ongoing assessment of anti-social behaviour, they have noted an increase in anti-social behaviour in a number of parks and open spaces in the Belfast East Constituency, and have responded by working collaboratively with detached youth outreach providers and the PSNI to target affected areas, with the latest joint operation having taken place over the Halloween weekend.

I also understand that Belfast PCSP is in the advanced stages of rolling out an anti-social behaviour specific project, in partnership with the Education Authority, which will support additional youth engagement provision across the city, including East Belfast.

Ms Dillon asked the Minister of Justice, pursuant to AQW 9372/17-22, (i) why the projected spend on the Substance Misuse Court for 2020/21 is lower than the previous financial year; and (ii) whether funding will be increased for the Substance Misuse Court in 2021/22.
(AQW 9682/17-22)

Mrs Long: The Substance Misuse Court is one of a portfolio of Problem Solving Justice initiatives developed by the Department of Justice, in partnership with other government departments and agencies and the voluntary and community sector.

As a result of COVID-19, there have been necessary changes in service provision through the Substance Misuse Court to clients. The Substance Misuse Court continued to sit throughout the lockdown period, albeit on a remote basis. This led to a reduction in the costs associated with drug testing and judicial cover, resulting in a reduction in projected spend for 2020/21. Hence, the projected spend for 2020/21 is lower than the previous financial year.

Weekly physical court hearings recommenced on 20 August 2020.

Subject to physical court hearings continuing as normal, the projected spend for 2021/22 is as per pre-COVID levels.

Mr Beattie asked the Minister of Justice (i) how many of those within the separated prison regime have been held in Care and Supervision Units (CSU) for each of the last 3 years; (ii) how many days were each individual held; (iii) whether an individual was repeatedly held in a CSU; and (iv) the number of times each individual was held and for how long.

(AQW 9690/17-22)

Mrs Long: The number of prisoners in the separated regime held in Care and Supervision Units, the duration and frequency in each year of the last three years is shown below.

Question (i) Table showing total number of prisoners in the separated regime held in Care and Supervision Units for each of the last 3 years.

	2017	2018	2019
Total	8	5	4

Question (ii)

In 2017 there were eight prisoners from the separated regime held in Care and Supervision Units. Of the eight individuals, six were held in the Care and Supervision Unit for two days and two individuals for one day.

In 2018 there were five prisoners from the separated regime held in Care and Supervision Units. Of the five individuals, one was held for one day, three for two days and one for twenty days.

In 2019 there were four prisoners from the separated regime held in Care and Supervision Units. Of the four individuals, two were held for one day, one for two days and one for three days.

Question (iii) & (iv)

Over each of the last three years there was one individual from the separated regime that was held in the Care and Supervision Unit on three different occasions. One instance in 2018 for two days, one instance in 2019 for 1 day and a further occasion in 2019 for two days.

Mr Beattie asked the Minister of Justice (i) to detail the business cases submitted by the Planning Appeals Commission set for an increase in resources for the upcoming year; and (ii) whether a funding stream has been allocated to allow for appointments to be completed from current live recruitment lists, given the pending submission of multiple draft plan strategies from several local councils.

(AQW 9691/17-22)

Mrs Long:

- (i) NICTS, in consultation with the Chief Commissioner, has prepared a detailed business case for additional resources to support the Planning and Water Appeals Commission deliver their statutory obligations within Section 10(4) of the Planning Act (NI) 2011. These powers were given effect through the introduction of the Planning (Local Development Plan) Regulations (NI) 2015.
- (ii) The business case has been approved by NICTS and these additional resources are now incorporated within NICTS funding proposals for the full period of the business case, commencing in 2020/2021 and extending to 2023/2024.

Ms Armstrong asked the Minister of Justice what her Department is doing to fulfil the Executive's commitment to building a united and shared society through the Together: Building a United Community strategy.

(AQW 9772/17-22)

Mrs Long: The Department of Justice leads work on the Interfaces Programme, one of the seven headline actions under the auspices of the Executive's Together: building a united community (T:buc) Strategy.

I am committed to working towards the reduction and removal of interface security structures, wherever they exist, across Northern Ireland.

Working with those most affected by any proposed change to an existing interface structure - typically, those living closest to them - is one of the key principles that underpins the T:buc Interfaces Programme as outlined in the Programme Framework (<https://www.justiceni.gov.uk/sites/default/files/publications/justice/interfaces-programme.pdf>)

People living in interface communities have demonstrated that they are keen to see security barriers or 'peace walls' removed.

Over recent years, the number of DoJ-owned interface structures has reduced from 59 to 45. A number of other structures have been reduced in height or nature and the opening times of interface gates extended to reduce the significant impediment such structures present to local people going about their daily business.

On one particular scheme in North Belfast, the removal of a substantial portion of high interface security fencing made way for a multi-use games area and playpark for local children and opened up shared access to local community facilities.

We rely on political, community and inter-Departmental support to make progress under the T:buc Interfaces Programme. The other aspects of T:buc aimed at fostering reconciliation through changing mindsets also play a key role in creating the conditions for local people to have confidence in the reduction or removal of a nearby physical interface barrier.

Mr Allister asked the Minister of Justice what process or mechanism exists within her Department whereby a written record is kept of any lobbying of the Minister or special adviser in relation to departmental functions, policies or proposals.
(AQW 9797/17-22)

Mrs Long: My Department records all correspondence relating to Departmental business using the NICS electronic records management system known as HP Records Manager (HPRM) in line with NICS Records Management policy and in accordance with the requirements of the Ministerial and Special Adviser Codes of Conduct.

Ms Dillon asked the Minister of Justice how many Statutory Rules and Statutory Instruments her Department intends to introduce in relation to Brexit before the end of the Brexit implementation period.
(AQW 9840/17-22)

Mrs Long: My Department intends to bring forward three further Statutory Rules before the end of the implementation period, all relating to civil explosives.

Depending on the UK's application to re-join the Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, one further Statutory Instrument extending to matters within my Department's remit may be brought forward before the end of the implementation period.

Mr Nesbitt asked the Minister of Justice what assessment her Department has made of the concept of parental alienation, whereby one parent is denied access to a child by another.
(AQW 9847/17-22)

Mrs Long: Policy on alienation is a matter for the Department of Health and assessment of the concept would be a matter for Minister Swann. Where abusive and damaging behaviours are suspected in family proceedings, it is for social workers to advise the court which will consider evidence alongside all other evidence when deciding what is in the best interests of the child. I understand that the Department of Health has committed to exploring guidance for professionals supporting families experiencing acrimonious dispute and associated negative behaviours as part of work we are progressing to identify means of better supporting the early resolution of parental disputes. I will continue to work collaboratively with Minister Swann to scope and support any future actions.

While the Department of Health has policy responsibility, I am clear that one parent should not be able to use a child to abuse another parent and I consider it appropriate that patterns of this type of behaviour could be deemed to be abusive and potentially captured by the new domestic abuse offence in the Domestic Abuse and Family Proceedings Bill, depending on the particular circumstances of the case and subject to a reasonable person test. Ultimately this will be a matter for the courts to determine.

Mr Nesbitt asked the Minister of Justice whether the measures to curb coercive control in the Domestic Abuse and Family Proceedings Bill will apply to any parent who seeks to deny access to their child's other parent.
(AQW 9848/17-22)

Mrs Long: I do not plan to include reference to, what is commonly termed, parental alienation in the Domestic Abuse and Family Proceedings Bill. While the Department of Health has policy responsibility for this I am clear that one parent should not be able to use a child to abuse another parent.

I do consider it appropriate though that patterns of this type of behaviour could be deemed to be abusive behaviour and potentially be captured by the domestic abuse offence, depending on the particular circumstances of the case and subject to a reasonable person test. Ultimately this will be a matter for the courts to determine.

I am keen that the guidance relating to the new legislation clearly explains this. A multi-agency Task and Finish Group has been set up to help shape this guidance and work is ongoing to agree the wording to be included within it.

Mr Nesbitt asked the Minister of Justice what remedies are currently in place to help those parents and grandparents who are being denied access to their child or grandchild by the other parent; and whether she plans to review these remedies.
(AQW 9849/17-22)

Mrs Long: I fully understand the distress experienced by grandparents and parents who cannot see their child as often as they would like but while my Department is responsible for the operation of the courts, the law which is applied in determining arrangements for children, including the law governing rights of contact, is a matter for the Department of Finance. Any review of the legal framework would be a matter for Minister Murphy.

Under the current legal framework, parents or grandparents who wish to have more contact with a child can make an application to the court, and in line with the current framework, the court will make decisions in line with the paramount consideration of the welfare of the child rather than the rights of parents or others. In determining what is in the best interests

of the child, the court will consider issues such as the child's physical, emotional and educational needs, their ascertainable wishes and feelings and the likely effect of any change in circumstances such as the breakdown of contact on their wellbeing.

Mr Carroll asked the Minister of Justice for a definition of emergency court proceedings.
(AQW 9985/17-22)

Mrs Long: The phrase "emergency court proceedings" is not used in the justice system: no such definition therefore exists.

At the start of the COVID-19 lockdown the work of the courts was initially consolidated into five court hubs in order to facilitate the delivery of urgent matters, whilst maintaining the safety of all users and staff in the courts in line with public health advice.

The guidance issued by the Office of the Lord Chief Justice at the beginning of lockdown provided a range of examples of urgent matters, such as those which involve the immediate liberty, health, safety and wellbeing of individuals as well as any matters where the legal representative or a party to the proceedings has requested a hearing and the judge considers it urgent or necessary.

Where a party to the proceedings felt that a matter was urgent they could request a hearing by lodging the requisite Form (HR1). On receipt of the form the judge would determine whether the matter was urgent or necessary and if it could be dealt with administratively or would require a hearing. Case listing is a judicial function and the decision ultimately rests with the judge.

Mr Carroll asked the Minister of Justice how many people are currently waiting on emergency court proceedings.
(AQW 9986/17-22)

Mrs Long: There phrase "emergency court proceedings" is not one used or defined within the justice system.

The guidance issued by the Office of the Lord Chief Justice at the beginning of lockdown stated that where a party to the proceedings felt that a matter was urgent they could request a hearing by lodging the requisite Form (HR1). On receipt of the form the judge would determine whether the matter was urgent or necessary and if it could be dealt with administratively or would require a hearing. Case listing is a judicial function and the decision ultimately rests with the judge.

The HR1 form is currently being used for the listing, reviewing and hearing of routine and urgent proceedings so that appropriate arrangements can be made by court staff to manage footfall in courtrooms and public areas of the court building. Cases being determined as urgent are not a decision for NICTS. Related data is not collected and is therefore not available for publication.

Mr McCrossan asked the Minister of Justice for an update on her Department's Sentencing Review Northern Ireland.
(AQW 10003/17-22)

Mrs Long: A summary of responses to the consultation on the sentencing review together with a full record of all responses received was published on the 29th September 2020. The documents can be accessed at <https://www.justice-ni.gov.uk/publications/sentencing-policy-review-consultation-responses>.

The report sets out the next steps that need to be taken in this important Review. These include the consideration of sentencing issues which have arisen subsequent to the public consultation, further discussion with stakeholders on a number of issues raised, liaison with other interested Departments, and development of possible costings, all of which may impact on the Review recommendations. The Review Team will continue to take this work forward over the coming months.

Ms Sugden asked the Minister of Justice to detail the number of reported incidences of anti-social behaviour (i) since the beginning of lockdown in March 2020; and (ii) for the same period in each of the past two years.
(AQW 10079/17-22)

Mrs Long: The recording of information on the number of reported incidents of anti-social behaviour and associated statistics is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

You may, therefore, wish to direct your question to the PSNI.

Mr McGlone asked the Minister of Justice whether she has been formally consulted by the UK Government regarding the Covert Human Intelligence Sources (Criminal Conduct) Bill 2019-21; and, if so, whether she will publish (i) her Department's response; and (ii) details of any other correspondence or discussions she has had with UK ministers regarding this.
(AQW 10088/17-22)

Mrs Long: I have not been formally consulted regarding the Covert Human Intelligence Sources (Criminal Conduct) Bill. The Rt Hon James Brokenshire MP wrote to inform me of his intention to introduce the Bill. I have not had any further correspondence or discussions on this matter.

The Covert Human Intelligence Sources (Criminal Conduct) Bill is a UK wide Bill which relates to reserved or excepted matters in Northern Ireland and is therefore outside the scope of the Department of Justice.

Miss Woods asked the Minister of Justice for her assessment of the Northern Ireland Policing Board's report on the Thematic Review of the Policing Response to COVID-19.

(AQW 10179/17-22)

Mrs Long: I have received a copy of the Policing Board's Thematic Review of the Policing Response to Covid-19, which was published on 12 November, and will now take time to consider its findings, though none of the recommendations in the report were directed to my Department.

Miss Woods asked the Minister of Justice when the next recruitment drive for lay magistrates is expected to take place.

(AQW 10246/17-22)

Mrs Long: There are currently no plans to run a recruitment scheme for Lay Magistrates.

Mr Easton asked the Minister of Justice how many individuals released under the provisions of the Northern Ireland (Sentences) Act 1998 have been returned to prison, broken down by (i) Republican; and (ii) Loyalist status.

(AQW 10266/17-22)

Mrs Long: The Northern Ireland (Sentences) Act 1998 is a reserved matter and therefore all releases and any subsequent licence revocations are the responsibility of the Secretary of State for Northern Ireland.

Mr Carroll asked the Minister of Justice for her assessment of the view that the PSNI may have acted in an unlawful way in relation to Black Lives Matter protests on 6 June 2020.

(AQW 10385/17-22)

Mrs Long: I have received a copy of the Policing Board's Thematic Review of the Policing Response to Covid-19, which was published on 12 November and I am considering its findings, though decisions relating to the Police Service of Northern Ireland's enforcement of the COVID-19 health protection regulations are an operational matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board, and I committed to respecting the operational independence of the both Chief Constable and the Board.

I note that the report makes reference to apparent inconsistencies in the enforcement approach and a perception of BLM protests being treated differently. However, it does not offer a view on whether the PSNI's approach to policing the BLM protests was lawful since this was outside the scope of the review and is the subject of an ongoing investigation by the Office of the Police Ombudsman for Northern Ireland. I await the Police Ombudsman's report.

Ms Flynn asked the Minister of Justice whether she would consider undertaking a scoping exercise on how death by suicide is recorded by coroners in cases involving an adverse reaction to prescribed medication.

(AQO 1119/17-22)

Mrs Long: I am mindful that every loss of life to suicide is tragic, and behind every suicide, there is a person with family and friends, whose life has tragically ended in very sad circumstances.

As defined by the Coroners Act (Northern Ireland) 1959, a Coroner enquires into sudden, violent or unnatural deaths to establish the cause of death and investigates, based on the individual circumstances of each death.

You will be aware that a Coroner is an independent Judicial Office Holder, and that prevents me directing a Coroner in relation to scoping exercises, individual cases, or any other matters.

I can confirm that following a post mortem the State Pathologist provides the cause of death to the Coroner and additionally, discussion regularly takes place between Coroners on coronial matters. Individual Coroner's findings are shared amongst Coroners, with Rule 23 (2) of the Coroners (Practice and Procedure) Rules (NI) 1963, utilised when considered necessary. Consequently, there is an avenue where any concerns raised by a Coroner are reported to the relevant authority, such as the Department of Health.

Mrs D Kelly asked the Minister of Justice for an update on a strategy and actions targeted at women in the criminal justice system.

(AQO 1120/17-22)

Mrs Long: My officials are currently finalising a draft framework which will form the basis of a new strategy to support and challenge women and girls in contact with the justice system.

To ensure the strategy is effective and meaningful, officials have sought the views of key partners and more recently women and girls who have come in contact with the justice system. Their lived experience has been vital in shaping our approach. We hope this collaboration will continue through the public consultation and subsequent engagement on this important issue.

We intend to launch a consultation in December with a view to finalising the strategy in Spring 2021. An action plan will be developed and published at a later date.

Miss Woods asked the Minister of Justice for an update on proposals to raise the minimum age of criminal responsibility in Northern Ireland.

(AQO 1125/17-22)

Mrs Long: A range of independent reviews and UN Committees have long since advocated raising the Minimum Age of Criminal Responsibility – or MACR as it is known – from its current age of 10 in Northern Ireland to something more in keeping with international standards. As Justice Minister I am fully supportive of doing this, but to date I do not have the buy-in from all political parties to go down this particular route.

Our lack of progress in raising the minimum age has been highlighted to me in my discussions with the Children's Commissioner, the Northern Ireland Human Rights Commission and a number of other children's rights organisations, especially as our neighbouring jurisdictions in the Republic of Ireland and Scotland have both raised their MACR to 12.

In an attempt to move this matter forward, I wrote to my Executive colleagues in August to brief them on the issue and seek their views. Unfortunately only three replies have been received to date, but I would be more than happy to raise the issue with them again if I felt there was an opportunity to work together to reach an agreement on implementing the recommendations and complying with our UN Convention commitments.

In the absence of political agreement, my Department is continuing to implement our policy to divert children of all ages – but in particular younger children – from the formal criminal justice system and deal with them through Early Intervention and welfare measures.

Ms Sugden asked the Minister of Justice for her assessment of the 24 hour Domestic and Sexual Abuse Helpline since it changed provider.

(AQO 1124/17-22)

Mrs Long: The Domestic and Sexual Abuse Helpline changed service provider on 1 April 2019, as a result of a procurement exercise. Delivery of the service, which is funded by the Department for Communities and the Departments of Health and Justice, is closely and regularly monitored against the contract specification. My officials meet regularly with the service provider to review and monitor service provision. I am content, given this close contract management, that the quality of the Helpline Service is being provided to the necessary level.

Ms Ennis asked the Minister of Justice for an update on her Department's work in relation to developing a safe word initiative for victims of domestic violence.

(AQO 1123/17-22)

Mrs Long: The national safe code word initiative, aimed at assisting victims of domestic abuse, is currently under development by Home Office. It will offer a safe 'code' word which will allow victims to seek help from specialist or emergency services in an environment in which they feel safe, which for this purpose is a pharmacy.

Additionally, a similar 'Safe Space' initiative was introduced across all UK Boots stores in May. The need for such initiatives arose from the significant rise in domestic abuse related requests for help, since the beginning of the Covid-19 pandemic. It is vital that we find safe ways for victims to ask for help, especially if they feel unable to whilst confined to their home with their perpetrator.

The lead for these initiatives currently sits with the Department of Health given the key involvement of pharmacies at this stage. That said, my officials have been and continue to work closely with the Department of Health on this and other issues throughout the pandemic. They are important strategic partners given the cross-cutting nature of domestic abuse.

Mr Irwin asked the Minister of Justice for an update on work to appoint members to the Victims' Payments Board.

(AQO 1122/17-22)

Mrs Long: The Northern Ireland Judicial Appointments Commission (NIJAC) has commenced the recruitment process for legal, medical and ordinary members of the Victims' Payments Board. The aim is that members will be appointed to the Board in early 2021.

The Lord Chief Justice also recently announced the appointment of Mr Justice McAlinden as interim President of the Victims' Payments Board.

Mr Middleton asked the Minister of Justice for her assessment of the effectiveness of the COVID-19 enforcement and penalties regulations.

(AQO 1121/17-22)

Mrs Long: Since the start of the pandemic, health protection regulations have been made by the Department of Health with the aim of reducing the rate of transmission of COVID-19. There are three different sets of regulations: the first deal with restrictions on businesses and gatherings, the second with the wearing of face coverings and the third with requirements placed on individuals entering Northern Ireland if they have travelled outside of the Common Travel Area. Each set of regulations contains penalties for breaching restrictions and empowers appropriate authorities, such as the PSNI, Border Force and local councils, to take enforcement action.

We all have a shared responsibility to adhere to the regulations in order to keep ourselves and others safe. However, where people do not comply, the appropriate authorities will consider taking action. This may at first be advice and guidance, or it may involve a fixed penalty, a fine on summary prosecution or a prohibition notice.

The Executive has established a Strategic Compliance Group which is chaired by the Junior Ministers in The Executive Office. The Group proposed that a review should be undertaken of the existing offences and penalties available in respect of breaches of the public health regulations and that review was led by my Department. On the basis of the review, the Executive decided at its meetings on 8 and 15 October to increase the level of certain existing fixed penalties and to introduce a number of new offences. In bringing this package to the Executive, I advised that there would be a lead-in period to allow the PSNI to create new fixed penalty notices, as had been the case when the previous fixed penalties were being implemented. The Minister of Health subsequently indicated, on 30 October, that he wished to pause any changes to the existing penalties in respect of failing to provide information after international travel.

The regulations to give effect to the changes agreed by the Executive, and amended to take account of the changes passed by the Minister of Health, were made by the Department of Health on 12 November and the new suite of penalties took effect from that date.

Department for the Economy

Ms McLaughlin asked the Minister for the Economy to detail the number of appearances she has made since the restoration of devolution (i) before the Assembly; and (ii) before the Ad Hoc Committee on the COVID-19 Response.
(AQW 8039/17-22)

Mrs Dodds (The Minister for the Economy): Since the restoration of devolution, and up until the 31st Oct 2020, I have appeared before the Assembly a total of 16 times and Ad Hoc Committee an additional 3 times.

Mr Dickson asked the Minister for the Economy what support she is providing for travel agents to help protect businesses and jobs in the sector until at least Spring 2021.
(AQW 8411/17-22)

Mrs Dodds: The economic impact of COVID-19 is unprecedented. Huge economic impacts that might normally take months or years to unfold occurred within weeks as a result of lockdown and industry shutdowns.

The travel industry has been impacted particularly hard, both locally and on a global scale. This is as a result of the fact that we have been and are still very much in the midst of a public health crisis. All of the decisions that have been made in relation to foreign travel have been deemed necessary by the NI Executive, based on the very latest health advice and scientific evidence.

The Executive introduced an unprecedented range of financial support to help businesses impacted by Covid-19 with the objective of protecting jobs, preventing business closures and promoting economic recovery.

The Department for Economy has paid out more than £340million collectively across three grant schemes. Travel Agents were eligible to apply for all three Business Support Schemes introduced by the Department.

To date, 11 Travel Agents benefitted from a grant via the £25k Retail, Hospitality, Tourism and Leisure scheme. A further 32 Travel Agents received a grant via the NI Microbusiness Hardship Fund. Travel Agents also benefit from a one year business rates relief introduced by the Department of Finance.

Following the recent decision to introduce a four week restriction period under the revised Health Regulations, the Executive has announced a number of new support schemes to help those businesses and individuals most affected.

The UK Government has also implemented a range of interventions to support business including the Coronavirus Job Retention Scheme (CJRS) and the Self-Employed Income Support Scheme (SEISS), and these have both been extended until March 2021 and possibly beyond.

On 1 October 2020, I met with a representative of the travel agency industry, and I have received and responded to a significant volume of communication from this sector. My Department is receiving calls from a growing number of sectors, all of whom believe that they require additional support over and above that already offered by the Executive.

In considering further interventions, it will be for the Executive collectively to determine how the limited funding available will be allocated to best support economic recovery moving forward.

To this end, I am aware that the First Minister and deputy First Minister, accompanied by the Finance Minister, met with representatives from the Association of Northern Ireland Travel Agents on Wednesday 4th November, and I understand that a number of actions have been agreed as a consequence of this meeting.

I will discuss these with my fellow Executive colleagues in due course, and I have stated on record that I am sympathetic to the requests for help that have been made by this sector.

Miss Woods asked the Minister for the Economy whether she will be submitting a bid to the Minister of Finance for additional support for those who are self-employed in the creative and musical arts sector and continue to be impacted by COVID-19 restrictions.

(AQW 8772/17-22)

Mrs Dodds: The creative and musical arts sector is not within the remit of my Department.

Mr Beattie asked the Minister for the Economy (i) how much is the cost of the separated regime per annum between Hydebank Wood College and HMP Maghabery, combined for the next 3 financial years; and (ii) how this is broken down to each service area.

(AQW 8982/17-22)

Mrs Dodds: This is not within the remit of my Department. It is for the Department for Justice to answer.

Ms McLaughlin asked the Minister for the Economy for her assessment of (i) Invest NI's spending programmes for this financial year; (ii) the likelihood that these will be fully spent within the financial year; and (iii) what prospects there are for underspends from these programmes to become available for reallocation for additional COVID-19 business support packages in the current financial year.

(AQW 9547/17-22)

Mrs Dodds:

- (i) Invest NI provides an extensive portfolio of financial support, and non-financial advice to all businesses across NI. The programmes offering financial support can help with job creation, productivity improvement, management skills, R&D and Innovation, technical capability and exporting. Non-financial support includes advisory assistance, support for exporters, best-practice guidance, workshops and business advice through the on-line NI Business Info channel. Invest NI is also delivering programmes helping businesses to prepare for the end of the EU Exit transition period.

Invest NI has supported the work of my Department in delivering the NI Micro Business Hardship Fund and is now administering the new COVID Response Business Support Scheme.

(ii) and (iii)

Invest NI budget allocation for 2020-21 can be separated into three main categories: -

- A. Core resource budget
- B. DfE Covid support Schemes
- C. Invest NI Covid Recovery Programmes

A. Core Resource Budget

Invest NI's assessment is that the core budget allocated to them for this financial year will be fully spent. Invest NI bid for £6 million Resource DEL in October monitoring but this bid was not successful. If additional funding was provided in the January monitoring process this could be fully utilised in the current year.

B. DfE Covid support Schemes

In March 2020 the Small Business Grant Scheme and Hospitality Tourism and Leisure Scheme was launched by the Department for the Economy, followed by the Hospitality Tourism and Leisure Scheme in April 2020, the Microbusiness Hardship fund in May 2020, and the Covid Restrictions Business Support Scheme (CRBSS) Part A in October 2020.

Invest NI has administered the application and payment process for the Microbusiness Hardship Fund and the CRBSS Part A.

The total amount initially agreed by the Executive for the Covid-19 grant schemes was £410 million, of which £190 million fell into 2020/21. £53 million of this was not required resulting in an allocation to Invest NI of £137 million in June monitoring. A further £15.1 million was returned to DoF in October monitoring for the Executive to consider re-allocation. Given the uncertainty over the current restrictions and the potential end date, it is too early to be specific on whether any of the budget that will be fully utilised, or whether there will be additional demand over the initial allocation.

C. Invest NI Covid Recovery Programmes

Invest NI was allocated £27.8 million for Covid related programmes in 2020/21 (£14.5 million Resource DEL (RDEL); £3.3 million Capital DEL (CDEL); and £10 million Financial Transactions Capital (FTC)). The initial budget allocated for these programmes was based on an early high-level assessment of potential business needs. There has now been a full economic appraisal and design of these new programmes and it is forecast that scheme spend will be £16.4 million (£11.6 million RDEL; £1.8 million CDEL; and £3 million FTC) this financial year, with additional demand falling into 2021/22. As a result £2.9 million Resource DEL, £1.5 million Capital DEL and £7 million FTC was surrendered in October monitoring.

The budget allocation for this year was ring-fenced at a programme level. It is expected that the remaining £16.4m allocated will be fully utilised on these specific ring fenced programmes.

However, the tightly ring-fenced budget restricts Invest NI's ability to move between programmes and increases the risk of an underspend in one programme and an inability to transfer that funding to another programme, where it may be fully utilised.

Mr Givan asked the Minister for the Economy to detail the date and time when the current COVID-19 restrictions will be lifted to permit businesses to reopen for services and appointments.
(AQW 9667/17-22)

Mrs Dodds: The Executive reached a decision on Thursday 12th November 2020 to maintain the current COVID-19 restrictions at this time.

All of the current restrictions will remain in place until 20th November 2020.

From that date, close contact services, including hairdressing, beauty treatments and driving lessons will be permitted by appointment only.

Unlicensed premises, including cafes and coffee shops, can also reopen on 20th November, with restricted opening hours to 8pm and no alcohol is to be consumed on the premises

Finally, pubs and bars will be permitted to sell sealed off-sales from this date also.

All other sections of hospitality that are closed under the current restrictions are due to reopen on Friday 27th November 2020.

Ms Dolan asked the Minister for the Economy whether the governance mechanisms used to ensure that Northern Ireland Electricity changes to policy and service delivery are assessed to ensure compliance with the terms of the Rural Needs Act.
(AQW 9850/17-22)

Mrs Dodds: Rebuilding a Stronger Economy Strategy

Ms McLaughlin asked the Minister for the Economy, in relation to being included in the objectives of the Rebuilding a Stronger Economy Strategy presented to the Committee for the Economy in September, (i) why the Economic Advisory Group's terms of reference do not include the objective of achieving a more regionally-balanced economy; and (ii) whether she removed any reference to regional inequality in the process of approving the terms of reference for the Economic Advisory Group.
(AQW 9891/17-22)

Mrs Dodds: The Economic Advisory Group (EAG) has been established to provide me with independent advice on the actions to be taken for the medium and long-term recovery of the Northern Ireland economy.

A key strategic objective in both the medium and long term will be tackling the structural weaknesses in our economy. This was clearly identified in the priorities of "Rebuilding a Stronger Economy" to deliver a more competitive, inclusive and greener economy.

The EAG will advise me on the development of "Rebuilding a Stronger Economy" and the future Economic Strategy. Naturally, this will include actions to deliver an inclusive recovery.

Specific references to "regional inequality" have not been removed during the Terms of Reference approval process.

Mr Boylan asked the Minister for the Economy for an update on the roll-out of Project Stratum.
(AQW 10191/17-22)

Mrs Dodds: Following a robust and competitive procurement process, the contract for Project Stratum has now been awarded and deployment activities are underway. The project team will be engaging with the successful bidder, Fibrus Networks, to ensure that citizens and businesses can access further information regarding deployment plans and project implementation updates. Department officials will also shortly be engaging with local council representatives to ensure that key aspects of the project are communicated clearly and that all questions relating to deployment are addressed in a transparent manner.

Mr Dickson asked the Minister for the Economy what actions she is taking to support university students in Northern Ireland to safely return home over the winter break period.
(AQW 10206/17-22)

Mrs Dodds: In Northern Ireland, there are a number of cross-cutting issues related to student travel to be worked through, involving a variety of Departments. For this reason, the Executive Office has been asked to co-ordinate these plans, and a Task and Finish Group has been established to do so.

The various Departments involved are working collectively with other partners to develop and communicate a package of advice and support to help students stay safe, and to travel home safely at Christmas. This includes engaging with the local HE providers to agree a phased end to the semester and the facilitation of a move to online learning. The measures will also involve testing for students; public health authorities are working to agree the operational aspects of a testing programme

to inform arrangements for student travel, while the relevant authorities will be engaged to consider the impacts on public transport.

In the interim, students should continue to follow the relevant public health advice in terms of travelling, and self-isolating when required.

Ms Sheerin asked the Minister for the Economy for an update on the roll-out of Project Stratum.
(AQW 10239/17-22)

Mrs Dodds: Following a robust and competitive procurement process, the contract for Project Stratum has now been awarded and deployment activities are underway. The project team will be engaging with the successful bidder, Fibrus Networks, to ensure that citizens and businesses can access further information regarding deployment plans and project implementation updates. Department officials will also shortly be engaging with local council representatives to ensure that key aspects of the project are communicated clearly and that all questions relating to deployment are addressed in a transparent manner.

Mr McHugh asked the Minister for the Economy for an update on Strabane Business Park.
(AQW 10244/17-22)

Mrs Dodds: The development of Strabane Business Park by Invest NI was a long-term investment in the economic infrastructure of West Tyrone.

There are currently two businesses located on Strabane Business Park. . Discussions with other interested parties are continuing and I am hopeful that these will lead to further investments for Strabane in the near future.

Invest NI will continue to market Strabane Business Park to businesses, both indigenous and external to Northern Ireland as an attractive investment location.

Northern Ireland Assembly Commission

Mr Allister asked the Assembly Commission whether any funding has been provided from Assembly allowances in respect of the rates on Unit 3, 1A Melvin Road, Strabane, or any offices at 1A Melvin Road, Strabane, in 2020/21.
(AQW 9503/17-22)

Mr Butler (The Representative of the Assembly Commission): Under Standing Order 76 (2), the details of sums paid by the Commission to its current and former Members are published each year. This information is normally published quarterly. However, this has been delayed due to the introduction of the Determination that was issued by the Assembly Commission on 27 August 2020. Figures are currently being prepared for the year to date and will be published shortly.

In advance of that work being completed it is possible to confirm that no funding was provided for rates for 2020/21 under the provisions of the Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016 (as amended) for Unit 3 or any other offices at 1A Melvin Road, Strabane.

Mr Allister asked the Assembly Commission what funding has been provided from Assembly allowances in respect of Unit 3, 1A Melvin Road, Strabane, or any offices at 1A Melvin Road, Strabane, in 2020/21.
(AQW 9504/17-22)

Mr Butler (The Representative of the Assembly Commission): In accordance with the provisions of paragraph 16 of the Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016 (as amended), funding has been provided for Constituency Office Operating Expenses for 1A Melvin Road, Strabane. The total claimed in 2020/21 (from April to October 2020) is £2,154.13.

Expenditure Type	Amount
Members' Office - Cleaning	£335.24
Members' Office - Security & Fire Safety	£215.04
Members' Office - Telephones	£1,231.71
Office Utilities - Electricity	£208.04
Office Utilities - Water	£151.83
Recharge: Consumables	£8.27
Sundry Expenses	£4.00
Total	£2,154.13

Mr Allister asked the Assembly Commission what distinctions exist in terms of paying Assembly allowances to offices where the lease is held by the MLA and where the lease is held by a political party or the premises are owned by a political party. (AQW 9505/17-22)

Mr Butler (The Representative of the Assembly Commission): All expenses and allowances are paid to Members under the provisions of the Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016 (as amended) (“the Determination”). The Determination not only sets the quantum of what may be recovered by Members, it also establishes the criteria that must be fulfilled in order to recover expenses. Expenses are not paid to offices but are paid to Members, typically in respect of their offices.

Paragraphs 45 and 46 of the Determination define a “connected person” and an “associated person” respectively. Both of these definitions are relevant to the rental of a constituency office. A political party of which the Member is a member is a connected person (paragraph 45 (b)) while any [other] political party is an associated person (paragraph 46 (a)).

As set out in paragraph 8 of the Determination, a Member is not entitled to recover any expense in respect of a payment to a connected person. A Member is required to have a lease in place before rent and rates can be recovered for an office. Paragraph 11 of the Determination further clarifies that no rent can be paid where the office is rented from a connected person. Therefore, if the lessor is the Member’s party, no rent or rates expenses can be recovered as the rental payment would be made to a connected person.

In the perhaps less likely circumstances where the lessor is another political party (i.e. not the party that the Member is a member of), that other political party would be an associated person. Under paragraph 11 of the Determination, the Member would only be able to recover 50% of the rental expenses for the office.

Additionally, where a Member seeks to recover an expense in respect of a payment to an associated person the Member must make and send to the Assembly Commission a declaration stating the name of the associated person, details of the association and the nature and amount of the expense. A Member is not entitled to recover an expense if that declaration is not made and the Member ought reasonably to have known it should have been made, or the declaration is not accurate and the Member ought reasonably to have known it was not accurate.

For other expenses such as Constituency Office Operating Expenses or Establishment Expenses, the ownership of the office or the lease arrangements do not have an impact on a Member’s ability to recover these expenses.

Mr Allister asked the Assembly Commission to detail how many poles from the roof railings are embedded into the roof parapet. (AQW 9618/17-22)

Mr Butler (The Representative of the Assembly Commission): Parliament Buildings has a very complex roof layout including flat roofs at eight different levels and a curved ‘barrel’ roof that replaced the original flat roof over the central portion during the refurbishment in the late 1990s. To comply with current legislation, all accessible roofs are required to have roof edge protection fitted.

The roof project included the installation of a new permanent roof edge protection system in the form of steel safety guard railing. While the perimeter of the building is generally protected by the existing stone parapet, there is a small portion at the rear of the building where the parapet height was insufficient to meet current requirements and steel guardrails were required at this location to supplement the parapet edge protection. For that purpose, fifty-two uprights were erected in core-drilled holes in the top of the parapet, to facilitate the erection of the safety railing system.

Mr Allister asked the Assembly Commission to detail the rules governing control of accounts into which Assembly allowances are paid. (AQW 9706/17-22)

Mr Butler (The Representative of the Assembly Commission): All expenses and allowances are paid to Members under the provisions of the Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016 (as amended) (“the Determination”). The Determination not only sets the quantum of what may be recovered by Members, it also establishes the criteria that must be fulfilled in order to recover expenses.

It is the Determination that sets the rules governing the accounts into which Assembly allowances must be paid. Paragraph 23 (2) requires that:

“Where an expense is recovered by the member it must be paid by the Commission into an account in a financial institution –

- (a) for which the member is the sole signatory, or
- (b) for which the member and the member’s spouse, civil partner or cohabitant are sole signatories.”

On nominating an account for payments, each Member must certify that this requirement is met.

Mr Allister asked the Assembly Commission, pursuant to AQW 153/17-22, (i) what the Commission requested the designers to consider in relation to the lighting of the crest; and (ii) what the outcome of the discussions with the designers was. (AQW 9707/17-22)

Mr Butler (The Representative of the Assembly Commission): Following the Member's previous question, officials first met with the external lighting contractor at the beginning of January 2019 to determine if an appropriate way could be found to light the crest and the balcony.

The supplier was asked to consider options to enable the crest and the balcony on which it is mounted, to be better illuminated by means of supplementary lighting incorporated into the existing lighting system, unless that could not reasonably be achieved. The desire to incorporate the illumination of the crest into the existing lighting system, is informed by the likelihood that reverting to a standalone floodlighting system that is independent of the new scheme may cause compatibility and control issues, not least when the coloured lighting is employed.

Further meetings were held in May and June 2019 to consider proposals from the supplier and, when the viewing conditions were favourable, a lighting demonstration was provided in October 2019. However, the desired effect was only achievable with light fittings that were deemed to be inappropriate for the building. Although the supplier returned in February 2020 with a more discrete light fitting, it was still felt that these fittings would look out of place on the façade of Parliament Buildings, particularly during daylight hours. The supplier agreed to return with a more refined fitting that was in development at that time.

Unfortunately, no further progress has been made since then, due to the ongoing pandemic. However, the contractor has now returned to work on another project on the estate and a further meeting has been arranged to try to identify an appropriate solution.

The Commission will endeavour to keep you informed of progress in that regard.

Northern Ireland Assembly

Friday 27 November 2020

Written Answers to Questions

The Executive Office

Mr McGrath asked the First Minister and deputy First Minister how much has been spent to combat direct discrimination on the grounds of age in the provision of goods, facilities and services, in each of the last five years.
(AQW 5503/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill (The First Minister and deputy First Minister): We refer the Member to the answer provided to AQW 5551/17-22.

Mr McGrath asked the First Minister and deputy First Minister what work has been done to address direct discrimination on the grounds of age in the provision of goods, facilities and services, in each of the last five years.
(AQW 5504/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We refer the Member to the answer provided to AQW 5551/17-22.

Mr McGrath asked the First Minister and deputy First Minister when they intend to bring forward age discrimination legislation to the Assembly.
(AQW 5548/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We refer the Member to the answer provided to AQW 5551/17-22.

Mr McGrath asked the First Minister and deputy First Minister how much has been spent to combat harassment on the grounds of age in the provision of goods, facilities and services, in each of the last five years.
(AQW 5550/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We refer the Member to the answer provided to AQW 5551/17-22.

Mr McGrath asked the First Minister and deputy First Minister what work has been done to address harassment on the grounds of age in the provision of goods, facilities and services, in each of the last five years.
(AQW 5552/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We refer the Member to the answer provided to AQW 5551/17-22.

Mr McGrath asked the First Minister and deputy First Minister how much has been spent to combat indirect discrimination on the grounds of age in the provision of goods, facilities and services, in each of the last five years.
(AQW 5598/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Consideration of extending age discrimination legislation to the provision of goods, facilities and services was commenced under the previous Executive. A decision was not made in respect of the scope of that legislation prior to the end of the last Assembly. The issue requires further work to inform the potential scope of any legislation.

Appendix 1 to the "New Decade, New Approach" document supports the possible outline of a Programme for Government including the bringing forward of an Age, Goods and Facilities and Services Bill. This will be subject to the Executive agreeing a final Programme for Government.

The Commissioner for Older People, appointed by the First Minister and deputy First Minister acting jointly, provides assistance to individual older people who need advocacy or legal support. The Commissioner's team also signpost a lot of enquiries to the right agency or organisation that provides the most relevant assistance.

In addition, the Executive Office sponsors the Equality Commission for Northern Ireland which delivers a range of work aiming to improve equality of opportunity for everyone. Their services include giving free and confidential advice and support

to individuals with potential complaints under the anti-discrimination legislation. In some circumstances the Commission can take legal action against individuals and organisations.

Mr McGrath asked the First Minister and deputy First Minister how much has been spent to combat other discriminatory behaviour on the grounds of age in the provision of goods, facilities and services, in each of the last five years.
(AQW 5601/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We refer the Member to the answer provided to AQW 5551/17-22.

Mr McGrath asked the First Minister and deputy First Minister what work has been done to address indirect discrimination on the grounds of age in the provision of goods, facilities and services, in each of the last five years.
(AQW 5602/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We refer the Member to the answer provided to AQW 5551/17-22.

Mr McGrath asked the First Minister and deputy First Minister to detail (i) their plans to fill the post of Head of Civil Service; and (ii) the associated timescales.
(AQW 7719/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: As outlined in the joint statement that we released on 26 September, we are working urgently to put in place appropriate arrangements to fill the HOCS position on an interim basis, and in parallel considering how best to fill this crucial role substantively.

We are not yet in position to clarify the associated timescales but this will be announced in due course.

Mr McGrath asked the First Minister and deputy First Minister to detail the timescale associated with making an interim appointment to the post of Head of Civil Service.
(AQW 7820/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: As outlined in the joint Statement that we released on 26 September, we are working urgently to put in place appropriate arrangements to fill the HOCs position on an interim basis.

We are not yet in a position to clarify the associated timescale for this appointment, but an update will be provided as soon as possible.

Mr McGrath asked the First Minister and deputy First Minister, in relation to their Written Ministerial Statement on the vacant post of Head of Civil Service and the inevitable delays, due to the COVID-19 pandemic, to detail the timeline of the process from Mr. Sterling's announcement in December 2019.
(AQW 7821/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Planning for the Head of the Civil Service (HOCS) recruitment campaign began in January 2020. We met with officials on 5 February 2020 to agree a broad outline of the proposed approach for the recruitment exercise, including our specific role (as set out in the agreed policy) in the selection process.

Recruitment for the HOCS appointment comprised an eligibility sift against agreed criteria, an individual assessment by an occupational psychologist and a two stage interview process. From January to mid-March, significant work was undertaken on all of these elements including developing and agreeing all of the recruitment competition literature, advertising and outreach (locally, nationally and internationally with the aim of attracting a wide and diverse pool of applicants) and all arrangements in relation to the first stage panel and its members. We were consulted by officials at regular intervals throughout.

We received bespoke NICS recruitment and selection training on 7 April 2020. While the unprecedented challenges associated with COVID-19 meant that there was some inevitable delay (with considerations having to be given to a range of issues), we met again with officials in June to finalise and agree all aspects of the selection process and the recruitment opportunity was advertised widely in mid-July.

An eligibility sift took place on 3 August, followed in mid-August by the occupational psychologist's individual assessment of those applicants who met the eligibility criteria.

First stage interviews were held on 26 August and those candidates who met the agreed standard progressed to the final interview stage originally planned on 16th and held on 23 September.

Ms Armstrong asked the First Minister and deputy First Minister for an update on their commitments to building a united and shared society through the Together: Building a United Community Strategy.
(AQW 9773/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: There has been significant progress to date in delivering the T:BUC Strategy including its headline actions.

Over 20,000 young people have taken part in 570 T:BUC Camps and five Urban Villages have been established. Five Shared Education Campuses have been approved and are in progress. 10 shared neighbourhoods, providing 483 new homes, have been completed, meeting the target set in the T:BUC Strategy. Over 5,600 young people have participated in the Peace4Youth programme. Approximately 2,700 young people have engaged with the Uniting Communities through Sport and Creativity Programme, while the number of interface barriers has been reduced by 14.

Within TEO, the Central Good Relations Fund has provided funding of £15m since 2016, supporting over 460 projects, while a further £3m is distributed annually through the District Council Good Relations Programme. These key good relations programmes deliver against the four key priorities of the T:BUC Strategy.

Department of Agriculture, Environment and Rural Affairs

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs for an update on Tackling Rural Poverty and Social Isolation initiatives.

(AQW 4959/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): I secured an enhanced budget of £10.8m - £2.5m Resource and £8.3m Capital - for the Tackling Rural Poverty and Social Isolation (TRPSI) Programme in the current financial year. The TRPSI initiatives have played a key role in supporting rural individuals, communities and businesses respond to the challenge and impact of the Covid 19 pandemic.

Details of the initiatives for 2020/21 are set out below.

The Assisted Rural Travel Scheme (ARTS) is delivered in partnership with the Department for Infrastructure (DfI) and the Rural Community Transport Partnerships across NI. The Scheme delivers passenger trips for rural dwellers entitled to a SmartPass and most in need of rural transport (mainly the elderly and disabled).

This Scheme is ongoing with mediocre uptake due to the Covid-19 pandemic. During the initial Covid-19 initial lockdown DfI and DAERA agreed for the Scheme to transition to bring services to people. This service greatly assisted the Council Hubs / Trusts deliver food and essential items to those in need. This service is still available if required.

Community Development funding supports 6 Rural Support Networks covering all of rural NI, with over **1,500** community and voluntary groups availing of advice and assistance. This continuous support for many rural community and voluntary groups helps to build the capacity of rural dwellers and their communities.

Ongoing but flexible arrangements are in place to allow the Networks support and provide practical help to Council Hubs, Trusts, Community and Voluntary Sector and rural dwellers during the ongoing pandemic.

DAERA jointly funds the **Regional Infrastructure Support Programme (RISP)** (administered by the Department for Communities) to ensure that the rural element of the Voluntary and Community sector has access to the support it needs in order to function effectively. As part of the consortia delivering RISP, both the Rural Community Network (RCN) and Northern Ireland Rural Women's Network (NIRWN) receive funding towards the rural element of RISP.

The Farm Families Health Checks Programme in partnership with the Public Health Agency (PHA) and the Northern Health and Social Care Trust provides access to nurse led Health Checks specifically designed for farmers and other rural community dwellers that historically have been reluctant to attend their GP for a range of reasons. Farm Family Health Checks are usually delivered at Marts and Community events across NI however because of the Covid-19 pandemic a limited service at Marts only is currently being provided. DAERA, PHA and NH&SCT staff will also continue to closely monitor the COVID-19 crisis situation to determine when it would be appropriate to recommence visits to Community settings. Separately, the FFHCP van is assisting with the roll out of the 'flu' vaccine in the NHSCT area.

Rural Support Charity - provides a listening ear and signposting service to farmers and farm families and provides Helpline / Volunteer & Outreach support to rural clients. Rural Support also provides presentations and information sessions to help reduce rural stress and promote positive mental health. They also provide on-farm business mentoring to farmers/family members. Rural Support have recently launched their Winter Programme of events – 'For Farmers by Farmers' to help farm families' deal with increasing internal and external pressures.

Social Farming Support Service - The support service provided by Rural Support staff operates as a hub for Social Farming which provides disadvantaged groups of people in NI with an opportunity for inclusion, to increase their self-esteem and to improve their health and well-being. The Support Service creates a knowledge and ensures the expansion of the initiative across NI. Social Farming Standards have been developed and work towards meeting these Standards are on-going with established Social Farmers.

So Keep Farming: In partnership with the Department for Economy (DfE) and Rural Area Partnership in Derry (RAPID), this European Social Fund project provides people with a disability the opportunity to engage and contribute by choice in farming, training and social activities.

Historic Environment Division Village Catalyst Pilot Project - Short Films: A small resource amount will fund a short promotional film recording the 4 ongoing pilot capital projects. Project partners, DfC and the Architectural Heritage Fund are sharing the costs.

SPRING Social Prescribing – This project is delivered with the support of the Department of Health, the Health and Social Care Board and in partnership with the rural Healthy Living Centres. It aims to link medical care to non-clinical locally delivered support services by enabling medical professionals to refer rural patients to a range of activities and services to support greater independence, reduce reliance on primary healthcare, tackle poverty and isolation issues and deliver better outcomes for rural people and society. With the onset of COVID 19 SPRING staff developed a new delivery model entitled the “Connect Well Service” where Social Prescribers contacted all clients remotely, by telephone, text, social media platforms or through video link. This benefitted 530 vulnerable rural dwellers and 1,800 clients in total.

SPRING Project Management Team undertook an exercise to consider how to transition the project back to its original format bearing in mind impacts of Covid pandemic. A SPRING ‘Transitioning’ document has been developed and DAERA are working closely with SPRING to develop the proposals it contains.

Step Up to Sustainable Employment (SUSE+) - Step Up to Sustainable Employment (SUSE+) is a partnership with FE Colleges and Local Councils in the South West that promotes employment by engaging with unemployed, economically inactive and socio-economically deprived individuals. Since April 46 participants have entered employment.

CFNI Coronavirus Community Fund - Faith Based Applications (RCN) – This initiative in conjunction with DfC and the Rural Community Network allowed for eligible applications received from rural Faith Based organisations, forwarded by the Community Foundation NI Coronavirus Community Fund to the Rural Community Network to receive grant aid. Other non-faith based eligible rural applications received their awards from the CFNI Coronavirus Community Fund which DAERA supported.

Prosper Employability Project: The Prosper Project has two strands. Strand 1 provides Mentoring support to 100 young people engaged in the Southern Regional College’s Schools’ Partnership Programme. Strand 2 provides specific vocational training leading to qualifications identified by local employers. Southern Regional College has extensive links with local employers and provides a comprehensive range of supports to SMEs. These relationships were extended to ensure local businesses have access to a well-trained and qualified workforce that provide the opportunity to survive and thrive economically. Training is available across a range of occupational areas e.g. CAT C lorry driving, forklift driving, Emergency First Aid at Work, Customer Services, AI training, HEIGHTs and SIA door security & CCTV training.

Rural Micro Capital Grant Scheme 2020: Micro Capital grants of between £200 and £1,500 will be made available to rural community-led, voluntary organisations for projects tackling issues of local poverty and / or social isolation. These grants will support the Community and Voluntary sector in their work to recover and reset following the Covid-19 pandemic. 711 applications were received and these are currently being assessed with Letters of Offer due to issue in late November 2020.

Forest Park Enhancement and Community Trail Development Scheme: Six eligible projects that can deliver by 31 March 2021 are currently being assessed following identification through an expression of interest call to Councils and receipt of a Business Case for the proposed scheme. These projects, when complete, will contribute to the health and well-being of the residents of the surrounding areas to the Forests/Trails by developing safe, way marked, off-road cycling/walking trails that will accommodate a wide range of users.

Historic Environment Division - Village Catalyst Pilot Project: This pilot project is a partnership initiative between Historic Environment Division (HED), the Architectural Heritage Fund, DAERA and local community social enterprise groups. It aims to restore disused historic buildings in rural villages, increase opportunities for a range of local social engagement activities by improving access to key services in rural areas through the provision of an enhanced facilities and ultimately act as a catalyst for further regeneration in rural villages. Two further villages (Caledon and Rathfriland) are set to benefit from this initiative in 20/21 while the projects in Ederney and Gracehill will be concluded.

Your School, Your Club: This partnership initiative in conjunction with the Department of Education, Education Authority, Department for Communities, local Councils and Sport NI will contribute to addressing the unmet demand for sporting and recreational facilities across Northern Ireland by opening up educational sites for local community usage outside of normal school hours. The initiative addresses an identified need for a facility identified on the local area plan/community plan to enhance the existing provision and increase participation in sport and physical activity.

In 20/21 it is intended that further projects will be supported at Newtown Stewart PS, St Pat’s PS Eskra, St Pat’s Maghera and St Mary’s Glenview Maghera.

Rural Business Development Grant Scheme: The Rural Business Development Grant Scheme is delivered in partnership with the 11 Councils, to provide Capital Grants of 50% up to a maximum of £4,999. The scheme will provide capital grant assistance to rural micro businesses to bring about improvements towards sustainability with the potential to create employment opportunities. 1545 applications were received and work is currently underway to assess eligible applications with the issue of Letters of Offer due to be concluded by the end of November 2020.

Covid-19 Revitalisation Scheme: £2m has been provided from the TRPSI Budget to support DfC’s Covid-19 Recovery Revitalisation Programme, which is also being implemented by Councils. In Tranche 1, £6m funding (£5m DfC and £1m DAERA) focused on short term needs as identified by Councils through their respective Revitalisation Plans. In Tranche 2, £11m (£1m DAERA, £5m DfC and £5m DfI) has been provided to address medium term needs again identified by Councils.

All Councils are working towards delivering on their Tranche 1 Actions Plans and Councils **have** received their Letter of Offer for initiatives identified in their Tranche 2 Revitalisation Actions Plans. An Inter-departmental Board involving DAERA, DfC and DfI has been established to implement and monitor this Programme.

The Access and Inclusion Programme is delivered by the Department for Communities, in partnership with DAERA, Public Health Agency (PHA) and local Councils. Its key aim is to improve accessibility to arts, culture and active recreation activities for people with disabilities. Letters of Offer to successful 20/21 applicants have been issued to 39 organisations with DAERA supporting the rural applications.

Crawfordsburn Country Park - Disabled Toilet Facilities: This project involves the refurbishment of the public toilet facility at the beach carpark of Crawfordsburn Country Park. Delivery of this strategic alignment project in conjunction with NIEA Natural Environment Division will provide enhanced contemporary amenities for the public and in particular disabled and severely disabled people. The completed project, in this financial year will significantly promote accessibility and enhance the health and wellbeing of the additional visitors to the Park who can enjoy our open natural spaces.

Social Farming Capital Grant Scheme: The Social Farming Capital Grant Scheme is a capital grant scheme for farmers involved in the provision of Social Farming to adapt and sustain their facilities and improve accessibility to contribute to a higher quality on-farm experience for service users and contribute to a sustainable future for social farming services in Northern Ireland. The grants will be targeted at those Social Farmers who are working towards meeting the recently agreed Social Farming Standards. 13 Letters of Offer, to the value of £54k have been issued.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs how many Tree Preservation Orders are in force across North Down; and the location of these orders.

(AQW 7171/17-22)

Mr Poots: Local councils make and enforce Tree Preservation Orders to protect selected trees or groups of trees and my Department is not the authority which enforces this legislation.

Ards and North Down Borough Council has published a web based interactive map showing the location of Tree Preservation Orders in their Council area which can be accessed on the Council's website: <https://www.ardsandnorthdown.gov.uk/resident/planning/trees/tree-preservation-orders#:~:text=Tree%20Preservation%20Orders%20are%20imposed,Ards%20and%20North%20Down%20Borough>.

Mr Lyttle asked the Minister of Agriculture, Environment and Rural Affairs (i) whether exemptions from the COVID-19 rule of six restrictions for grouse shooting and hunting with guns introduced in England were also introduced in Northern Ireland; and (ii) if so, do these exemptions remain in place.

(AQW 7812/17-22)

Mr Poots: While the Department of Agriculture, Environment and Rural Affairs is not responsible for the legislation governing gatherings in the COVID 19 environment, I am not aware of any exemption having been made for this purpose under the Northern Ireland legislation.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs what role Forest Service has in the protection and management of trees at Portavoe Reservoir.

(AQW 8115/17-22)

Mr Poots: The woodlands surrounding Portavoe Reservoir have been managed by Forest Service under a management agreement with NI Water (formerly DOE) since 1978.

Recently, the woodland and reservoir at Portavoe have been disposed of by NI Water as surplus to their requirements.

Consequently, Forest Service now need to consider land management responsibilities falling to the respective parties resulting from the change in land ownership. In terms of protection, the woodland at Portavoe remains subject to the requirements of the Forestry Act (Northern Ireland) 2010 and the Environmental Impact Assessment (Forestry) Regulations irrespective of land ownership.

Mr Dickson asked the Minister of Agriculture, Environment and Rural Affairs for an update on the Forests for Our Future Programme, including how many trees have been planted thus far.

(AQW 8129/17-22)

Mr Poots: Since March 2020 I have taken a personal lead in promoting 'Forests for Our Future' which will become a foundation programme within the Green Growth Strategy. I have attended a planting event with school pupils; opened a revised forestry grant scheme, announced the development of a new small woodland grant scheme and established an afforestation forum to make plans for planting suitable public and council land. To date Forest Service has validated that 574 thousand trees have been planted in new woodland by land owners with support from Forestry Grant Schemes and on Departmental land.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs what discussions have taken place with Ards and North Down Borough Council to ensure its share following the announcement to plant 18 million trees across Northern Ireland.

(AQW 8393/17-22)

Mr Poots: In response to my invitation to participate in an afforestation forum aimed at planning and creating new woodland on council land to help deliver the 'Forests for our Future' Programme, Ards and North Down Borough Council have nominated a senior official to take part in the forum which will take place in December. My departmental officials have engaged already with Councils helping them to map and record suitable land for planting.

Since I announced the 'Forests for our Future' Programme in March, Forest Service has validated that 11 thousand trees were planted by a private landowner within Ards and North Down Borough Council area with support from the Forest Expansion Scheme. Officials are currently assessing a second application under this Scheme which includes plans to plant a further 17 thousand trees in the Council area this winter.

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs to detail the new planned release date for his Department's consultation on the environment plans, principles and governance aspects of the Environment Bill.
(AQW 8595/17-22)

Mr Poots: Publication of the Discussion Document on Plans, Principles and Governance was postponed from 12 October 2020 in order to allow Departmental officials to provide further briefing to the Committee for Agriculture, Environment and Rural Affairs at its meeting on 15 October 2020. The Discussion Document will be published as soon as it is practicable to do so and will remain open for comment for a period of 8 weeks.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs for her assessment of the current statutory protection afforded to trees or woodland under the Planning (Northern Ireland) Order 1991.
(AQW 9042/17-22)

Mr Poots: The Department for Infrastructure has responsibility for the Planning (Northern Ireland) Order 1991 and the implementation of this legislation is the process by which protection of trees and woodlands is considered.

My Department regulates felling of trees in woodlands under the Forestry Act, however felling of trees required for development authorised by planning permission are exempt from regulation under the Forestry Act as are trees that are subject to Tree Preservation Orders.

Mrs Barton asked the Minister of Agriculture, Environment and Rural Affairs what action has been taken to ensure the sufficient supply of veterinary medicinal products following the implementation of Brexit.
(AQW 9928/17-22)

Mr Poots: Thank you for your correspondence on 10 November 2020 in relation to what action has been taken to ensure the sufficient supply of veterinary medicinal products to Northern Ireland following the implementation of Brexit.

The Veterinary Medicines Directorate (VMD) is an Executive Agency of the Department for Environment, Food and Rural Affairs (Defra). VMD is responsible for assuring the safety, quality and efficacy of veterinary medicines in the United Kingdom. VMD regulate on behalf of the Department of Agriculture, Environment and Rural Affairs (DAERA) for veterinary medicinal products.

My officials are actively engaged with VMD to ensure we assess the impact of the Protocol on veterinary medicinal products; are aware of identified issues and work towards ensuring continued supply and access.

I am pleased to inform you that the EU and UK have now agreed on a phased process for implementing veterinary medicines regulation in Northern Ireland up to 31 December 2021. This will ease regulatory burden and provide the additional time needed for businesses to prepare in relation to the movement of veterinary medicinal products from GB to NI. Further guidance will be sent out to businesses shortly.

My officials also continue to work closely with all relevant representative bodies, to ensure that NI vets, farmers and animal owners retain access to the existing range of veterinary medicines to maintain standards of animal health and welfare.

Further guidance is available on the VMD information hub which contains communication on the changes following the end of the transition period and can be accessed at <https://www.gov.uk/guidance/vmd-information-hub>.

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs to detail (i) how many downloads of the Air App there has been since its launch; (ii) the average number of daily users; (iii) the total number of push notifications sent by the app to users in Northern Ireland; (iv) the cost of development and maintenance of this app; and (v) what communication and promotion his Department has undertaken regarding this app.
(AQW 9962/17-22)

Mr Poots: The Northern Ireland Air Quality App gives the public instant up to date information on the air pollution levels across Northern Ireland and a five day air quality forecast. It also provides the public with valuable health advice on the impacts of reduced air quality, to help them make informed decisions about their activities on days when air quality is poor. The pollutants monitored are nitrogen dioxide, particulate matter (PM), sulphur dioxide and ozone.

Since the Air Quality App launch on 7th May 2020 there have been 441 downloads of the iPhone version and 606 downloads of the android version.

Between 7th May 2020 and 8th November 2020, the average number of daily users for the iPhone version was 3.08. For the android version, information is only available on how many devices the App is active on and not the number of daily users.

For both versions of the App, access to information on the number of 'push notifications' is not available.

The cost of the design and build of the app was £30,035. Corrective maintenance is estimated at £3,000 per year.

The App was launched with a DAERA press release on 7th May. It was also promoted on various social media channels including NIEA and DAERA's facebook pages and MyNI.

Mr McGlone asked the Minister of Agriculture, Environment and Rural Affairs what actions his Department is taking to highlight the importance of farm safety.

(AQW 10012/17-22)

Mr Poots: Agriculture is our most dangerous industry and has consistently held a poor safety record in relation to deaths and serious injury, of all the industries in Northern Ireland.

Whilst Health and Safety is the remit of the Health and Safety Executive Northern Ireland (HSENI), I continue to show my commitment to the safety of our farm families and employees through significant work in a number of different ways.

The Farm Safety Partnership (FSP) was established in 2012 and has representation from my Department, HSENI, the Ulster Farmers' Union, the National Farmers' Union Mutual, the Young Farmers' Clubs of Ulster and the Northern Ireland Agricultural Producers Association. As part of the 2020-2023 Farm Safety Action Plan (its fourth Action Plan), the FSP is concentrating on specific 'Farm Safe Essentials' aimed at reducing the number of serious and fatal incidents relating to frequently recurring causes.

The 'Stop and Think SAFE' farm safety multi media campaign, was developed by the FSP to help tackle the high rates of serious accidents and deaths on Northern Ireland's farms. It raises the issues of the four main causes of fatalities on our farms - Slurry, Animals, Falls (from height) and Equipment. My Department continues to provide funding for this ongoing high profile and often hard hitting campaign.

FarmSafeNet, developed by the FSP, is an online learning tool designed to raise awareness about farm safety. It provides a range of useful resources along with practical information, all to encourage farmers and those working on farms to think seriously about safety on their farm. In addition, the 'Making it Safer' tool, included in FarmSafeNet, allows farmers to carry out a simple risk assessment that can help them manage their farm in such a way that it is safer for themselves, families and employees.

These online farm safety tools are an integral part of the application process for the Northern Ireland Rural Development Programme Farm Business Improvement - Capital Scheme. Tier 1 Tranche 3 of this scheme is currently open for applications, however, I strongly recommend that all farmers, farm family members and farm workers access these online tools. They can be found at www.farmsafenet.org

Farm safety is a high priority across all programmes that are delivered through the College of Agriculture, Food and Rural Enterprise (CAFRE) and Health and Safety is a key component of these programmes.

All new full-time, Further Education agriculture students participate in the Yellow Wellies Farm Safety initiative which is delivered by the Farm Safety Foundation. This important training initiative was delivered remotely to students at the start of the 2020/21 academic year. Health and safety is also a key feature of all practical activities undertaken by students during their course at CAFRE. In addition, the education and training provision on the safe operation of machinery at CAFRE has been further enhanced through the use of simulated driving technology.

During July and August each year CAFRE provides a tractor driving training course for 13 to 16 year old young people. This course includes Health and Safety, Legal requirements, Safe use of tractors on the farm, and how to safely use trailers and other implements. The restrictions in place due to COVID-19 prevented the delivery of this training over summer 2020. However, subject to restrictions that may be in place, this course will be offered during summer 2021.

CAFRE also delivers the Rural Development Programme Business Development Groups (BDGs) and Farm Family Key Skills (FFKS) Schemes. Almost 3000 farmers participate in the BDGs and to date 2138 have attended Health and Safety training, which is an integral part of the scheme. In addition, all BDGs participants have Health and Safety as a component part of their Farm Business Development Plan which is reviewed annually.

Within the FFKS Scheme, 771 people have undertaken Health & Safety Awareness training which aimed to create more awareness of the risks that exist on farms and encourage activities and work practices that create a safer working environment for all the farm family. Over 2,370 farm family members have also been trained in First Aid Awareness.

To date, 290 farm family members have participated in a 'Coping with the Pressures of Farming' course. This is delivered by Rural Support and focuses on farmers' mental wellbeing. It was developed in response to a growing body of evidence that stress and anxiety impact on farmers' wellbeing and their ability to do their job and a suggested link between increasing stress levels in farming and increasing risks for farm accidents to occur. The training focuses on helping farm families recognise the signs of stress, the potential causes, the practical steps to address the causes and where to seek help when required.

My Department will continue to ensure health and safety remains embedded within its training provision and will work collaboratively with its partners on the FSP to help drive home the importance of farm safety and develop a safety-first culture

on our local farms. It is however, the farmers and those living and working on our farms that must put into practice those actions that are required to minimise or eliminate the risks of serious injury or death on our farms.

Mr McGlone asked the Minister of Agriculture, Environment and Rural Affairs what discussions he has had with his counterpart in the Irish Government on the banning of single-use plastics on the island of Ireland.

(AQW 10015/17-22)

Mr Poots: At the 4 November British-Irish Council (BIC) Environment sector Ministerial meeting Minister Ryan and I, along with all of the BIC representatives, had a discussion around the harm posed to the marine environment by discarded fishing gear, plastic pellet loss and general marine litter much of which arises from terrestrial litter sources. We noted the progress to date and reaffirmed our commitment to collaborative work in this area.

I note too that Minister Ryan has launched a circular economy waste action plan including proposals to ban common single use plastic items that Ireland as an EU Member State is required to restrict by the July 2019 EU Directive on plastics. I further note that several of my GB colleagues are also considering options for restricting the supply of single use plastics and I am reviewing what action might be appropriate for Northern Ireland and I will, of course, take into account the actions proposed both in GB and in Ireland. With the proposed introduction of a levy on disposable beverage cups in Ireland, in Northern Ireland we will be considering how best to use powers from the new Environment Bill, once enacted, to implement charges for commonly used single use plastic items.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 7747/17-22, to detail a timeframe in which a ban on the use of wild animals in circuses can be introduced.

(AQW 10032/17-22)

Mr Poots: I remain supportive of a ban on the use of wild animals in circuses in Northern Ireland. The Department remains focused on its preparations for the end of the transition period and must ensure the effective implementation of EU Regulation No.2016/429 (the Animal Health Law) which is to apply in April 2021. I have, therefore, instructed my officials to consider the matter as and when resources permit.

It is anticipated that any ban would require primary legislation and, as such, it is likely to take some time to progress. There are no circuses based here and those which have travelled to Northern Ireland in recent years have not used any wild animals in their performances. I am, therefore, satisfied that the absence of a legislative ban is not giving rise to animal welfare issues at this time. The Department will continue to monitor the position.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs to detail his Department's understanding of the (i) current health status and viability of the freshwater pearl mussel populations of the Owenkillew river catchment; (ii) legal obligations for their protection; and (iii) identified environmental threats to the viability of this protected species.

(AQW 10040/17-22)

Mr Poots:

- i The Department's most recent assessment of the freshwater pearl mussel in the Owenkillew River Special Area of Conservation (SAC) shows that the status of the species on that site remains unfavourable, and probably unviable in the long-term due to a fragmented and ageing population with younger age classes being largely absent. A recent commercial survey reported an absence of mussels, but coverage is understood to be incomplete, and the Department will carry out it's own assessment when river conditions permit.
- ii. The Freshwater Pearl Mussel is fully protected by law due to its inclusion in Annex 2 of the EU Habitats Directive. This includes the requirement to designate and manage SACs for the protection and restoration of freshwater pearl mussel populations. It is also protected under the Wildlife (NI) Order 1985 (as amended).
- iii. Identified pressures and threats to freshwater pearl mussels include water pollution from agricultural activities, forestry activities and other sources, and potential modifications/alteration to hydrological flow in water bodies. A Conservation Management Plan for the Owenkillew River SAC is currently being developed which will detail these pressures and threats at a site level and propose specific management actions to address these.

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs for an update on plans to upgrade Moorlough, Tyrone.

(AQW 10083/17-22)

Mr Poots: My Department provides access and parking for anglers at Moorlough and has plans to resurface the 1.8km in long Loop Lane in stages with asphalt shavings. Some works have already been carried out to part of the lane and another section of 250m is planned over the winter period. This work will improve access for anglers as well as the many other users of the facility such as local residents, cyclists, runners and walkers. My Department will also continue to maintain and enhance this popular angling facility through fish stocking.

My Department leases the fishing rights at Moorlough for the purpose of providing angling to the public. As my Department does not own the lake or the surrounding area, opportunities to use public money to carry out improvement work at Moorlough

are limited. There is also a need to prioritise spend from the existing budget to maintain fixtures and fittings at all waters in the Public Angling Estate.

Mr McGlone asked the Minister of Agriculture, Environment and Rural Affairs what recent discussions he has had with the British Government on the implementation of a UK emissions trading scheme that is linked with the EU emissions trading scheme.

(AQW 10086/17-22)

Mr Poots: Under the Northern Ireland Protocol NI electricity generating installations will remain in the EU Emissions Trading Scheme (EUETS) following the end of the Implementation Period. The remaining ETS installations will participate in either a UK ETS or Carbon Emissions Tax. Consequently, Northern Ireland will have to run a dual system of carbon pricing.

Over the course of this Assembly, I have had regular engagement with Kwasi Kwarteng, Minister of State for Business, Energy and Clean Growth and my counterparts from the other Devolved Administrations on issues relating to emissions trading, through participation in Inter-ministerial Groups and Quadrilateral meetings. I have also corresponded directly on this issue with Minister Kwarteng.

Throughout this ongoing engagement I have stated my preference for a linking agreement between the UK ETS and EU ETS. This would allow NI electricity generating installations to be folded into a linked UK ETS and avoid the requirement for a dual system of carbon pricing.

Mr Robinson asked the Minister of Agriculture, Environment and Rural Affairs (i) what has been done to resolve outstanding issues relating to the hydroelectric scheme at Roe Valley Country Park, Limavady; and (ii) whether any outstanding issues with adjacent landowners be addressed as a matter of urgency.

(AQW 10099/17-22)

Mr Poots: My officials have confirmed that the outstanding issues relating to the hydro-electric scheme at Roe Valley Country Park cannot be resolved until such time as permission is granted by an adjacent land owner to access their lands in order to allow works to be completed.

Department officials have confirmed a comprehensive proposal has already been made to this adjacent landowner through his legal representatives.

Whilst officials have been notified that the landowner in question considered this proposal unacceptable, Department Officials are still awaiting specific details as to what elements of the existing proposal they are objecting to; the land owner concerned is aware of this.

Department officials continue to work to resolve all issues that arise with adjacent landowners as expediently as is possible, within the relevant financial constraints, probity and terms of accountability required for the expenditure of public monies.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs to detail the proportion of recycled material for which the recycling process occurs in Northern Ireland.

(AQW 10114/17-22)

Mr Poots: In 2019 out of every 100 tonnes of waste material brought onto sites which were authorised and monitored by the Northern Ireland Environment Agency for recycling, 38 tonnes (38%) underwent the full recycling process in Northern Ireland, i.e. waste that has been completely or fully recycled within Northern Ireland. This fully recycled tonnage can be broken down into the following:

- reprocessing of waste into aggregates (22%)
- composting of organic materials (6%)
- anaerobic digestion of organic materials (5%)
- reprocessing of glass (2%)
- other materials e.g. paper/wood/tyres/plastic/metals (3%)

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs, in order to deter from the use of the waste treatment option and promote the use of alternative technologies, whether he will consider introducing a levy on incineration.

(AQW 10115/17-22)

Mr Poots: AQW 10115/17-22, AQO 866/17-22 and AQW 7744/17-22 refer.

There are currently no powers devolved to Northern Ireland that might be used to introduce a levy on incineration. Taxation, including the introduction of levies, is a matter for the UK Parliament.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the introduction of a register of animal welfare offenders in Northern Ireland.

(AQW 10116/17-22)

Mr Poots: I remain open to the possibility of creating a register of those convicted of animal welfare offences. The creation of such a register, however, raises complex issues regarding data protection, human rights and costs. As conviction data is strictly controlled and managed by the Department of Justice, my officials continue to explore these issues with officials in that Department and, following this, I intend to write to the Minister of Justice to seek her views on the matter.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs to detail his plans to rewet boglands.
(AQW 10137/17-22)

Mr Poots: I recognise that our peatland habitats are important for a number of reasons, in particularly biodiversity and their role in mitigating climate change. As I said in the Assembly recently, one factor that has contributed to the loss of biodiversity is decisions that were made in the past to drain areas in the uplands, which made farmland more productive there. We now know, however, the harm that can be done to our peat bogs from loss of water, both in terms of carbon capture and biodiversity loss. The reality is that we need to rewet our peatlands once again.

With this in mind, a Northern Ireland Peatland Strategy for Northern Ireland is currently being developed which will provide a framework for conserving our intact semi-natural peatlands and restoring degraded semi-natural peatlands, which I hope to consult on in the New Year.

In practical terms, NIEA continues to work with partners on the development, implementation and funding of peatland restoration projects through both direct DAERA funding, current INTERREG funding and by the development of future funding proposals.

Forest Service has also produced a strategy for the restoration of peatland habitats on land which it manages and published this as part of the forestry planning consultation documents.

As part of wider work to develop a new, post CAP, Agriculture Policy, officials have been working in partnership with farmers and farmer organisations to develop future Agri-Environment policy and schemes. Schemes to facilitate peatland restoration are under consideration as part of this policy development as we will need to support farmers financially for the environmental benefit that will be created by wetting the peatlands once again.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs to detail the benefits of rewetting boglands in relation to reducing and capturing carbon.
(AQW 10138/17-22)

Mr Poots: Peatlands are among the most carbon-rich ecosystems on the planet and as such will play a key role in mitigating climate change. Healthy peatlands in good condition not only store carbon but can actively sequester atmospheric carbon in perpetuity, as well as support biodiversity and reduce flood risk.

Peatland covers a significant part of Northern Ireland, most notably peatland with semi-natural vegetation which covers approximately 12% of the land area. Most peatland here has been modified by man and is considered degraded and in poor condition, emitting significant amounts of stored carbon. These habitats are also highly sensitive to air and water pollution which can damage or kill the peat-forming species and interfere with the peat's carbon storage capacity.

The restoration of peatland is a key nature-based solution which would both mitigate climate change and restore biodiversity, to ensure that they are sufficiently wet to support those moss species vital for peat accumulation and address other pressures and threats.

The Office for National Statistics recently reported that restoring peatland would be a cost effective measure to help tackle Climate Change – the estimated cost of fully restoring all of the UK's peatlands (£8-22 billion) is below the estimated savings of £109 billion in terms of reduced carbon emissions.

With this in mind, a Northern Ireland Peatland Strategy for Northern Ireland is currently being developed which will provide a framework for conserving our intact semi-natural peatlands and restoring degraded semi-natural peatlands, which I hope to consult on in the New Year.

DAERA currently supports remediation of peatland habitats through the Environmental Farming Scheme, through appropriate grazing, scrub removal and other conservation measures.

The Department is also supporting the development of Conservation Management Plans for protected peatland habitats and the roll out of targeted peatland restoration through the INTERREG VA programme, in partnership with local landowners.

Officials are currently scoping a range of nature recovery initiatives, including a potential peatland restoration programme to supplement current provision and provide for more bespoke, landscape-scale restoration efforts. This will be designed to deliver the Department's dual objectives to deliver net zero and restore biodiversity.

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs how much rural development funding has gone into (i) Ballintoy; (ii) Balnamore; (iii) Dunloy; (iv) Loughgiel; and (v) Rasharkin, in each of the last five years.
(AQW 10166/17-22)

Mr Poots: I refer you to my response to AQW 8150/17-22 which outlined that details of all payments can be found at <http://cap-payments.defra.gov.uk/>.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs when he will bring forward a consultation on the introduction of Finn's Law.

(AQW 10177/17-22)

Mr Poots: I am committed to recognising the invaluable work of service animals in Northern Ireland and consider it important that they are provided with the same level of protection here as in England and Wales. My Department intends to bring forward the relevant consultation in early 2021. Work is currently ongoing to develop the consultation document.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs (i) what assessment his Department has conducted regarding the mink cull in Denmark linked to COVID-19; and (ii) whether he is aware of any other potential COVID-19-infected animals nationally and internationally that could potentially impact the north.

(AQW 10298/17-22)

Mr Poots: My veterinary officials are continually monitoring and assessing the ongoing developments regarding detections of SARS-CoV-2 (the strain of coronavirus that causes the human disease COVID-19) in animals worldwide, including the recent development regarding mink farms across Europe.

I am aware of reports that mink to human transmission has occurred in some of these farms, and note the actions taken by the authorities in those jurisdictions in recommending the humane culling of mink and introduction of appropriate public health measures. The United Kingdom (UK) government, in response to these reports, initiated the banning of all travel from Denmark, into the UK, from 7 November. Furthermore, an additional requirement was introduced whereby anyone who had arrived in the UK from Denmark, since 23 October, was required to self-isolate with all other household members until two weeks had passed since their date of travel.

A qualitative assessment of the risk that SARS-CoV-2 infection in Mustelinae (mink, ferrets and weasels) presents to the UK human population was carried out by the cross-government, multi-agency body, the Human Animal Infections and Risk Surveillance (HAIRS) group. My officials collaborated on this qualitative risk assessment, which can be viewed here, with the group concluding that the risk to the general population is very low.

In relation to other animals, I am aware of the small number of reports nationally and internationally regarding SARS-CoV-2 detections in cats, dogs, and big cats in zoos. In these animals, it is considered that viral transmission occurred from close contact with infected humans. With the exception of mink, there is no current evidence to suggest that infected animals have transmitted the virus to humans. However, my officials are continuing to work closely with colleagues from across the UK and the Republic of Ireland to consider any emerging potential risks to Northern Ireland and to establish any actions which may be necessary.

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs to detail (i) all actions taken by his Department and arm's-length bodies concerning the Meenbog peat slippage; (ii) his Department's and arm's-length bodies engagement with their Republic of Ireland counterparts on the issue; and (iii) his plan to mitigate the pollution of local waterways around the wider Castlederg area.

(AQW 10303/17-22)

Mr Poots: As this is a cross-border matter, Loughs Agency are the lead Agency in the investigation of Meenbog peat slippage. The incident itself occurred within the jurisdiction of Donegal County Council in Ireland, however the significant affects have crossed far into Co Tyrone in Northern Ireland.

My officials within the Northern Ireland Environment Agency (NIEA) have been onsite since notification was received on Friday 13 November 2020 and continue to assist in the investigation alongside the lead agency and other statutory bodies.

The wind farm developer has suspended all works at the site with the exception of those that relate to mitigating the impact of the bog slide and reducing the risk of further slides. NIEA are undertaking a water quality sampling programme to monitor water quality and will make an assessment of the impacts on invertebrates once water levels drop. It is not yet possible to assess the impact of the bog slide on the fishery, flora and fauna in the Mourne Beg and Derg Rivers until water levels decrease and the levels of suspended peat reduce.

A cross border multi-agency meeting was held 16 November to co-ordinate the response to the significant pollution event that is impacting the Mourne Beg River and Derg River. Representatives from the Loughs Agency, NIEA, National Parks and Wildlife Service, the Environmental Protection Agency, Donegal County Council and Derry City and Strabane District Council discussed the findings from their initial investigations into the incident.

The multi-agency group will reconvene to review matters and further co-ordinate the response. However the evaluation of the effects of this incident are likely to take some time. Only after a full and extensive evaluation can an attempt be made to determine the full extent of the impact and plan a way forward.

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs (i) whether there is a condition that members of the board of the Loughs Agency attend meetings as a condition of receiving remuneration; and (ii) if not, whether he will consider introducing such a condition.

(AQW 10323/17-22)

Mr Poots:

- (i) There is no specific provision which specifically states attendance at meetings of North/South Implementation Bodies as a condition of receiving remuneration.

Schedule 1, Annex 2, Part 6 of the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 makes provision for the Board of the Foyle, Carlingford and Irish Lights Commission (Loughs Agency). Under the legislative provisions, the North South Ministerial Council (NSMC) will appoint the members to the Board.

Schedule 1, Annex 2, Part 6, 10.2 contains a provision relating to resignations and dismissal.

10.2. A person may resign as a member or as Chairperson or Vice-Chairperson by notice in writing to NSMC. NSMC may dismiss a person from his or her office as a member or as Chairperson or Vice-Chairperson, if—

- (a) he or she fails without reasonable excuse to discharge his or her functions for a continuous period of 3 months;
 - (b) he or she is convicted of a criminal offence;
 - (c) a bankruptcy order is made against him or her, or he or she makes a composition or arrangement with his or her creditors; or
 - (d) he or she is unable or unfit to carry out his or her functions.
- (ii) The appointment of Board Members to North/South Bodies and the applicable conditions of appointment are matters for the NSMC.

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs (i) how much each member of the board of the Loughs Agency has been paid; and (ii) how many meetings of the board have been attended by each member, in each of the last two years.

(AQW 10324/17-22)

Mr Poots:

- (i) Remuneration for Members of the Loughs Agency Board over the last two years is as follows:

Member	Totals Gross 2019	Totals Gross YTD 2020
P Mahon	£5,235.00	£3,926.25
T McWilliams	£5,235.00	£3,926.25
A Ewart	£5,235.00	£3,926.25
I McCrea	£5,235.00	£3,926.25
A Patterson	£5,235.00	£3,926.25
A Duncan (Vice-Chair)	€9,830.00	€7,372.50
P Gibbons	€7,685.00	€5,771.25
F Walsh	€7,685.00	€5,771.25
H Mackey	€7,685.00	€5,771.25
M McCormick	€7,685.00	€5,771.25

- (ii) Board Member attendance at meetings over the last two years is as follows:

	Meetings Attended 2019	Meetings Attended 2020
Andrew Duncan	4	5
Phil Mahon	5	5
Michael McCormick	4	4
Terry McWilliams	4	5
Allan Ewart	2	5
Alastair Patterson	3	3
Ian McCrea	0	0
Patrick Gibbons	5	5
Fiona Walsh	5	4

	Meetings Attended 2019	Meetings Attended 2020
Heather Mackey	5	5

Mr Middleton asked the Minister of Agriculture, Environment and Rural Affairs what recent engagement his Department has had with Derry City and Strabane District Council regarding the Mobuoy waste site.

(AQW 10332/17-22)

Mr Poots: In July 2019 my Department established a Task and Finish Group with officials from Derry City and Strabane District Council (DCSDC) and NIEA's Mobuoy Remediation Project Team to work together and develop a discussion paper for the Site Vision post remediation. This discussion paper presented a co-design methodology for Council and DAERA to develop the future visioning for the site with opportunity for engagement with stakeholders and the local community in developing the design solution.

The paper was presented to, and approved by, the NIEA Board on 8 January 2020 and subsequently presented to DCSDC Environment and Regeneration Committee (ERC) on 22 January 2020. The Mobuoy Remediation Project Team provides monthly reports to the Council ERC, both to address Members' questions and to provide project updates.

A draft Mobuoy Stakeholder Engagement and Governance paper outlining proposals to take forward the site vision with stakeholder and local community engagement while protecting the integrity of the criminal trial, was presented to and approved by my Department's Mobuoy Remediation Project Board on 21 October 2020. This paper was subsequently presented to and approved by the Council's ERC on 11 November 2020 and this is now awaiting full Council approval.

I met with Members of the Council ERC on 28 October 2020 to address their concerns surrounding the Mobuoy site and my Department's next steps in progressing with remediation. I strongly support and promote the opportunity to leave a positive legacy at the Mobuoy site for the local community and future generations through collaboration and joint funding between my Department, the Department of Finance and the Council.

Mr McHugh asked the Minister of Agriculture, Environment and Rural Affairs to detail the impact on wild flora and fauna and fishstocks in the Mournebeg River, Tyrone, due to deteriorating water quality as a result of the Meenbog landslide in Donegal on 12 November 2020.

(AQW 10352/17-22)

Mr Poots: The rivers Mourne Beg and Derg all form part of a large river system flowing into the River Foyle and then Lough Foyle. This river system is important not only for the species it contains and supports, notably Atlantic salmon, species of Lamprey and Otter, but also because of the range of river and associated habitats such as woodland. The system is protected as an Area of Special Scientific Interest (ASSI) and also is recognised internationally as a Special Area of Conservation (SAC).

It is not yet possible to assess the impact of this landslide on the flora, fauna or fishstocks of the Mourne Beg or Derg Rivers due to high, turbid flows in the rivers. The Northern Ireland Environment Agency (NIEA) has set up a programme of water sampling on the Mourne Beg and Derg Rivers to assess the potential impact of the landslide on water quality and will also conduct an investigation into the impacts on invertebrates once water levels have come down sufficiently to allow access to the rivers. NIEA and Loughs Agency staff are working closely with other organisations both on incident response and to try to achieve early restorative actions.

Mrs Barton asked the Minister of Agriculture, Environment and Rural Affairs whether he is continuing with the active farmer criteria in the new direct payments scheme.

(AQW 10401/17-22)

Mr Poots: The Active Farmer criteria have been successful in excluding and continuing to exclude non-farming landowners who rent their land out in conacre from applying for funding under the Basic Payment Scheme. I therefore intend to retain the current Active Farmer criteria for the 2021 scheme year.

However during 2021 I intend to review the current Active Farmer provisions to ensure they remain fit for purpose going forward.

Ms Sugden asked the Minister of Agriculture, Environment and Rural Affairs to detail (i) any plans he has for pursuing stricter laws regarding the illegal poaching, shooting, hunting and poisoning of native birds of prey and migratory birds; and (ii) the numbers of successful prosecutions made for the above crimes in each constituency, broken down by year for the last five years.

(AQW 10407/17-22)

Mr Poots: All wild bird species are afforded protection in Northern Ireland under the Wildlife (Northern Ireland) Order 1985. The PSNI has responsibility to investigate breaches of the Wildlife Order and work closely with DAERA officials with relevant scientific knowledge to gather information which assists prosecutions.

It is an offence to intentionally kill, injure or take any wild bird, including damaging their nests during the process of building or in occupation. Schedule 1, Part A of the Wildlife Order lists bird species that are protected all year round. The Schedule includes native birds of prey and migratory species. Schedule A1 of the Order also lists returning species and protects their nest year round.

I am therefore content that there is currently robust legislative protection in place for raptors and migratory birds and I have no plans to introduce new legislative measures. However, I am content to keep this issue under review, and will take additional action if deemed appropriate.

The Department does not hold records on the level of PSNI enforcement action taken in relation to migratory bird incidents. However, I would draw your attention to the latest (2019) report from the Partnership for Action against Wildlife crime (PAWNI) on raptor persecution. This is a comprehensive report which can be accessed at:-

https://80fb1992-4451-40d0-9d4a-ceb85ee8bb71.filesusr.com/ugd/259455_45a771f2750045d2940b099e8a8e58bf.pdf

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 9041/17-22, to detail (i) how many Anaerobic Digestion (AD) plants operating without a waste management licence have been identified, (ii) all AD plants that had been operating and receiving subsidies without a waste management licence; and (iii) whether waste management licences will be granted to plants that do not (a) meet conditions set out in their planning applications; or (ii) have planning permission.

(AQW 10430/17-22)

Mr Poots:

- (i) My Department is currently aware of 37 AD plants operating without a waste management licence. Of these, 14 do not require a licence as they are not accepting waste feedstock and 23 licence applications are currently being determined by NIEA.
- (ii) I assume the term 'subsidies' refers to the Renewables Obligation Certificates (ROCs) issued under the Northern Ireland Renewables Obligation (NIRO) Scheme. Biogas produced by AD plants when combusted in a combined heat and power (CHP) unit can generate renewable electricity. This CHP unit and generator are collectively referred to as a generating station. It is this generating station that is accredited by OFGEM for the purposes of the NIRO scheme and not the AD plants producing the biogas. Importantly, anaerobic digestion plants are not eligible for support under the NIRO scheme.

This is an important distinction as the NIRO legislation and scheme administration is focussed solely on the electricity generating station and ROCs are issued only in recognition of the eligible electricity produced. Therefore no AD plants had been operating and receiving subsidies without a waste management licence.

- (iii) AD plants accepting waste feedstock must have planning permission in place prior to being granted a waste management licence. This is a statutory requirement under Article 8 of The Waste and Contaminated Land (Northern Ireland) Order 1997 which states that a waste management licence shall not be granted for the use of land, plant or equipment, for which planning permission is required, unless such planning permission is in force. My Department therefore requires applicants for all waste management licences to provide evidence that that this requirement has been satisfied before a licence is granted. Compliance with the conditions attached to planning permissions is a matter for the relevant planning authority.

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs to detail all assessments carried out on the (i) Mourne Beg River; and (ii) Derg River following the recent peat landslide in Meenbog.

(AQW 10516/17-22)

Mr Poots: Further to my response to your question ref AQW 10303/17-22.

The second meeting of the Cross Border Multi-Agency Working Group took place on Thursday 19th November 2020 with representatives from Northern Ireland Water and the Department for Infrastructure Rivers joining officials from Loughs Agency, Northern Ireland Environment Agency (NIEA), National Parks and Wildlife Service, Donegal County Council and Derry City and Strabane District Council.

All agencies shared updates on the various works and investigations they initiated in response to the significant pollution event impacting the Mourne Beg River and downstream catchments, triggered by material from a bog slide entering the river. Details were also shared of further investigations that will be required to determine the impact of the event on the environment. Works are ongoing within the site of a wind farm development in Meenbog, from where the slide originated, to mitigate the impact of the pollution and to reduce the risk of further bog slides. Further meetings of the working group are planned for this week and on an ongoing basis.

The investigation of this incident remains ongoing and NIEA treats all evidence and associated materials as if they are 'sub-judice' during the investigative phase of an incident. That being the case you will appreciate that I cannot provide more specific details of the investigation. I am more than happy to update you on this aspect, at a later date, once I am able to do so.

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs whether his Department will establish a programme to introduce fish into the (i) Derg River; and (ii) Mourne Beg River following a recent pollution event.
(AQW 10517/17-22)

Mr Poots: As both the Derg and Mourne Beg Rivers are within the Foyle river system, the Loughs Agency will lead on the consideration of any action to reintroduce fish into the river systems. It may be some time before the full extent of the impact of the landslide on fish stocks is understood. My officials will continue to provide advice and assistance as required.

Mr Beggs asked the Minister of Agriculture, Environment and Rural Affairs (i) how legislation regulating evasive species such as Japanese Knotweed compares to the latest legislation in England; and (ii) what plans he has to update the legislation applicable to Northern Ireland.
(AQW 10586/17-22)

Mr Poots: The Wildlife (NI) Order 1985 contains powers for controlling the introduction of invasive alien species (IAS) in the wider environment. Under Article 15 of the Wildlife Order, it is an offence to 'plant or otherwise cause to grow in the wild' Japanese knotweed or any other invasive plant listed in Part II of Schedule 9 of this legislation. The current legislative position does not require landowners to eradicate Japanese knotweed.

Similar legislation, the Wildlife and Countryside Act 1981, is in place in England and Wales. In addition, the Infrastructure Act 2015 introduced a statutory regime of "Species Control Agreements and Orders" (SPOs) in England and Wales. These provisions are intended to be used primarily to remove newly arrived invasive species or those of relatively restricted distribution. It is not envisaged that these powers would be used to control Japanese Knotweed and, to date, I understand that no SPOs have been issued.

I currently have no plans to review legislation related to IAS, including Japanese knotweed or to introduce similar measures to those contained in the Infrastructure Act 2015.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs, what assessment his Department has made of the potential merits of supporting producers of plastic-free sanitary products to reduce their environmental impact.
(AQW 10635/17-22)

Mr Poots: Plastic and single-use sanitary products cover a wide range of uses, from items used to support the healthcare sector, particularly in care or hospital settings, to feminine hygiene products and baby wipes, as well as many other items. We therefore must be careful not to demonise all plastics. These items make a great contribution to health and wellbeing in Northern Ireland.

However, I recognise the impact that sanitary products containing plastics are having on our environment and in particular our marine environment. Sanitary products that have been incorrectly disposed of are one of the most commonly found items polluting our oceans and beaches.

My Department spends a significant amount of resource annually on raising awareness and changing behaviours around single use plastics. This includes promoting the use of plastic free alternatives or reusables, where it is possible.

I do have some concerns about some of the alternatives to plastics, which are purported to be less harmful to the environment than plastic for example, cotton which can often be used as an alternative material in sanitary products requires vast amounts of water and intensive farming to produce even small amounts of material. Another example is "eco-friendly" wet wipes, which although described as flushable, compostable or biodegradable, in reality these processes do not happen quickly enough to prevent them becoming a menace in our drains and waterways. Once the alternative product has reached the end of its useful life, options for reuse, particularly in sanitary products, would be limited and the infrastructure for textiles recycling in the UK is not yet capable of handling this type of resource. Many of these items could end up in energy from waste facilities or landfill sites.

It is with this in mind that I have instructed my officials to begin work on life cycle analyses for alternatives to plastic, to ensure that we are making the right decisions and promoting alternatives that are truly sustainable and environmentally friendly in the long term. Until these analyses have been completed, no assessment of the merits of supporting producers of plastic-free sanitary products can be made.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs, in light of recent media coverage, what steps his Department has taken to help prevent the occurrence of fire incidents at waste incinerator sites.
(AQW 10637/17-22)

Mr Poots: Thank you for your question, my Department is unaware of any recent media coverage of fire incidents occurring at any waste incinerator site that the Department regulates.

The Industrial Pollution Radiochemical Inspectorate within NIEA current regulate three waste incinerators within Northern Ireland. As part of the compliance with their Pollution Prevention and Control permits the operator must demonstrate that they have made adequate provisions to reduce the risk of a fire at the waste incinerator site. This must include having adequate resources onsite such as a sprinkler system in the fuel hall and an onsite fire water tank which is appropriately sized to aid firefighting if such an incident was to occur. This is documented in their Fire Prevention Plan (FPP) and is submitted for review as part of the permitting process.

Department for Communities

Mr Allen asked the Minister for Communities to detail the dates on which she has visited each constituency in her capacity as Minister since taking up the role.

(AQW 7037/17-22)

Ms Ní Chuilín (The Minister for Communities): Since my appointment as Minister for Communities on 15 June 2020 I have travelled to the following constituencies for visits or photo calls:

Date	Constituency
7 July 2020	Belfast East
8 July 2020	Belfast West
15 July 2020	Foyle
15 July 2020	Derry East
15 July 2020	Mid Ulster
24 July 2020	Belfast North
27 July 2020	Antrim South
27 July 2020	Belfast West
30 July 2020	Lagan Valley
18 August 2020	Belfast West

Mr Clarke asked the Minister for Communities how she plans to alleviate housing stress in South Antrim.

(AQW 9639/17-22)

Ms Ní Chuilín: I am acutely aware that the numbers of people currently on the waiting list and those deemed to be in housing stress remains very challenging.

In terms of new social homes in the South Antrim Parliamentary Constituency I have been advised by the Housing Executive that there have been 15 social housing units completed to date in 2020/21, with a further 119 social housing units currently under construction. There are also a further 167 social housing units programmed to start through the Social Housing Development Programme in South Antrim before 2023.

I recently outlined in my statement to the Assembly my plans to address some of the most significant challenges facing our housing system, including lack of supply. I am determined to increase the capacity of the Social Housing Development Programme.

I am working up options to revitalise the Housing Executive and secure homes for those who need them most.

Ms P Bradley asked the Minister for Communities to detail the Northern Ireland Housing Executive commitment to publish an action plan for the remediation and upgrade of cavity wall insulation in its housing stock by November 2019; and when the plan will be published.

(AQW 9865/17-22)

Ms Ní Chuilín: The Housing Executive is committed to publishing a Draft CWI Action Plan on its response to the British Board of Agrément's CWI report's findings and recommendations. The original presentation of the findings to the Insulation Industry and local political representatives took place on the 8th August 2019, with the intention to publish an action plan in November 2019. However a further round of meetings organised with the Insulation Industry to seek their views on the research and their current operational practices took place and did not conclude until March 2020.

A report was being prepared to take the draft action plan to the Housing Executive Board in March 2020, however the impact of Covid-19 suspended all non-urgent work. A presentation on their likely approach was made to a meeting of the Housing Executive Board in August 2020 and they had intended to publish it in the early autumn. Unfortunately this has been delayed due to some further required analysis of data and further consideration being given on the potential courses of action. The housing Executive have advised that they will publish the Draft CWI Action Plan before the end of this calendar year.

Mr Butler asked the Minister for Communities whether the Gambling Commission can investigate breaches of licence conditions by remote or online gambling operators in Northern Ireland.

(AQW 9943/17-22)

Ms Ní Chuilín: There is no provision for licensing online gambling in the Betting, Gaming, Lotteries and Amusements (NI) Order 1985, however, under section 5 of the Gambling (Licensing and Advertising) Act 2014 online operators who wish to advertise their services here must hold a licence from the Gambling Commission. The Statement of Principles for Licensing

and Regulation (June 2017) sets out terms under which the Gambling Commission can investigate regulatory breaches of licenses issued by it.

Both local and online advertising of gambling products and services must equally comply with the Advertising Codes issued by the Committee of Advertising Practice (CAP) and administered by the Advertising Standards Authority (ASA).

Mr Allen asked the Minister for Communities when the COVID-19 charities fund will reopen. [R]
(AQW 10023/17-22)

Ms Ní Chuilín: I am aware of the ongoing financial challenges within the charities sector and my officials are finalising options on how best to address these. I expect to be in a position to inform my Executive colleagues, the Communities Committee and the Assembly of my decision shortly.

Mr McNulty asked the Minister for Communities whether she will intervene to ensure that the Irish and Local Studies Library remains as one unit and is retained in Armagh city.
(AQW 10068/17-22)

Ms Ní Chuilín: I am aware of the public consultation that Libraries NI is carrying out on its proposal to relocate the services currently provided at the Irish and Local Studies Library in Armagh. I note the proposal is to retain the collection across three locations within County Armagh, with two of these in Armagh City.

In other library settings an aim of co-location, such as is being proposed by Libraries NI, is to increase accessibility to heritage collections and services.

Arrangements for the provision of heritage library services are largely an operational matter for Libraries NI and I would encourage feedback and comments to be submitted to them in line with the public consultation process which will run until 8 January 2021.

Mr Allister asked the Minister for Communities (i) what public accountability measures exist in respect of Conradh na Gaeilge, which has been given authority to administer over £600,000 of COVID-19 support money; (ii) whether Conradh na Gaeilge is subject to any supervision by the Northern Ireland Audit Office; and (iii) what enforceable stipulation exists that the said COVID-19 support money can only be spent in Northern Ireland.
(AQW 10092/17-22)

Ms Ní Chuilín: The Covid-19 Culture, Languages, Arts and Heritage Support Programme 2020/2021 has in place accountability measures to ensure value for money is achieved and oversight arrangements to provide assurance regarding delivery partners and all grant awards.

Conradh na Gaeilge is subject to the usual requirements for award of public funds, which are set out in a Letter of Offer and subject to regular review through engagement between DfC officials and Conradh's senior staff.

The Programme's policy framework is specific to supporting the sectors here.

Ms Armstrong asked the Minister for Communities whether funding for any Housing Executive new builds will be subject to the same conditions as Housing Association Grant payments.
(AQW 10146/17-22)

Ms Ní Chuilín: We are still in the early stages of looking at how to reform the Housing Executive to enable it to begin construction again. Funding conditions will be carefully considered in due course.

Mr Allister asked the Minister for Communities for the community background figures in respect of (i) applicants; and (ii) those appointed in the recent Level 5 Housing Executive maintenance officer competition.
(AQW 10162/17-22)

Ms Ní Chuilín: The Housing Executive has provided the following table detailing the community background of the applicants and successful candidates for the recent Maintenance Officer competition in its South Region.

2020 09 - Maintenance Officer, TL02, South Region

Advertised – 13 February 2020

	Community Background			
	Protestant	Roman Catholic	Not Known	Total
Applicants	22	30	#	#
Successful	#	#	-	#

Please note that there is a protocol that information should not be disaggregated in circumstances where there are less than 10 in any particular group. This ensures that the identities of any individual cannot be inferred from the data provided. Where this information has not been provided, it is denoted by the # symbol.

Mr Allister asked the Minister for Communities how, and with what effect, the contractual obligations in regard to fair employment are monitored in respect of Housing Executive contractors, H & C Mechanicals and CFS; and what are the community background figures for each.

(AQW 10163/17-22)

Ms Ní Chuilín: All of the Housing Executive's contractors are legally obliged to comply with all employment legislation. All Housing Executive contracts issued contain clauses that remind the contractor of their obligations and that it is the contractor's responsibility to ensure compliance. The Housing Executive do not hold any details of the contractor's workforce.

Mr M Bradley asked the Minister for Communities to outline any planned schemes to help rejuvenate provincial towns, such as Coleraine, which have suffered economically from the COVID-19 restrictions.

(AQW 10168/17-22)

Ms Hargey: My Department has developed a £17.6m COVID-19 Recovery Revitalisation Programme, which was launched at the end of July. In addition to the £10.6m provided by my Department, the fund has also received a contributions of £5m from DfI and £2m from DAERA.

The Programme has been designed to be flexible enough to allow councils to address the specific needs of each of their towns and cities. This has included measures such as the provision of hand sanitising stations, signage, town centre infrastructure, and the release of small business grants to allow retailers to adapt their premises to comply with social distancing requirements.

The funding is being paid to councils in two tranches, the first of which issued in August. Letters of Offer for the 2nd Tranche issued at the end of October, and payments to councils are currently being processed.

Mr Muir asked the Minister for Communities to detail the current funding levels allocated to independent advice services; and whether there are plans to review and increase this in light of the COVID-19 pandemic.

(AQW 10181/17-22)

Ms Ní Chuilín: My Department has allocated in the region of £6.4million in the current year, for the provision of independent community based advice services, including appeals and help with problem debt.

Furthermore, I have allocated just over £1million for the provision of free debt advice and financial wellbeing support for citizens. This additional funding which is being directed through regional and local delivery partners, will enable more people whose finances are impacted by COVID-19, to access the debt advice service. It will also support debt preventative and financial wellbeing measures.

During the current crisis the advice sector has been critical in assisting the most vulnerable in our communities.

I am committed to addressing both the root causes and the impacts of poverty and to protecting those most in need. Access to community based, independent advice services, is critical to meeting that commitment.

My Department has been coordinating a regional response to the COVID-19 crisis, involving a comprehensive package of measures to support those most impacted by the pandemic. To date, £4.7million has been allocated through Councils, enabling a significant community response to those in need relating to food, low income and connectedness.

My officials have worked closely with regional and local frontline advice organisations on a co-design, co-production approach to develop support mechanisms such as the COVID-19 Community Helpline, which refers people into community level supports.

The Community Helpline will continue to connect those most vulnerable people into local support services through our stakeholders in the Voluntary and Community Sector and I have allocated additional funding to support this.

I am dedicated to ensuring that people continue to receive the support that they need.

Mr Givan asked the Minister for Communities whether there are funding streams available within her Department for the restoration of war memorials.

(AQW 10193/17-22)

Ms Ní Chuilín: There are no funding streams currently available within my Department for the restoration of war memorials. Many of these structures are protected as listed buildings and in past years support would have been available through schemes such as the Historic Environment Fund. It has not been possible to open the Fund to new applications in 2020/21 given the operational and financial challenges created by Covid-19.

However, you should note that the War Memorials Trust, an independent charity, administers a number of grant schemes for the repair and conservation of war memorials. My Department has supported this work by advertising it through social media and participating in awareness-raising seminars.

Mr Durkan asked the Minister for Communities, pursuant to AWQ 7617/17-22, whether provision could be made for Accessible Housing Register data to be made available to the offices of MLAs and Northern Ireland's MPs in the course of their work advising constituents making applications to the Northern Ireland Housing Executive.

(AQW 10223/17-22)

Ms Ní Chuilín: Due to the nature of this data and given it is a 'live' system, it is not possible to share AHR data with elected members and their staff. In addition, the AHR contains sensitive information that cannot be shared under GDPR.

I would recommend that staff across constituency offices liaise with the Housing Solutions team in the relevant Area Office for queries of this nature in order to ensure the most up to date position is being reported.

Mr Allister asked the Minister for Communities what contact was made with Conradh na Gaeilge in relation to their ability to utilise COVID-19 support money in the three months prior to the announcement of £600,000 support money going to the body.

(AQW 10229/17-22)

Ms Ní Chuilín: The Covid-19 Culture, Languages, Arts and Heritage Support Programme 2020/2021 has been informed by regular engagement with a range of cross-sectoral stakeholders and delivery partners, including Conradh na Gaeilge. This engagement included seeking assurances that delivery partners have the capacity to deliver at pace with effective grant accountability measures to ensure value for money and, that those delivery partners have existing grant making expertise and in-depth knowledge of their Sectoral needs.

Mr Muir asked the Minister for Communities whether there are any plans to mitigate the impact if the £20 a week uplift in Universal Credit and Working Tax Credit is ended in April 2021 as planned.

(AQW 10249/17-22)

Ms Ní Chuilín: On 9 November I advised Executive Colleagues of my intention to join the Scottish and Welsh Administrations in issuing a joint Ministerial letter to Thérèse Coffey, Secretary of State for Work and Pensions for a new welfare strategy to ensure help is reaching those most in need given the financial pressures many households are likely to be experiencing as a result of the COVID-19 pandemic. This includes a request for the £20 weekly increase to Universal Credit and Working Tax Credit to be made permanent.

On 12 November the Scottish Government's Cabinet Secretary for Social Security and Older People, the Welsh Government's Deputy Minister for Housing and Local Government and I jointly sent a letter to Thérèse Coffey, Secretary of State for Work and Pensions and asked her to make the £20 uplift permanent, and to announce this without delay in order to avoid causing further anxiety.

Mr McNulty asked the Minister for Communities to detail the number of personal independence payment appeals currently in the system, broken down by constituency.

(AQW 10278/17-22)

Ms Ní Chuilín: My Department does not record information based on constituency. However, the following table details the number of Personal Independence Payment appeals pending per town as at 31 October 2020.

Town	Number of Personal Independence Payment Appeals Pending at 31 October 2020
Armagh	87
Ballymena	322
Ballymoney	96
Banbridge	114
Belfast	2,993
Coleraine	226
Cookstown	45
Craigavon	258
Downpatrick	295
Enniskillen	118
Limavady	46
Derry	245
Magherafelt	65

Town	Number of Personal Independence Payment Appeals Pending at 31 October 2020
Newry	314
Newtownards	368
Omagh	142
Strabane	84
Dungannon	140
Total	5,958

Ms Armstrong asked the Minister for Communities how many people in each constituency receive carers allowance; and how many of those carers are also in receipt of Universal Credit or legacy benefits.

(AQW 10286/17-22)

Ms Ní Chuilín: The table below shows the number of people who receive a Carers Allowance payment by constituency and who are also in receipt of Universal Credit or a legacy benefit. These figures are from the most recent published data as of May 2020.

Constituency	Carer's Allowance Recipients ¹	Also Claiming Universal Credit or a legacy benefit ²
Belfast East	2,150	1,200
Belfast North	3,960	2,660
Belfast South	1,820	1,080
Belfast West	4,660	3,400
East Antrim	1,990	930
East Derry	2,760	1,430
Fermanagh And South Tyrone	2,360	1,140
Foyle	3,880	2,440
Lagan Valley	1,890	890
Mid Ulster	2,910	1,360
Newry And Armagh	3,220	1,690
North Antrim	2,390	1,170
North Down	1,640	690
South Antrim	2,030	930
South Down	2,950	1,480
Strangford	2,090	940
Upper Bann	3,070	1,560
West Tyrone	2,920	1,580
Unknown ³	140	100
Total⁴	48,810	26,650

- 1 The Carers Allowance figures refer to people who receive a payment and does not include people who have what is known as an underlying entitlement to the benefit but do not receive a payment.
- 2 Legacy benefits included in the above are Jobseekers Allowance, Income Support, Employment and Support Allowance and Pension Credit.
- 3 In producing this analysis, individual records were attributed to a Parliamentary Constituency on the basis of their postcode. Not all records can be correctly allocated using this method, and some cannot be allocated at all.
- 4 Figures may not sum due to rounding.

Mr Durkan asked the Minister for Communities how many recipients of personal independence payment (i) were informed that their award had been extended to a point in 2021; and (ii) were then instructed to complete an award review by a date prior that point in 2021.

(AQW 10309/17-22)

Ms Ní Chuilín: Normally the PIP review process begins 6 months before the award ends when the review form is issued and there is no award extension arrangement in place. However, as an emergency response to the pandemic and in order to ensure the most vulnerable were financially protected, I suspended the issue of Award Review forms for a period of 4 months and extended any PIP awards that were due to expire during this period.

When the Award Review process was restarted in late July forms are now being issued 4 months later than the date they should have been originally issued. In addition, an individual's PIP award was extended for a further 9 months as an additional safeguard due to the uncertainty of Covid.

In these uncertain times it is important to allow the maximum time for the review to be completed without any risk of the existing PIP payment running out and at the same time preventing any knock on impacts on other benefits such as Carers Allowance and Disability Premiums.

The review process only begins when the form is returned and anyone who needs more time to complete the form, including seeking help to fill it in, will be given this if they contact the Department.

Since July 2020, 17,537 Personal Independence Payment Award Extension Letters have been issued, extending awards to various dates in 2021. Similar to the normal process, all of these people will be contacted to complete their Award Review form prior to their extended award ending, which is essential so that the review can be completed before the payment runs out.

The Award Extension Letter is intended to inform people of the current situation on their PIP award as the dates in their original award notification letter have changed.

Mr Butler asked the Minister for Communities what plans she has to treat Fixed Odds Betting Terminals (FOBTs) as gaming machines and make it an offence to operate FOBTs in bookmaking offices.

(AQW 10317/17-22)

Ms Ní Chuilín: Article 2 of the Betting, Gaming, Lotteries and Amusements (NI) Order 1985 defines a gaming machine as:

" any machine which—

- (a) is constructed or adapted for playing a game of chance by means of it; and
- (b) has a slot or other aperture for the insertion of money in the form of cash or tokens."

The 2015 Judgement by the Supreme Court (HMRC v Rank Group PLC) confirmed that Fixed Odds Betting Terminals (FOBTs) were covered by this definition.

On 2 November, I published the Outcome report from my Department's consultation into the future of gambling regulation. I will shortly seek the Executive's agreement to my proposed way forward.

Ms Bradshaw asked the Minister for Communities to detail the timescale for the transfer of land at Hope Street, Belfast, from the Northern Ireland Housing Executive to Radius Housing Association.

(AQW 10319/17-22)

Ms Ní Chuilín: The disposal process for the Hope Street site was approved by the Housing Executive Board at its December 2019 meeting with an expected transfer of the site in March 2020 subject to a number of contractual issues being resolved.

Unfortunately a number of legal issues have arisen in the course of the disposal. These are currently being pursued as a matter of urgency between the parties.

As a result the Housing Executive is not in the position to provide the timescales for the transfer at present.

Mr Harvey asked the Minister for Communities to detail the timescale for the recommencement of non-elite level contact sports.

(AQW 10353/17-22)

Ms Ní Chuilín: The current restrictions do not permit non-elite level contact sports. These restrictions came into effect on Friday, 16 October and are due to be in place until Thursday, 26 November at 23:59 hours.

The review of the ongoing restrictions are a matter for the Executive and will be cognisant of the medical and scientific advice available at that time.

Mr O'Toole asked the Minister for Communities whether cheerleading groups will be able to return to close contact stunting when the current COVID-19 restrictions are lifted.

(AQW 10363/17-22)

Ms Ní Chuilín: The current regulations do not refer specifically to cheerleading but use a definition of “sporting event” which encompasses a gathering for the purpose of exercise, competitive sport, recreational sport or sport training, and dance of any type. The current regulations prohibit indoor group fitness, exercise and dance activity and outdoor activity that involves person-to-person contact.

Guidance on NIDirect is regularly updated to take account of any changes in regulations. Groups engaged in dance, exercise or sporting activity should check NIDirect and follow the up-to-date advice.

Cheerleading groups should check, in particular, for any guidance relating to the permissibility of “contact” before considering a return to close contact stunting.

Mr Givan asked the Minister for Communities to detail the routine evaluation process for the Caravan Act 2011.
(AQW 10377/17-22)

Ms Ní Chuilín: Responsibility for the Caravan Act 2011 is shared between the Department for Communities and the Department for Economy (DfE). The Department for Communities’ primary interest in this legislation is in relation to Part 1 of the Caravans Act 2011 and those people who live on a caravan/park site as their permanent residence. However Part 2 of the Caravans Act 2011 contains specific legislation controlling the arrangements between park owners and those renting caravan pitches for more than 28 days.

The primary aim of the legislation is to ensure clarity and transparency in the terms of the agreement allowing caravan owners to station caravans on holiday parks. Although the Act deals primarily with static caravan owners it also deals with touring caravans where the owner enters into an agreement entitling them to keep their caravan on a site for more than 28 days.

The Department for Communities is required by Section 4 of the Act to review Parts 1 and 2 of the Schedule every 5 years. The Act was last reviewed in 2016 and no changes were recommended.

These provisions will be reviewed again in 2021 and will take account of evidence collated since the last review. This will include findings from the Department for Economy on the holiday sector and correspondence with interested parties such as MLA’s, DfE, the Caravan and Camping Forum (CCFNI), National Caravan Council (NCC), site owners, residents, etc. Councils will also be asked to report on any referrals, court action and any prosecutions around illegal eviction or harassment.

Mr Givan asked the Minister for Communities to detail the process of making a change to legislation during the routine evaluation process within her Department.
(AQW 10378/17-22)

Ms Ní Chuilín: The legislative response, if any, to a policy review or evaluation will depend on what is to be achieved. It may be necessary to use primary legislation or subordinate legislation. The Steps followed can be found on pages 28 -31 of the following link; <http://drupdocs.intranet.nigov.net/NICS/NICSPL/policy-making-guide-november-2016.PDF>

Mrs Barton asked the Minister for Communities whether there is support available for students who have signed a contract with private landlords at the end of August 2020, and, from mid-September, learned that they will have their lectures delivered by remote learning for the remainder of the academic year and would not be requiring the accommodation.
(AQW 10402/17-22)

Ms Ní Chuilín: The obligation to fulfil a contract between individuals is legally binding and it is outside the powers of my Department to change this.

The Department published guidance for landlords and tenants back in April which advised tenants they should continue to pay rent and abide by all other terms of their tenancy agreement to the best of their ability. If the tenant’s ability to pay will be affected, it’s also important to have an early conversation with the landlord to discuss the issues and deal sympathetically with one another.

The main source of support for students facing financial hardship is the Department for Economy led Student Hardship Fund which is allocated to the local Higher Education Institutions (HEI) for distribution to students who can demonstrate genuine financial hardship. Each HEI is responsible for assessing student’s need and issuing support within the guidelines of the scheme.

Any students who may be experiencing financial hardship, should contact their Higher Education Institution to determine if they are eligible to receive support.

Mr Durkan asked the Minister for Communities to detail the total number of (i) claims; (ii) successful claims; and (iii) unsuccessful claims that have been made for the Discretionary Support Grant up to 13 November 2020.
(AQW 10413/17-22)

Ms Ní Chuilín: My Department processed 61,086 Discretionary Support applications in the period 01 April 20 to 31 October 20; of which 44,279 awards totalling £9.3 million were paid. A total of 14,625 were found to be ineligible and a further 2,182 awards did not progress to payment where the award offer was declined or contact could not be made with the applicant.

Mr G Kelly asked the Minister for Communities, in light of the house fire in a Housing Executive property in Ardoyne caused by a model of shower unit that was subject to a call-in in 2018, what assurances she can give that other Housing Executive tenants that there are not more of these defective shower units in other properties with the potential to put lives in danger.
(AQW 10421/17-22)

Ms Ní Chuilín: The Housing Executive has made me aware of an incident with a bathroom shower unit in North Belfast. They attended and inspected the property on Monday following the incident.

Both the Housing Executive and I take the safety of tenants very seriously. They have immediately started investigating the cause of the fire and I have asked them to keep me updated. The manufacturer is also carrying out its own investigation. The findings of these investigations will determine the next steps.

Mr Durkan asked the Minister for Communities whether the 14,800 successful applications for Discretionary Support grants between 22 March 2020 and 31 October 2020 were all related to circumstances arising directly from the COVID-19 pandemic self-isolation requirements.

(AQW 10526/17-22)

Ms Ní Chuilín: Yes, 14,800 successful applications awarded between 25 March and 31 October were in relation to Discretionary Support Self-Isolation grants.

Department of Education

Ms McLaughlin asked the Minister of Education (i) why the contract for Data Scientist to Support 2020 Grading for services to CCEA was awarded to PricewaterhouseCoopers without being tendered; (ii) what services PricewaterhouseCoopers provided; (iii) whether these included providing, amending or reviewing the algorithms on which CCEA grades were awarded; and (iv) for his assessment of the outcome of the contract.

(AQW 8611/17-22)

Mr Weir (The Minister of Education): I am advised that following an initial market review, PricewaterhouseCoopers (PWC) Northern Ireland were identified as the only supplier who could supply the Council for the Curriculum Examinations and Assessment (CCEA) with the specialist resources and appropriate technical skills basis and experience together with the capacity to deliver a service in the extremely limited timeframe required. PWC had already engaged in large data analysis projects from public information, including large data analytics. The approach was reviewed by colleagues in Construction & Procurement Delivery (CPD) which is part of the Department of Finance. CPD were content for the contract to be directly awarded.

Furthermore, PWC were provided with the CCEA developed methodologies. They then independently coded and implemented the methodologies. The results from their independent implementation were compared with CCEA's results at both testing and live implementation phases.

It was not part of the PWC contract to review methodology (the methodology was reviewed by a separate supplier and a peer review group). PWC's role was to independently code and build the models and create results based on the methodology provided by CCEA. This formed a major part of the quality assurance of the implementation of the CCEA models

Finally, CCEA has advised that all aspects of the contract were appropriately delivered.

Mr McCrossan asked the Minister of Education to detail (i) the number of digital devices given to children to date; and (ii) the number of devices anticipated to be given to children in the future, since the COVID-19 restrictions started.

(AQW 9482/17-22)

Mr Weir: On 21 May 2020 I set out the criteria for the lending of digital devices, with priority given to disadvantaged and vulnerable pupils who are in year groups 12, 14, 7 and 4 in the 2020/21 academic year.

In addition to the devices being provided by schools, 11,664 devices were available through the scheme being managed by the EA. To date 9,995 devices have been requested and delivered to pupils in the priority groups.

The form to request devices remains open on the C2k exchange and the EA is continuing to process requests as a matter of urgency.

The need for further devices is being kept under review.

Mr Lyttle asked the Minister of Education whether he has considered a voucher scheme to help low income pupils procure a laptop for blended learning at a discount rate.

(AQW 9784/17-22)

Mr Weir: The current scheme for lending devices aims to ensure that resources are targeted where there is greatest need. The scheme provides an approach which ensures that devices can be procured and appropriately provisioned for safe use by learners, both in schools and at home, in an efficient and cost effective way.

Priority is being given to disadvantaged and vulnerable learners. In addition to the devices being provided by schools, 11,664 devices were available through the scheme being managed by the EA. To date 9,995 devices have been requested and delivered to pupils in the priority groups.

The form to request devices remains open on the C2k exchange and the EA is continuing to process requests as a matter of urgency.

The need for further devices is being kept under review.

Mr McHugh asked the Minister of Education what sites the Education Authority have identified as possible locations to build for youth service provision in Strabane.

(AQW 9881/17-22)

Mr Weir: I am advised that, due to the current position on the assessment of possible sites for youth facilities in this area, the information relating to possible sites is commercially sensitive. The Education Authority could not therefore provide details on sites being considered at this time.

Mr Frew asked the Minister of Education to detail (i) what happens to children who have not received their special needs assessment, as, without a statement, a place cannot be allocated at a special needs school; (ii) whether special needs schools with less pupils get sufficient funding; (iii) what effect this will have on mainstream schools that will have to provide a place for these children; and (iv) what additional funding will be provided to achieve one-to-one support.

(AQW 10098/17-22)

Mr Weir: Under paragraph 4.11 of the Code of Practice on the Identification and Assessment of Special Educational Needs (SEN), a child without a statement may be placed in a special school for the immediate commencement of the statutory assessment procedure. Where the assessment procedure leads the Education Authority (EA) to conclude that a statement is not warranted, the EA should take immediate steps, in consultation with the parents, to secure a more appropriate placement for the child.

Funding is allocated to special schools from within the EA's block grant allocation. In addition, a budget is delegated to the Board of Governors of special schools under Article 60 of the 1998 Education (Northern Ireland) Order to meet other costs, e.g. heating, lighting, cleaning, and it is the responsibility of the Board of Governors and the Principal of the school to manage this allocation on a day-to-day basis.

The Article 60 budget is determined on an annual basis and currently includes two elements: (i) non controllable costs and (ii) an amount per pupil. The Article 60 budget is uplifted in line with inflation on an annual basis and the same monetary value is awarded to each pupil enrolled; to this end, all special schools, regardless of size, are funded on the same basis.

Additional provision was set up by the EA in 2020/21 to meet provision for unplaced children with SEN. 17 Interim Specialist Resource Provisions were set up, based on negotiation with Principals, to meet the needs of children. It was the schools who decided whether they would set up the interim provision or not.

For each Interim Specialist Resource Provisions, staffing is as follows:

- 1 teacher and 1 classroom assistant assigned for 4 children;
- 1 teacher and 2 classroom assistants assigned for 8 children.

Funding for Interim Specialist Resource Provisions staffing was provided from the classroom assistant budget (as each unplaced child was entitled to either 25/35 hours) plus £3,000 for administration.

Mr McCrossan asked the Minister of Education, given the importance of health and wellbeing and the all-round benefits of physical education; (i) for his assessment of whether current initial teacher training, particularly at primary school level, emphasises this enough and provides trainee teachers with the knowledge base and skill set needed to promote it; (ii) whether the building handbook provides enough indoor and outdoor space both indoor to promote good physical activity; and (iii) for his assessment of the provisions of the building handbook for the future promotion of health and wellbeing in post-primary schools.

(AQW 10218/17-22)

Mr Weir: The Northern Ireland Physical Education (PE) curriculum includes opportunities for pupils to develop knowledge, understanding and skills in athletics, dance, games, gymnastics, swimming and outdoor education – these opportunities help pupils to (in addition to other benefits) sustain a healthy and active lifestyle. Within Initial Teacher Education (ITE), and in particular in primary programmes, pupil health and wellbeing is at the core of their learning, and PE already forms an important element of this.

The DE-Northern Ireland School Buildings Handbook Schedule of Accommodation provision provides consistent, physical education accommodation, tailored to the detailed requirements of the curriculum and in line with the guidance provided by Sport NI. However, the Buildings Handbook is currently under review and we continue to aspire to provide the best quality PE, sports and recreation facilities for our schools, supporting the health and wellbeing of all pupils.

Mr McCrossan asked the Minister of Education whether the Emotional Health and Wellbeing in Education Framework, when agreed, will be accompanied by (i) changes to the curriculum at pre-school, primary and post-primary levels; (ii) changes to the professional evaluation of teachers, as recommended by Queen's University in 2011; and (iii) changes, in partnership with the Department for the Economy, to initial teacher education training to provide training in emotional health and wellbeing support.

(AQW 10219/17-22)

Mr Weir: The Emotional Health and Wellbeing in Education Framework, when published, will be accompanied by an implementation plan, the initial focus of which will be on building effective integrated working between education and health. I fully recognise there are many other areas to be addressed and these will be considered for inclusion in subsequent plans.

I would however like to update you on the position in relation to emotional health and wellbeing within the areas you have highlighted:

- The Curricular Guidance for Pre-School Education includes 'Personal, Social and Emotional Development' as one of the six pre-school areas of learning. Through this, pre-school practitioners are encouraged to help children establish positive relationships, build confidence and self-esteem, problem-solve, talk about their feelings and respect others.
- Mental health awareness, including the management of feelings and emotions, must be covered under Personal Development and Mutual Understanding (PDMU) in primary school and Learning for Life and Work (LLW) in post-primary level. The flexibility of the curriculum provides teachers the opportunity to adapt their teaching to reflect the Emotional Health and Wellbeing Framework.
- The Initial Teacher Education (ITE) providers already include emotional health and wellbeing in a number of ITE modules and review their programmes every year to take into account any significant changes to the educational landscape, which will include the Wellbeing Framework once published, to continue to ensure student teachers receive appropriate development in this important area.

Ms Mullan asked the Minister of Education what measures his Department is taking to increase the supply of available substitute teachers, specifically in the Irish medium sector, during the COVID-19 pandemic.

(AQW 10238/17-22)

Mr Weir: The member asked the same question last month (AQW 8708/17-22 refers). The Northern Ireland Substitute Teacher Register (NISTR) remains the mechanism by which all schools, including those in the Irish Medium and Special Schools sectors, should engage substitute teachers. There are 9,302 teachers currently registered on NISTR (November 2020), including over 500 newly qualified teachers who have been added to the register in the past few months to increase the available pool of substitute teachers.

Mr McNulty asked the Minister of Education whether he will bring forward an initiative to raise awareness and educate young people about domestic violence and the importance of respect in relationships.

(AQW 10280/17-22)

Mr Weir: I can confirm that these issues are already covered within the Northern Ireland Curriculum under Relationship and Sexuality Education (RSE). Over the last number of years my Department has provided earmarked funding to the Council for Curriculum, Examinations and Assessment (CCEA) to support the production of RSE resources and guidance materials, particularly on a range of sensitive topics including domestic violence and healthy relationships.

In June 2019, CCEA launched its online RSE Hub to facilitate access to these resources. This approach enhances the teaching of RSE by providing teachers with resources and support to increase their competence and confidence in this area. I provided further funding in 2020/21 to enable additional resources to be developed and added to the Hub.

It is of course a matter for schools to decide which, if any, of these resources they use to inform the development and delivery of an RSE programme.

Mr McCrossan asked the Minister of Education whether his Department has any plans to expand the definition of vulnerable children to include (i) children who are waiting to be allocated a social worker due to delays caused by the pandemic; (ii) children and young people living in poverty; (iii) children and young people currently in hospital; (iv) young people currently in Woodlands Juvenile Justice Centre; and (v) children and young people who are currently at home while their peers are currently at school.

(AQW 10300/17-22)

Mr Weir: The Department of Health has led on the development of a draft cross-departmental Covid-19 Vulnerable Children and Young People's Plan in collaboration with my Department, the Department for Communities, the Department for the Economy and the Department of Justice.

The public consultation on the plan, which ran from 18 September to 13 November 2020, asked consultees if they agree how the Plan has defined vulnerable children and young people and responses will help to inform the definition of vulnerable children within the final plan.

Ms Mullan asked the Minister of Education to detail the number of children and young people waiting on a referral to a speech and language therapist.

(AQW 10345/17-22)

Mr Weir: Speech and language therapy, and the referrals thereto, are matters for the Department of Health; and neither the Department of Education nor the Education Authority hold this information.

Ms Mullan asked the Minister of Education for an update in relation to a review carried out by the Education Authority into speech and language units in 2017/18.

(AQW 10346/17-22)

Mr Weir: The Education Authority (EA) did not carry out any review of speech and language units in 2017-2018 rather an internal scoping exercise of speech and language provision across the EA at that time to inform planning. The learning from the exercise is currently being used and will continue to be used in the future to inform both placement arrangements and Area Planning.

Ms Mullan asked the Minister of Education whether additional support, including the use of talking therapies, to address the adverse impact of the COVID-19 pandemic on the mental health and wellbeing of children and young people, will also include access to additional language and communication support where appropriate.

(AQW 10347/17-22)

Mr Weir: My Department is working collaboratively with the Department of Health, the Public Health Agency, the Health and Social Care Board, the Education Authority (EA) and other Government Departments to develop a Framework for Children & Young People's Emotional Health and Wellbeing in Education. This is progressing well and we are working to complete the Framework by December 2020.

£5m has been made available by DE to enable the implementation of this Framework in 2020/21, and subsequent years. Minister Swann has agreed to provide an additional £1.5m from 2021/22 onwards. A range of proposals are currently being considered – all of which have a focus on promotion, prevention and early intervention, through which Education, Health and Community services can work together in an integrated way. Some of these proposals will include access to additional language and communication support which will help address the adverse impact of the COVID-19 pandemic on the mental health and wellbeing of children and young people.

In addition I recently launched the Wellbeing Restart Fund providing £5m in 2020/21 direct to all schools (nursery, primary, post primary, special), as well as EOTAS and Youth Settings to help address Wellbeing pressures arising as a result of Covid-19. By receiving their own allocation, settings will benefit from having the flexibility to use the money to provide health and wellbeing support for their pupils and/or staff.

EA has also provided a range of relevant wellbeing resources for young people on the Education Restart pages of its website: <https://www.eani.org.uk/information-for-children-and-young-people>. These resources are also available to schools via an online portal specifically designed for schools.

Miss Woods asked the Minister of Education (i) what infrastructure would be required to ensure that children could safely travel to school by (a) car; (b) public transport; (c) school transport; (d) foot; and (e) bicycle if Bangor Central Integrated Primary School was to move to a new location at Balloo Road, Bangor; and (ii) in the absence of any infrastructure plans or investment, to detail how safe routes to school for pupils would otherwise be facilitated in the event of the proposed relocation.

(AQW 10355/17-22)

Mr Weir: In July 2020 the Education Authority appointed an Integrated Consultant Team (ICT) to undertake the design of the new facilities for Bangor Central Integrated Primary School. The project is now in the early stages of the design process.

As with any major capital development project, the ICT will be required to submit a Planning Application to the relevant Council Planning Office (in this case Ards and North Down Borough Council). Any alterations to existing infrastructure will be identified through this planning process, which will involve consultation with a number of statutory consultees, including Transport NI.

The ICT will capture all relevant data required throughout the process and will ensure that the scheme will comply with the subsequent requirements of the Planners.

Miss Woods asked the Minister of Education (i) to detail the current arrangements for recipients of free school meals if they are required to self-isolate or learn remotely; (ii) whether free school meal packs are being made available; and (iii) what arrangements are in place to have food delivered.

(AQW 10356/17-22)

Mr Weir: The Department has made a number of Temporary Modification Notices (Notice 15 is the most recent) to the Coronavirus Act 2020 which require controlled, maintained and special schools to provide food to those pupils entitled to Free School Meals (FSM) who are unable to attend school for a period of 10 days or more due to Covid-19. This relates to a small number of children who are:

- Diagnosed with a medical condition or illness and who-

- 1 despite their absence from school, are registered by the school as being in attendance on the basis of medical advice that owing to their medical condition or illness it is medically unsafe to be in attendance at school; and
- 2 can demonstrate evidence that they are being educated, or otherwise engaging in learning, whilst not in attendance at school; or
 - self-isolating as a consequence of their own positive test for coronavirus disease; or
 - self-isolating as a consequence of a positive test for coronavirus disease of a member of their household and who are engaging in distance learning; or
 - required by the school, on the advice of the Public Health Agency, not to attend school and who are engaging in distance learning.

The EA school meals catering service will make food provision, by way of a food parcel to the value of a FSM for the required number of days for collection or delivery, in respect of pupils entitled to FSM who fall into the above categories in controlled, maintained and special schools. The food parcels can be collected by the parent, delivered to the pupil's home by a member of the teaching staff as part of pastoral care or delivered by taxi arranged by catering staff.

Individual Voluntary Grammar and Grant-Maintained Integrated schools are responsible for making food provision for pupils entitled to FSM who fall into the above categories in their school.

Ms Armstrong asked the Minister of Education, pursuant to answer AQW 9998/17-22, (i) whether the Strategic Insight Lab will take input from families and in particular women who are most economically impacted by the provision or lack of provision of childcare; and (ii) how he will ensure that women's voices will be an integral part of the development of the childcare strategy.

(AQW 10394/17-22)

Mr Weir: The Strategic Insight Lab will include input from a number of key stakeholders, including those who represent women and families.

The Insight Lab will provide an opportunity to review the assumptions and actions within the Childcare Strategy, including the commitment to an Early Education and Childcare Offer as referenced in 'New Decade New Approach', and to help inform the development of a roadmap for the way ahead for the Childcare Strategy.

- School Guidance Counsellor

Mrs Barton asked the Minister of Education whether all post-primary pupils have access to a school guidance counsellor at least one day a week.

(AQW 10400/17-22)

Mr Weir: School Counselling is available for all post primary pupils through the Independent Counselling Service for Schools (ICSS) and is allocated according to the pupil enrolment number as follows:

Pupil Enrolment Numbers	Days Per Week	Counselling Sessions per week	'Drop Ins' per week (1 Hour)
1-499	½	3	1
500-999	1	5	1
1000-1499	1.5	8	1
1500+	2	10	1

Mr Lyttle asked the Minister of Education for his assessment of the Curriculum Sports Programme survey finding that approximately 26 per cent of girls look forward to physical education.

(AQW 10409/17-22)

Mr Weir: I will want to take time to consider the overall findings of the evaluation, once it has been concluded, and an important consideration will be the difference between the proportion of girls reporting that they look forward to Physical Education (PE) in school, in comparison to boys.

When the Sports Programme was refreshed in 2019/20, the Department placed emphasis on promoting female participation in PE.

Clearly there is more to be done to understand and address the issues raised by the findings in this interim survey.

Mr Lyttle asked the Minister of Education whether the Elephant in the Room Youth Mental Health recommendations, including; (i) a youth led mental health campaign; (ii) a mental health dictionary; (iii) a youth mental health website with a 24/7 chat support function; and (iv) explicit reference to mental health in the statutory curriculum are included in the Department of Education Youth Emotional Health and Wellbeing Framework.

(AQW 10410/17-22)

Mr Weir: An initial implementation plan has been developed and is based on priorities identified by my Department and its partners in the Emotional Health and Wellbeing in Education Framework.

As you will appreciate, effective integrated working between education and health in particular, is central to the successful implementation of the three tier model. My officials recognise this in itself represents a significant challenge and it has therefore been the initial focus for implementation.

My officials also acknowledge there are many other areas to be addressed, including the Elephant in the Room recommendations, and these will be considered in subsequent Framework implementation plans.

Mr Lyttle asked the Minister of Education for an update on the Education and Training Inspectorate review of physical education in schools.

(AQW 10411/17-22)

Mr Weir: The Education and Training Inspectorate is not conducting a review of Physical Education provision in schools and therefore no update is available.

Mr Lyttle asked the Minister of Education to detail the rationale for his Ministerial Direction on the Strule Shared Education Campus, Omagh.

(AQW 10412/17-22)

Mr Weir: The procurement competition for the next phase of construction of the Strule Campus, which is to build five post primary schools and shared facilities, has been delayed as a result of tendering issues and the need for re-approval of the business case.

There are unique challenges inherent in constructing a shared campus comprising multiple schools, which has raised issues not previously seen when constructing standalone schools. This is particularly the case, given the need to repurpose a former military site, which has associated costs not normally part of standard school build projects. Hence, in cost and benefit terms there are no references against which the campus can accurately be compared.

The Strule Campus is the first large scale shared campus of its kind and therefore, given the absence of a comparable benchmark, the latest, second addendum to the SSEC Programme Business Case, completed in 2019, could not be approved on a purely Value for Money (VfM) basis. This has necessitated me to consider issuing a Ministerial direction.

It is important to note that, although VfM for the project could not be demonstrated due to the lack of a comparable benchmark, it does not mean that value for money cannot be achieved.

Following consideration of the issues, I believe that it is in the public interest to proceed with the SSEC Programme given its educational, social and economic benefits and I have indicated my intention to issue a Ministerial direction to advance to the next stage of the Programme.

This is subject to receiving clarity on the arrangements for the release of Fresh Start Agreement funding and engagement is continuing with HM Treasury in that regard.

I remain fully committed to delivering this educationally and strategically significant Programme and my officials and I have been working diligently to progress to the next stage in the procurement process.

The Executive has also recently reaffirmed its commitment to the Strule Programme.

Mr McGrath asked the Minister of Education whether students who are unable to attend school, either (i) due to a positive diagnosis of COVID-19; or (ii) are self-isolating due to being in a classroom bubble, will still receive Education Maintenance Allowance payments.

(AQW 10418/17-22)

Mr Weir: Education Maintenance Allowance (EMA) weekly payments are dependent on full attendance at school and are not paid during school holidays or unauthorised pupil absences.

Each school should have an EMA authorised absence policy that is clear and reasonable. It should be in line with both the NI EMA Guidance Notes for Learning Centres and the schools own general attendance and absence policy. The same rules should apply uniformly across all students, regardless of whether they are in receipt of EMA or not.

The Department's Circular 2020/08 'Attendance Guidance & Absence Recording By Schools' gives guidance to schools on the use of Code 8 - Intensive Support Learning Unit / Self-Isolating due to Covid-19 should a pupil be unable to attend school due to a positive diagnosis of COVID-19 or is self-isolating due to being in a classroom bubble. Code 8 is considered an Approved Educational Activity. This means that the pupil's attendance is not affected. Use of code 8 is contingent on sufficient evidence being provided in terms of medical evidence and in respect of learning otherwise the school must record the absence as unauthorised. It is a matter for schools to decide if a pupil has met the requirement for full attendance in any given week to qualify for an EMA payment.

Mr Muir asked the Minister of Education to detail mitigations put in place to assist pupils unable to sit November 2020 examinations due to self-isolation as a result of close contact with a person receiving a COVID-19 positive test result.
(AQW 10464/17-22)

Mr Weir: Pupils unable to sit the GCSE exams in the November 2020 examination series will be able to sit these exams in either the March or summer 2021 examination series.

Mr Lyttle asked the Minister of Education why there is no special school or special educational needs appointee on the Education Authority Board.
(AQW 10523/17-22)

Mr Weir: The membership of the Education Authority (EA) Board is provided for by the Education Act (Northern Ireland) 2014. During the passage of the Education Bill in 2014, the Assembly agreed that, in addition to a Chair appointed by the Minister, the Bill should provide for a membership of 20 on the Board of the EA. The Assembly agreed that the membership would comprise eight political members nominated by the parties based on their respective strengths in the Assembly; and members appointed after consultation with representative interests, namely four Transferor and four Trustee members, one integrated, one Irish medium, one voluntary grammar and one controlled grammar representative.

Ms Sugden asked the Minister of Education to detail (i) what plans he has for improving sex education in schools; (ii) how sex education in schools would be done; (iii) his assessment on the benefits of improving sex education in schools; and (iv) what discussions he has had with the Minister of Health to improve sex education in schools.
(AQW 10599/17-22)

Mr Weir: The delivery of appropriate and informed teaching in Relationship and Sexuality Education (RSE) is a priority area of work for my Department. Over the last number of years my Department has provided earmarked funding to the Council for Curriculum, Examinations and Assessment (CCEA) to support the production of RSE resources and guidance materials. In June 2019 CCEA launched its online RSE Hub to facilitate access to these resources.

This year my Department provided additional funding to CCEA to enable further resources and guidance materials to be developed. This approach provides teachers with the appropriate resources and support to increase their competence and confidence in teaching this area of the curriculum. Providing quality teaching, supported by age appropriate information and guidance material for all children and young people will enable them to make informed decisions, and develop healthy and supportive relationships.

The statutory curriculum for Personal Development and Mutual Understanding (PDMU) at primary level and the Personal Development strand of Learning for Life and Work at post primary level, includes high level prescribed content for RSE at each Key Stage. This is a minimum entitlement that all children must legally receive. Schools and teachers have the flexibility to decide the topics and approaches that best suit the needs pupils and it is a matter for schools to decide which, if any, of these resources they use to inform the development and delivery of an RSE programme.

I have not had any meetings with the Minister for Health on the content of the RSE curriculum; however, in developing resources for the RSE Hub, CCEA has actively engaged with a wide range of professionals, including colleagues in the Department of Health.

Mr Lyttle asked the Minister of Education whether more timely and advanced notice of new COVID-19-related school guidance can be issued to school principals.
(AQW 10603/17-22)

Mr Weir: I acknowledge the importance of ensuring that school principals have clear information and up to date guidance in relation to operating in the COVID-19 context.

My Department continues to work closely with the Education Authority, the Department of Health and the Public Health Agency during the ongoing pandemic. Guidance for Schools and Educational settings is constantly under review and will be updated as needed and driven by health advice provided by the Chief Medical Officer and Chief Scientific Adviser.

Due to the rapid nature of the developing situation in relation to the impact the COVID-19 pandemic is having on the education sector it is not always possible to provide school principals with advanced notice of new guidance being issued.

Departmental officials will ensure that any revised guidance or information is clearly communicated in a timely manner to school principals.

Mr Lyttle asked the Minister of Education when schools will be reimbursed for COVID-19-related expenditure and pay settlement arrears.
(AQW 10605/17-22)

Mr Weir: To help support schools address many of the new pressures arising as a result of COVID-19, I announced significant funding to help support the safe reopening of schools.

Schools have been advised of individual allocations to date and these can be viewed on the Education Authority's website. The detail will continue to be updated as further allocations to schools are made. All of these allocations are to assist schools in mitigating the additional costs due to COVID-19, apart from teacher substitution costs. A fund for teacher substitution costs to support existing staff absences specifically as a result of COVID-19 is being centrally managed by the Education Authority, and initial allocations will be made to schools in January based on verified costs to date.

While my Department has been successful in securing additional funding to tackle COVID-19 to date, there is no guarantee of further additional funding. It is for this reason that schools have been advised to exercise spending restraint in line with their current funding allocations. Notwithstanding this, the Education Authority continues to monitor schools' funding requirements as the pandemic progresses in order to inform potential future Departmental bids for additional resources as required.

The funding for schools to mitigate the cost of the arrears for the teachers' pay award is due to issue to schools in the coming weeks.

Mr Lyttle asked the Minister of Education for an update on the review of the Common Funding Scheme.
(AQW 10606/17-22)

Mr Weir: In March 2020, at the outset of lockdown, the Education Transformation Programme, including the Review of the Common Funding Scheme (RCFS) Project, was suspended to allow staffing resources to be redeployed to business critical activity linked to COVID management and response. The RCFS Project continues to be suspended.

I am currently considering timings of restarting the RCFS Project and when it might report.

Mr Carroll asked the Minister of Education whether schools are taking health and safety advice from a private, unregulated body rather than from the Department of Education, Public Health Agency or Department of Health.
(AQW 10669/17-22)

Mr Weir: The Department issued Coronavirus (COVID-19): Guidance for School and Educational Settings on 29 September 2020.

The guidance was informed by advice provided by the Chief Medical Officer and Chief Scientific Advisor and the Scientific Advisory Group for Emergencies (SAGE) based on the scientific and public health advice available at the time of writing.

The Department is not aware of schools taking health and safety advice from a private, unregulated body. Schools are free to consider all sources of advice. Guidance provided by the Department is non-statutory but is viewed as best practice as it is based on Public Health Agency and Department of Health advice.

The Department continues to work closely with the Education Authority, the Department of Health and the Public Health Agency during the ongoing pandemic. Guidance is constantly under review and will be updated as needed and driven by health advice provided by Chief Medical Officer and Chief Scientific Advisor.

The Education Authority has Education Link Officers who regularly engage with schools to support them as they implement DE guidance in many areas.

Ms Armstrong asked the Minister of Education, pursuant to AQW 9997/17-22, to detail (i) where the recruitment for the independent panel is published and being promoted; (ii) how many people will be on the panel; and (iii) whether all members will be independent of government and government departments.
(AQW 10682/17-22)

Mr Weir:

- i) The appointment process for the independent has not yet commenced and will not do so until the Terms of Reference is agreed by the Executive. When the appointment process begins publicity will be designed to ensure a wide range and diverse audience is made aware of the opportunity and encouraged to apply.
- ii) It is my expectation that the Panel will include a Chairperson, a Vice-Chairperson and three Members, so five in total. However, this is to be confirmed.
- iii) It is not appropriate to pre-judge the selection process. Work is underway to develop a suitable approach to appoint the panel.

Mr McCrossan asked the Minister of Education, when the Extended Schools Programme is revamped in the near future; (i) whether overall funding levels will remain the same; (ii) whether additional resources will be provided; and (iii) whether the eligibility criteria for entry to the programme will remain the same.
(AQW 10692/17-22)

Mr Weir: The Extended Schools programme has been a key vehicle through which my Department has sought to address educational disadvantage for the past 14 years, enabling eligible schools to provide targeted services before, during and after the school day.

I intend to consult in due course on proposals to introduce a replacement Partners in Education programme. This programme will seek to act on feedback from schools, build on the most successful elements of the Extended Schools programme, and promote the value of collaboration. The timing of the consultation will take into account the evolving Covid-19 situation. The eligibility criteria of any such programme will be dependent on the funding available and subject to the outcome of the consultation process. No funding decisions have yet been taken about future years.

Ms Sugden asked the Minister of Education (i) under what circumstances may a student who has been advised to self-isolate by their school be able to sit their scheduled exam in November, if it falls within the period of self-isolation; (ii) whether, for example, a recent negative COVID-19 test, accompanied by segregation and the use of personal protective equipment, would suffice; and (iii) whether such a student may choose to be awarded either a centre assessed grade based on their recent mock exam or an overall teacher assessed grade instead of taking a scheduled re-sit.

(AQW 10754/17-22)

Mr Weir: The Department published Public Health Guidance to Support Public Examinations on 19 November 2020.

This guidance sets out arrangements that schools, education settings and other examination centres should implement when delivering public examinations during November 2020 and the rest of the 2020/21 academic year, enabling them to progress in a way which significantly reduces the risk of coronavirus (COVID-19) transmission.

Schools, education settings and other exam centres must follow the public health advice in the Coronavirus (Covid-19) guidance for schools and educational settings in Northern Ireland (published 29 September 2020) and more general guidance published by the Public Health Agency.

- (i) and (ii) Current Public Health Advice in respect of these questions is the student must self-isolate. Students cannot take examinations during their period of isolation. In these cases CCEA will provide advice directly on contingency arrangements.
- (iii) Centre Assessment Grades cannot be utilised in place of public examination outcomes in the CCEA November 2020 series of examinations.

Mr Allen asked the Minister of Education what steps his Department is taking to identify any adverse educational impact on pupils as a result of the COVID-19 pandemic.

(AQO 1172/17-22)

Mr Weir: I am confident that school leaders and teachers, using their knowledge, professional expertise and inherent understanding of the children in their school community, are best placed to identify and support those pupils who are experiencing difficulties in engaging with learning as a result of the COVID-19 pandemic.

Using normal formative assessment approaches within the classroom, schools have been working to understand where pupils are in regard to their learning after the period of remote education. The emphasis has been on ensuring children have good emotional health and wellbeing, are engaged and motivated to learn and have the tools and skills they require for learning.

This approach helps pupils feel confident and secure in what they already know whilst ascertaining individual pupil learning needs.

My Department's Engage Programme is providing funding for child centred one to one, small group or team teaching support to those pupils identified by schools as most benefiting from additional support to re-engage with learning

In the Spring, once pupils have been back in school for a sustained period of time, we may as a system need to take stock to more accurately ascertain how much the COVID-19 interruption has affected learning. I will be liaising in the coming months with my professional advisors in CCEA to consider options around this.

Mr Dunne asked the Minister of Education to detail any plans to review the common funding formula for schools.

(AQW 10829/17-22)

Mr Weir: In March 2020, at the outset of lockdown, the Education Transformation Programme, including the Review of the Common Funding Scheme (RCFS) Project, was suspended to allow staffing resources to be redeployed to business critical activity linked to COVID management and response. The RCFS Project continues to be suspended.

I am currently considering timings of restarting the RCFS Project and when it might report.

Ms Dillon asked the Minister of Education whether his Department has initiated a review of the criteria for the funding for new school builds.

(AQO 1176/17-22)

Mr Weir: It is my intention to make a major capital works call in 2021 and planning and preparation for that call will commence in the near future.

The preparation will include the consideration of the Protocol which will be used to assess applications.

Ms S Bradley asked the Minister of Education, given the impact of the COVID-19 pandemic, whether he will suspend school area planning indefinitely.

(AQO 1179/17-22)

Mr Weir: All area planning activity, with the exception of activity relating to special education provision, was suspended from 3 April 2020 and resources deployed within the Department and planning authorities to respond to the immediate COVID 19 emergency and then subsequently to plan for the reopening of schools.

I chaired a meeting of the Area Planning Steering Group on 21 October 2020 at which the decision was taken, formally, to restart area planning.

Area planning is key to delivering a network of viable and sustainable schools that are of the right type, the right size, located in the right place and which have a focus on raising standards.

The resumption of area planning is the right thing to do as we build on the actions we have taken to reopen our schools and address the disruptions caused by the COVID 19 virus to the education of our children and young people.

It is therefore not my intention to introduce any further suspension of the area planning process.

Mr K Buchanan asked the Minister of Education in light of the Centenary in 2021, whether any funding will be available specifically for the teaching of the history of Northern Ireland.

(AQO 1180/17-22)

Mr Weir: In light of the centenary in 2021, my Department is allocating funding of £30,000 to develop curricular resources on the teaching of the history of Northern Ireland. This project will build on materials currently available and will develop bespoke, high quality curricular resources

I believe the centenary will provide interesting and stimulating opportunities for young people to engage with difficult and complex historical issues.

This project will provide resources to support an enquiry based, multi-perspective teaching of history in a divided society. The aim is to encourage young people's development of both critical analysis and empathetic understanding.

Given the current context, the resources will be designed so that they are suitable for use in a remote learning context, with an emphasis on using digital media to support pupil engagement.

Mr T Buchanan asked the Minister of Education to outline the progress made on the development of the Strule Shared Education Campus, Omagh.

(AQO 1181/17-22)

Mr Weir: I remain fully committed to delivering this educationally and strategically significant Programme.

My officials and I have been working diligently to progress the Strule Shared Education Campus to the next stage in the procurement process. However, the Covid-19 pandemic has touched all aspects of business resulting in the projected go live date being revised. Provisional opening of the Campus remains planned for September 2025.

I believe it is in the public interest to proceed with the Programme given its educational, social and economic benefits. The Executive has also recently reaffirmed its commitment to the Strule Programme.

Engagement is continuing with HM Treasury regarding the arrangements for the release of Fresh Start Agreement funding for the Programme through to completion.

The Department continues to work closely with the six school principals and their teams to build on the culture of sharing in Omagh, albeit within a challenging environment as schools continue to recover and adapt to ongoing disruption due to the Covid-19 pandemic.

Work on the Programme has continued and the site preparation works are now complete, in preparation for moving to the next stage of construction.

Mr Newton asked the Minister of Education to outline the number of pupils expelled from schools in East Belfast in each year since 2017.

(AQO 1182/17-22)

Mr Weir: My Department publishes information on the number of pupils expelled in Northern Ireland on the Departmental website annually.

While more detailed information is held on the number of pupils expelled, the Department does not publish the numbers of pupils expelled in local areas, such as East Belfast, as this would risk breaching confidentiality at pupil or school level.

In Northern Ireland the number of statutory school aged pupils expelled was 33, 15 and 30 in each of the school years 2016/17, 2017/18 and 2018/19.

Overall these figures show that it is extremely rare for a pupil to be expelled from school in Northern Ireland. This is also the case in the other UK countries and the Republic of Ireland.

In Northern Ireland the rate at which pupils are expelled from school per 1,000 is approximately 0.1. The equivalent rate is approximately 1 in England, approximately 0.2 in both the Republic of Ireland and Wales, and approximately 0.003 in Scotland.

Ms Ennis asked the Minister of Education to outline a timeframe for the proposed independent review of education provision included in New Decade, New Approach.

(AQO 1183/17-22)

Mr Weir: In March, I temporarily suspended work on the Independent Review so that staff could be redeployed to deal with urgent Covid 19 related matters. I have, however, recently asked for planning work to be recommenced. As a result, in the coming weeks, I will table a draft Terms of Reference for the Independent Review at the Executive for consideration and comment.

The Review itself will commence in 2021, once an open recruitment process has been undertaken to establish an appropriate Panel. I intend to ask the Panel to report within 15 months of taking up post, with an interim report to be prepared within 9 months.

Mr Sheehan asked the Minister of Education, in the context of the current COVID-19 pandemic, to outline any engagement he has had with representatives of the Irish medium education sector regarding curriculum and exam specifications.

(AQO 1184/17-22)

Mr Weir: I visited Coláiste Feirste on 3 September where I discussed curriculum and qualifications, among other issues, with the principal and staff. All students in the Irish medium sector will be able to avail of the same opportunities and adaptations as those students taking exams in English.

Mr McCann asked the Minister of Education to outline the current provisions for the teaching of anti-racism in schools.

(AQO 1185/17-22)

Mr Weir: The curriculum provides a wide range of opportunities for the teaching of anti-racism in schools.

At primary school level, Personal Development and Mutual Understanding explores topics such as responsibility for self and others; human rights and social responsibility; causes of conflict and appropriate responses; valuing and celebrating cultural difference and diversity; similarities and differences between people; respect for others; and living as members of the community. At post-primary level, Learning for Life and Work covers concepts such as diversity and inclusion and human rights and social responsibility.

There are also opportunities to explore the issue of racism in other curricular contexts.

The flexibility of the curriculum means that schools and teachers can choose to teach topics, such as racism, at a time when they are the subject of debate, thus enabling young people to make explicit connections between what they are learning in school and what is happening in the wider world. The Council for the Curriculum, Examinations and Assessment makes a range of resources available across all Key Stages to support teaching of anti-racism.

Department of Finance

Ms McLaughlin asked the Minister of Finance whether she intends to review Northern Ireland legislation related to libel.

(AQW 10126/17-22)

Mr Murphy (The Minister of Finance): Work to review defamation law in this jurisdiction recommenced in February and has included officials from my department liaising with their colleagues in Dublin where defamation law is also currently under review. As insufficient time remains under the present Assembly mandate to amend the existing legislation here, I expect that the work now being undertaken in my department will inform legislative change under the next mandate.

Mr McNulty asked the Minister of Finance whether he has any plans to release a Supplier Relief Grant (PGN 03 / 20) following on from the two previous payments earlier this year.

(AQW 10142/17-22)

Mr Murphy: In March the Executive agreed to provide relief measures to support government contractors to protect critical services and ensure that they can resume service delivery when required.

In June, the Executive agreed to extend the period of support to 31 October on the basis that Departments would work in partnership with suppliers to plan an exit from any relief and transition where possible to a new, sustainable, operating model as soon as possible.

There are no plans to extend this support beyond 31 October 2020 but I will continue to monitor the impact of COVID on government suppliers. The British Government and the Scottish and Welsh Administrations provided suppliers with similar support measures. These measures also ended on 31 October 2020.

Mr Muir asked the Minister of Finance what steps have been taken to ensure that civil servants are recording ministerial meetings as outlined in New Decade, New Approach.

(AQW 10183/17-22)

Mr Murphy: The primary responsibility for ensuring the recording of ministerial meetings lies with the Private Secretaries and the Permanent Secretaries. The role of the Private Secretary is set out in new Private Office Guidance, issued to all Departments on 09 January 2020. The operation of this guidance has been the subject of two meetings of Private Office Staff and their line management.

A revised NICS Code of Ethics is in preparation. This will include the requirement that civil servants will keep accurate official records, including minutes of ministerial meetings, and handle information as openly and transparently as possible within the legal framework. The Code of Ethics, which is an integral part of the terms and conditions of employment for all civil servants, will be finalised and published shortly.

Mr T Buchanan asked the Minister of Finance how many people have died from (i) cancer; (ii) stroke; (iii) heart problems; (iv) dementia; and (v) suicide in each month of (a) 2017; (b) 2018; and (c) 2019.

(AQW 10197/17-22)

Mr Murphy: NISRA publish detailed annual statistics on causes of death. The annual reports and associated tables are available on the NISRA website at <https://www.nisra.gov.uk/statistics/registrar-general-annual-report/registrar-general-historical-reports>.

A monthly breakdown of these statistics is provided in Annex 1 below. Deaths from Dementia in 2019 are due to be released for the first time as part of the Annual Report of the Registrar General, 2019 and as such are not available at this time. The report is scheduled for release in December 2020.

Annex 1: Monthly Deaths from Selected Causes, 2017-2019

2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Cancer (C00-C97)	418	366	366	347	372	369	372	351	387	370	414	328	4460
Heart Disease (I20-I25)	177	166	140	121	154	139	137	113	114	136	150	144	1691
Stroke (I60-I69)	114	97	90	53	84	76	58	76	70	96	89	85	988
Self-Inflicted Injury (X60-X84, Y87.0)	14	14	20	16	11	14	11	11	14	16	20	13	174
Dementia (F01, F03, G30)	255	185	181	110	159	137	125	124	111	161	168	184	1900

2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Cancer (C00-C97)	451	367	376	347	365	353	355	410	331	410	339	344	4448
Heart Disease (I20-I25)	214	159	134	128	102	117	112	103	102	126	112	113	1522
Stroke (I60-I69)	122	92	101	81	69	59	59	65	67	76	68	68	927
Self-Inflicted Injury (X60-X84, Y87.0)	16	8	17	11	12	16	16	16	9	28	22	13	184
Dementia (F01, F03, G30)	306	208	204	174	136	127	133	158	138	157	151	156	2048

2019 (Provisional)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Cancer (C00-C97)	429	370	371	380	382	324	368	385	374	369	369	356	4477
Heart Disease (I20-I25)	143	129	124	141	140	148	122	127	117	144	161	117	1613
Stroke (I60-I69)	83	74	81	72	71	63	70	62	66	78	64	74	858
Self-Inflicted Injury (X60-X84, Y87.0)	24	18	23	15	21	12	7	15	17	18	12	8	190

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Dementia (F01, F03, G30)

.. Data intended for future release

Mr Allister asked the Minister of Finance how many deaths from cancer have occurred in each week in 2020.
(AQW 10228/17-22)

Mr Murphy: The information requested is presented in the Annex below. NISRA publish quarterly statistics on deaths by cause and these are available on the NISRA website at <https://www.nisra.gov.uk/statistics/registrar-general-quarterly-report/registrar-general-quarterly-tables>.

Annex 1: Weekly Cancer Deaths, 2020

Registration Week	Week Ending (Friday)	Cancer Deaths (C00-C97) ^P
1	10/01/2020	97
2	17/01/2020	120
3	24/01/2020	88
4	31/01/2020	81
5	07/02/2020	76
6	14/02/2020	77
7	21/02/2020	70
8	28/02/2020	97
9	06/03/2020	90
10	13/03/2020	74
11	20/03/2020	86
12	27/03/2020	70
13	03/04/2020	111
14	10/04/2020	106
15	17/04/2020	86
16	24/04/2020	84
17	01/05/2020	80
18	08/05/2020	79
19	15/05/2020	94
20	22/05/2020	90
21	29/05/2020	98
22	05/06/2020	91
23	12/06/2020	92
24	19/06/2020	82
25	26/06/2020	85
26	03/07/2020	88
27	10/07/2020	89
28	17/07/2020	82
29	24/07/2020	97
30	31/07/2020	87
31	07/08/2020	95

Registration Week	Week Ending (Friday)	Cancer Deaths (C00-C97) ^P
32	14/08/2020	79
33	21/08/2020	95
34	28/08/2020	100
35	04/09/2020	70
36	11/09/2020	91
37	18/09/2020	94
38	25/09/2020	98
39	30/09/2020 *	67

* Not a complete week. Cause of Death data only available to 30th September 2020.

P Data for 2020 is provisional until the release of the Annual Report of the Registrar General, 2020 - due 2021.

Mr Middleton asked the Minister of Finance whether his Department is considering extending rates relief for businesses beyond April 2021.

(AQW 10331/17-22)

Mr Murphy: I very much understand the need to bring certainty to businesses at the earliest opportunity for the next rating year. As I said in my statement to the Assembly on 23 November 2020, I am therefore setting aside £150m for this purpose, while options on further business rates relief are considered as a matter of urgency.

Mrs Barton asked the Minister of Finance whether he is considering extending rates relief for builds that do not have either a bathroom or kitchen fitted.

(AQW 10399/17-22)

Mr Murphy: Rates are payable on every domestic property that is in the valuation list unless a rates relief or specific empty rates exclusion applies. In my response to you on 10 November [AQO 1060/17-22] I advised on the treatment for rating purposes of a property that is truly derelict, whether in fact with or without a bathroom or kitchen fitted. I also advised William Irwin MLA regarding dereliction [AQO 931/17-22].

The position regarding the rateability of new but as yet uncompleted dwellings is set out in Schedule 8B of The Rates (NI) Order 1977. Where it appears to the Department that the work remaining to be done on a new building (whether yet with or without a bathroom or kitchen) is such that the building can reasonably be expected to be completed within three months, the District Valuer may serve a completion notice on the person entitled to possession of the building. The Department will establish a completion day, not later than 3 months from the day on which the notice is served. At that time the District Valuer will enter the completed or uncompleted property in the valuation list and rateability is established. Rate exclusions are available on certain empty homes and I do not intend extending this in the way you have outlined.

Mr Newton asked the Minister of Finance what action he is taking to address the parking problems brought about by the increased number of visitors to the Stormont Estate.

(AQW 10429/17-22)

Mr Murphy:

- (i) Stormont Estate management regularly monitors the availability of on-site parking for visitors to the Estate. There is one public car park on the estate, located close to the Mo Mowlam play park, which has parking for 60 cars. There is also provision for approximately 12 cars outside the main Prince of Wales entrance and on-street parking immediately outside the Massey Avenue entrance. To manage the availability of on-site parking for visitors to the Stormont Estate the following measures have been introduced:
 - additional overflow parking is available at the NICS Sports Association complex at evenings and weekends;
 - the play park car park has been re-lined with additional parking provision for people with disabilities and the introduction of a one-way system; and
 - signage installed advising visitors of the availability of the additional parking.
- (ii) In addition to these measures further signage will be installed around the estate to inform visitors of the overflow parking. The Department will also use social media channels to further promote the use of the additional parking and to encourage visitors to consider using other means of transport such as cycling, walking or public transport when visiting the Estate.
- (iii) Stormont Estate Management Unit will continue to monitor on-site parking availability for visitors to the Estate.

Mr Easton asked the Minister of Finance for his assessment of the length of time taken by Land and Property Services to process applications for the Local Restrictions Support Scheme.

(AQW 10476/17-22)

Mr Murphy: Land & Property Services has worked as quickly as possible to facilitate the rollout of this scheme. It has been a complex undertaking given the targeted nature of the scheme. Large numbers of duplicate applications and applications with incomplete information have been received and this has necessitated a lot of manual checking of applications to verify that the applicants are eligible to receive payment.

Mr Easton asked the Minister of Finance how many businesses in North Down have yet to receive payment for their Local Restrictions Support Scheme applications.

(AQW 10477/17-22)

Mr Murphy: Data is not available by parliamentary constituency. However, I am able to provide figures for the Ards and North Down District Council area as of 1.00pm on 23 November 2020:

Applications received	795
Applications paid	358
Applications rejected	13
Applications to be processed	437

Payments to the value of £1,280,000 have been issued to businesses in the Ards and North Down District

Please note that 1,311 applications have been submitted with incomplete address information and have not been assigned a Council area. This cohort may include applicants from Ards and North Down District Council area.

Mr Easton asked the Minister of Finance how many businesses in North Down have applied for the Local Restrictions Support Scheme.

(AQW 10478/17-22)

Mr Murphy: Data is not available by parliamentary constituency. However, I can provide figures for Ards and North Down District Council area. As of 1.00 pm on 23 November 2020, 795 applications have been received from businesses located in that district.

Please note 1,311 applications have been submitted with incomplete address information and have not been assigned a Council area.

Mr Easton asked the Minister of Finance why (i) Nails and Beauty by Jackie, 12c Balloo Drive, Bangor; (ii) Gwendoline Bridal, 108 High Street, Bangor; (iii) Body and Soul Beauty Clinique, 26a New Street, Donaghadee; (iv) Body and Soul Beauty Clinique, 10a Market Street, Bangor; (v) Hair for Men, 35 High Street, Donaghadee; and (vi) Clipperrjacks, 11 Clandeboye Road Bangor, have not received any money after applying for the Land and Property Services' Covid Business Restrictions Support Scheme.

(AQW 10479/17-22)

Mr Murphy: LPS has received applications in respect of all of the businesses listed above. These applications are in the outstanding caseload that have yet to be processed. LPS is working through these applications as quickly as possible. However the checking and validation process is taking longer than anticipated due to the large number of duplicate applications and applications with incomplete details.

Mr Allister asked the Minister of Finance to detail the payments made to third parties for the organising or procurement of personal protective equipment, including the recipient and amount of the payment.

(AQW 10535/17-22)

Mr Murphy: DoF did not engage any third parties to organise or procure personal protective equipment, therefore no payments were made.

Mr Allen asked the Minister of Finance when Local Restrictions Support Scheme payments for businesses who have received their initial payment will be processed; and when the backlog of applications will be processed and paid.

(AQW 10543/17-22)

Mr Murphy: Top up payments to businesses who have already received an initial payment will be issued automatically. Since some businesses were restricted to 19 November and some to 26 November, LPS needs to identify which businesses fall into each category so they will receive the correct amount of top up. LPS is currently midway through this exercise and hopes to start issuing payments in the week beginning 23 November.

LPS is working through the caseload of outstanding applications as quickly as possible. However it has received large numbers of duplicate applications and applications with incomplete information. These require additional checking and investigation to verify that a payment should be made, which is slowing the approval process.

Mr Muir asked the Minister of Finance how many staff are dedicated to processing Local Restrictions Support Grants.
(AQW 10568/17-22)

Mr Murphy: Understanding of the rating system is required to administer the Localised Restrictions Support Scheme. At present, LPS has 66 staff dedicated to processing the applications submitted under the scheme, with further staff supporting their work in areas such as IT, communications and handling correspondence and complaints.

Mr McGlone asked the Minister of Finance what contingency is being made for financial support for sectors that will be substantially affected by restrictions in the run up to the Christmas and New Year periods.
(AQW 10608/17-22)

Mr Murphy: My Department's Localised Restrictions Support Scheme will be extended to provide financial support to all additional businesses required to close or severely limit operations at their premises under revised Health Protection Regulations that take effect this week. Therefore, any business required to close or curtail their operations for a longer period of time will automatically receive an additional payment for the extra period of restrictions. Any businesses additionally affected by the new restrictions will be able to apply for support from Friday 27 November.

Mr McNulty asked the Minister of Finance when will he allocate funds to support businesses, families and workers from the £500 million allocated from Treasury to support businesses through the pandemic.
(AQW 10675/17-22)

Mr Murphy: I refer the member to my 23 November statement to the Assembly.

<http://data.niassembly.gov.uk/HansardXml/plenary-23-11-2020.pdf>

Mrs Cameron asked the Minister of Finance how many grant applications have been received for the Localised Restrictions Support Scheme as of 20 November 2020; and how many staff are processing these applications.
(AQW 10698/17-22)

Mr Murphy: At 20th November 2020 a total of 12,112 applications to the Localised Restrictions Support Scheme had been received. The number of applications does not represent the number of businesses that have applied, as many businesses have applied multiple times for the same premises. Each business is entitled to one grant per premises, if eligible.

Understanding of the rating system is required to administer the Localised Restrictions Support Scheme. At present, LPS has 66 staff dedicated to processing the applications submitted under the scheme, with further staff supporting their work in areas such as IT, communications and handling correspondence and complaints.

Mr Allen asked the Minister of Finance how the £500 million funding received as part of COVID-19 Barnett consequentials will be allocated to support individuals and businesses impacted by current and new restrictions.
(AQW 10703/17-22)

Mr Murphy: I refer the member to my 23 November statement to the Assembly.

<http://data.niassembly.gov.uk/HansardXml/plenary-23-11-2020.pdf>

Mr Allen asked the Minister of Finance to detail the additional financial support he intends to bring forward, including a timeline, to support businesses and individuals impacted by current and new restrictions.
(AQW 10704/17-22)

Mr Murphy: The extension of current restrictions will be accompanied by an extension of the current support measures.

The Localised Restrictions Support Scheme delivered by my own department will be extended to ensure that any business required to close or curtail their operations for a longer period of time will automatically receive an additional payment for the extra period of restrictions. Any businesses additionally affected by the new restrictions will be able to apply for support from Friday 27 November. This extension of this support will require an additional £55 million on top of the £35 million already allocated in October Monitoring.

The Executive has provided a full year's rates holiday to sectors worst-affected by the pandemic, namely retail, hospitality, tourism, leisure, childcare and airports. I appreciate these sectors will continue to suffer stress into next year; as such, my department is urgently considering how best to deliver further rates relief and I have set aside £150m for this purpose.

An additional £20 million has also been provided for Manufacturing rates relief to bring this sector in line with what has been already offered to hospitality, tourism, leisure and retail.

The Executive has also considered support for businesses and the wider economy, and has agreed to provide some £140 million to the Department for the Economy for a range of schemes – this is in addition to £60 million previously provided for the DfE-led COVID Restrictions Business Support Scheme. Initial detail on how this will be utilised has been set out in my 23 November statement to the Assembly, and officials will work at pace to process payments to individuals and businesses.

Additional funding has also been set aside to mitigate against the pandemic's impact across our society as follows.

- DfC: £71.5 million including support for Councils, Sport, the Community, Voluntary and Social Enterprise Sector, and a one-off payment to assist the most vulnerable in society with heating costs.
- DE: £26.4 million including support for schools, the childcare sector and holiday meal payments to families in need.
- DfI: £27.5 million to ensure continuity of public services given lost income, and including support for the City of Derry Airport.

In total, the package of support measures announced on 23 November comes to £338.1 million allocated, with £150 million held for longer-term rates support, previously centrally held allocations of £74.8m sectoral support pending development of schemes by responsible departments, and a further £26.6 million being held in reserve.

Mr Easton asked the Minister of Finance what proportion of money from dormant accounts does Northern Ireland receive from the UK Treasury.

(AQW 10732/17-22)

Mr Murphy: The Dormant Bank and Building Society Accounts Act 2008 enables banks and building societies, who opt into the scheme, to transfer the money held in dormant accounts to a central Reclaim Fund. The central Reclaim Fund is then responsible for managing money, meeting any reclaims and passing on surplus money for reinvestment in the community usually through the National Lottery Community Fund. There is no direct role for the Treasury in this process.

The North receives 2.8% of the total amount of money received by the central Reclaim Fund in a financial year as set out in the Distribution of Dormant Account Money (Apportionment) Order 2011.

Mr Allister asked the Minister of Finance to publish a list of the resources employed in the Civil Service for unconscious bias training.

(AQW 10778/17-22)

Mr Murphy: There are currently no resources employed in the Civil Service for unconscious bias training.

Classroom based Unconscious Bias training was piloted to members of the NICS SCS in November 2016. In addition to the two pilot sessions, a further nine half day sessions were delivered between April and September 2017. In total, this classroom based training was completed by 197 SCS staff. No further classroom training has been delivered since September 2017.

In July 2017 Unconscious Bias e-learning training was made available to all other staff and rolled out on a mandatory basis for line managers up to Grade 6 level. To date 12,311 staff in grades below SCS level have completed this package. This e-learning package was developed in-house by then CAL trainers at no additional cost to the public purse.

Mr Allister asked the Minister of Finance to detail the bids and allocations in respect of the announcement of 23 November 2020 of further COVID-19 support.

(AQW 10891/17-22)

Mr Murphy: Details of the allocations are set out in my statement to the Assembly.

All bids from the Department for Communities, Department of Education, Department of Finance and Department for Infrastructure were met in full. A list of bids from the Department for the Economy is set out in the table below.

			£m
	Bid	Res	Cap
DfE	Support for Company Directors	64.0	
	Displacement of EU ESF Funding	22.6	
	Consumer Voucher	169.6	
	Tourism Visitor Attraction and Activity Provider Resilience Fund	10.0	
	Tourism Events Resilience Fund	10.0	
	Bed & Breakfast, Guest Houses and Guest Accommodation Support Fund.	4.1	
	Tourism Ireland Jurisdictional Marketing Campaign	0.9	
	Extended Rate Relief for Manufacturing Sector **	20.0	
	Invest NI - Extension of Grant for Research & Development scheme	18.0	

			£m
	Bid	Res	Cap
	Invest NI – Extension of Digital Selling Capability Grant	1.0	
	Invest NI – Company Investment Project Acceleration	2.6	
	Invest NI - Small Business Acceleration Programme	0.4	
	Licensed Premises Support ***	10.6	
	Catalyst - Capital Expansion Project		27.5
	Catalyst - Revenue Entrepreneurship Programmes	9.5	
	Catalyst – Revenue Research (NW Centre for Advanced Manufacturing)	20.0	
	Labelling Goods	0.6	
	Support for University R&D	7.2	
	£10k Small Business Support Grant Scheme overspend	1.1	
Total		372.2	27.5

Mr Muir asked the Minister of Finance why the baseline budget for 2021/22 will be £350 million less than the previous year.
(AQW 10916/17-22)

Mr Murphy: £350 million funding was provided as a single year allocation for 2020-21 in the New Decade New Approach document to address general pressures.

Unlike the majority of funding, this one-time allocation was not carried forward into 2021-22 leaving an unfunded pressure of £350 million for the Executive to address.

This issue will be considered as part of the work to develop a Budget for 2021-22.

Mr Easton asked the Minister of Finance how many staff are working on the Localised Restrictions Support Scheme.
(AQW 11023/17-22)

Mr Murphy: I refer you to my response to AQW 10568/17-22.

Ms Sheerin asked the Minister of Finance for an update on the PEACE Plus Programme.
(AQO 1195/17-22)

Mr Murphy: I am pleased to report this continues to progress well.

On the 27th October I attended the PEACE PLUS Programme Development Steering Group and discussed with key stakeholders the need for community engagement and implementation in the programme, a focus on peace building and reconciliation activities, a measureable impact on the border regions and a need to simplify the administrative measures in the programme engagement process.

I also attended the NSMC SEUPB Sectoral meeting on the 30th October with Minister McGrath from DPER and Minister Weir. We welcomed the commitments made by the EU and the Irish and British governments for PEACE PLUS and acknowledged the significant work undertaken on this to date.

SEUPB is continuing to engage with external stakeholders and government departments to help develop a final programme document. It is the intention that this will be ready to go out for statutory public consultation late 2020/early in 2021.

I would be confident that we would see a PEACE PLUS programme open for calls during 2021.

Mr Harvey asked the Minister of Finance what action he has taken to ensure the more timely release of financial support in future grant schemes.
(AQO 1199/17-22)

Mr Murphy: It will always be a challenge to introduce emergency grant support at speed while simultaneously ensuring that money is allocated for the intended purposes and to eligible recipients. My Department will review the lessons learned from both the £10,000 Small Business Grant Scheme and the Localised Restrictions Support Scheme and apply these to any future schemes.

Mr Stewart asked the Minister of Finance for his assessment of the rollout of the Localised Restrictions Support Scheme.
(AQO 1197/17-22)

Mr Murphy: My Department has worked as quickly as possible to facilitate the rollout of this scheme. It has been a complex undertaking given the targeted nature of the scheme and a lot of manual checking of applications has been necessary to verify that the applicants are eligible to receive the payment.

LPS has made as much resource available to the administration of the scheme as required and have so far issued payments worth £19.4 million to 5,165 applicants.

Mr Hilditch asked the Minister of Finance how many applicants to the Localised Restrictions Support Scheme have been paid in East Antrim to date.

(AQO 1194/17-22)

Mr Murphy: Information on applications to the scheme is not collated by parliamentary constituency.

However I can advise that 733 applications have been received from the Mid and East Antrim District Council area and payments worth a total of £1.08 million have been issued to 303 businesses.

Department of Health

Mrs Cameron asked the Minister of Health for his assessment on the impact of COVID-19 restrictions on the delivery of cancer services.

(AQW 7285/17-22)

Mr Swann (The Minister of Health): COVID-19 continues to present unprecedented capacity challenges across the cancer pathway which the service is actively managing.

It is likely that the redeployment of staff, staff absences, reduced access to theatres and patient reluctance to attend hospital may contribute to further impacts throughout the current and future waves of the pandemic, particularly on invasive diagnostics and surgical treatment. All possible steps will be taken to maintain services during these periods, including commissioning additional assessments and treatments from independent sector providers, with capacity prioritised for those patients with suspected or confirmed cancer.

I have established a Cancer Services Rebuilding Cell to protect these services as much as possible throughout the pandemic, taking into account existing capacity constraints and the ongoing challenges described above.

One of my primary aims in the difficult weeks ahead will be to ensure the continued delivery of high quality cancer services, providing of course that it is safe to do so.

Ms Bradshaw asked the Minister of Health what the current process is if a Care Home Provider does not implement or comply with the Care Partner arrangements for residents outlined in the Regional Principles for Northern Ireland Care Home Settings and other guidance issued by the Executive on or around 21 September 2020.

(AQW 9001/17-22)

Mr Swann: The HSC is continuously assessing how best to allow residents in all of our care homes to maintain meaningful contact with their families and friends.

My Department's Chief Nursing Officer and Chief Social Work Officer have jointly written to all our Health and Social Care (HSC) Trusts requesting that each Trust provide support to care home providers, who have been tasked to introduce the concept of Care Partners and an assurance to the Department that the Visiting Guidance is being followed appropriately

My Department's Chief Nursing Officer and Chief Social Work Officer have also jointly written to Care Home providers to remind them of the Visiting Guidance and to ask them to facilitate the introduction of Care Partners, given the associated, potentially life changing benefits of such arrangements for their residents. This will require careful planning, with the benefits for residents of having Care Partners facilitated balanced against the need for continuing mitigation of the ongoing risk of transmission of Covid-19 in response to the pandemic, alongside the management of normal seasonal pressures.

Should any Care Home Provider decide against implementing any aspect of visiting guidance, including the introduction of the Care Partner arrangements, the relevant Trust will take the matter up with that Care Home directly, offering suitable assistance to aid compliance.

Mr T Buchanan asked the Minister of Health how many COVID-19 inpatient beds are currently filled by care home residents who have tested negative and have no symptoms, but are unable to return to their care home due to a lack of space for self-isolation requirements.

(AQW 9257/17-22)

Mr Swann: The Belfast, Northern, South Eastern and Western Trusts have each confirmed they have no COVID-19 inpatient beds currently filled by care home residents who have tested negative, have no symptoms, but are unable to return to their care home due to a lack of space for self-isolation requirements.

Southern Trust have currently 5 delayed discharges due to covid related issues in the nursing homes they were to discharge to. These patients have been accepted by the nursing homes but they cannot take them at present either due to care home staff being tested or the home itself being temporarily closed because of an outbreak.

Mr Storey asked the Minister of Health whether the proportion of staff who have undergone relevant COVID-19 training, and are currently available for duties, is enough to ensure all operational COVID-19 beds are staffed.
(AQW 9313/17-22)

Mr Swann: HSC Trusts do not set aside beds for COVID-19 patients. The number of patients with COVID-19 fluctuates, with information on the number beds currently occupied by COVID-19 patients published daily on the Department's COVID-19 dashboard. Hospital bed stock is managed dynamically in line with best practice in infection control, and the number of ICU, acute and stepdown beds needed is based on the stage of surge as experienced by any Trust or hospital.

Where staff are being redeployed, necessary induction takes place to enable all staff to take on different duties. Staff are only asked to take on tasks within their current level of competence.

The availability of staff to respond to the increased demand is extremely challenging and this is exacerbated by the number of staff absent because of COVID-19. While we are taking all possible steps to address this, including relaunching the workforce appeal, we know that operating at peak surge levels, particularly in ICU, is not sustainable for long and will have a major impact on HSC services, including complex elective surgery.

Ms Anderson asked the Minister of Health whether he will introduce updated visitation guidance for palliative care patients, including those with COVID-19, to allow a family member or friend to be with them for extended periods before and during death, taking account of relevant precautions.
(AQW 9417/17-22)

Mr Swann: On 2 November 2020, my Department published an appendix to its visiting guidance with specific focus on the appropriate measures for allowing patients with actively advancing life limiting conditions to benefit from a palliative care approach, intended to provide the best quality of life in their final weeks and days.

This updated guidance is available (at Appendix 7) here: <https://www.health-ni.gov.uk/Covid-19-visiting-guidance>.

Ms Bradshaw asked the Minister of Health for an update on the availability of ear syringing and ear vacuuming services at GP surgeries.
(AQW 9498/17-22)

Mr Swann: Under the terms of their contract all GPs are required to provide essential primary medical services to their registered patients. As well as providing essential services GP Practices can also contract with the Board to provide additional services to their patients, for which they would receive additional remuneration; there is no obligation on GP Practices to provide those additional services.

Neither ear syringing or ear vacuuming are regarded as essential services and therefore GP Practices are not required to provide those services unless they have specifically agreed, as part of their contract, to do so.

In 2018 the National Institute for Clinical Health Excellence (NICE) issued guideline 98 which recommended that the manual syringing method should no longer be used.

It recommended that GPs should offer ear wax removal using an electronic irrigator, micro-suction or another method of earwax removal (such as manual removal using a probe) for adults in primary or community ear care services, if the practitioner, such as a community nurse or audiologist:

- has training and expertise in using the method to remove earwax;
- is aware of any contraindications to the method, and
- the correct equipment is available.

If the GP is not able to provide this service because they do not meet the NICE recommendations they would make the necessary referrals to ENT/Audiology in a Health and Social Care Trust, for which there will be no charge. However, rather than wait, patients may prefer to seek, and pay for, private treatment.

Mr Gildernew asked the Minister of Health to detail the formal correspondences he has had with his counterpart in Dublin on Brexit.
(AQW 9526/17-22)

Mr Swann: Formal correspondences with the Minister of Health in Dublin cover a range of issues relating to the delivery of Health and Social Care in Northern Ireland.

Engagements with the Department of Health in Dublin at official level are frequent, and cover all areas in relation to EU exit following the end of the Transition Period.

My officials brief me as to progress on these matters, and in turn, I and my Department provide regular updates to both the Northern Ireland Executive and the Northern Ireland Assembly Committee for Health.

Mr Durkan asked the Minister of Health whether he will consider introducing a wage for student nurses undertaking placement on the frontline against COVID-19, similar to that which was in place during the first wave of the pandemic. (AQW 9607/17-22)

Mr Swann: My Department's overarching priority is to protect the learning of Health and Social Care students so that they can successfully complete their studies on time and be able to join the workforce as registrants.

The Nursing and Midwifery Council's (NMC) emergency standards, which enabled student nurses and midwives in their final six months of study to undertake their last six months in clinical practice as paid members of staff, were withdrawn at the end of September. They have been replaced with the NMC's recovery standards which are focused on enabling universities to best support students in their learning so that they can graduate when expected. Student nurses and midwives will maintain their supernumerary status.

My Department provides a comprehensive range of support to nursing and midwifery students through their training. This varies according to individual circumstances but includes the payment of tuition fees, provision of non-means tested bursaries, and other means-tested allowances.

Student nurses and midwives are also eligible for free public transport during this period of pandemic. I can also confirm that my recent announcement of the provision of free car parking to HSC staff, until 31 March 2021, includes student nurses and midwives.

Mr McCrossan asked the Minister of Health to detail the current staff absence rates in each hospital. (AQW 9856/17-22)

Mr Swann: Due to the variable nature of working patterns across Health and Social Care (HSC), the metric used to measure absence is the percentage of hours lost.

Information on the percentage of hours lost due to staff absence in the month of September 2020 in each hospital is detailed in the table below. Includes staff absences due to sickness absence, COVID-19 related absences including self-isolation/shielding, maternity/paternity/adoption leave, career break, parental leave, time off for dependents, unpaid leave, term time, work break and suspensions.

HSC Trust	Hospital / Location	Percentage hours lost due to staff absence (September 2020)
Belfast	Belfast City Hospital	12.58%
	Foster Green Hospital	14.75%
	Knockbracken Healthcare Park	9.85%
	Muckamore Abbey Hospital	14.40%
	Mater Hospital	13.30%
	Musgrave Park Hospital	10.87%
	Royal Hospitals	12.56%
Northern	Antrim Hospital Site	13.71%
	Braid Valley Site	12.13%
	Causeway Hospital Site	13.52%
	Dalriada Hospital Site	12.27%
	Holywell Hospital Site	10.27%
	Mid Ulster Hospital Site	15.71%
	Moyle Hospital Site	14.96%
	Robinson Hospital Site	10.64%
	Whiteabbey Hospital Site	12.66%
South Eastern	Ulster Hospital	11.46%
	Lagan Valley Hospital	12.46%
	Downe Hospital	14.31%
	Downshire Hospital	10.20%
	Ards Community Hospital	10.70%
	Bangor Community Hospital	9.01%

HSC Trust	Hospital / Location	Percentage hours lost due to staff absence (September 2020)
Southern	Craigavon Area Hospital including Bluestone Unit and Blossom Children & Young People's Centre	14.88%
	Daisy Hill Hospital	17.52%
	Lurgan Hospital	16.88%
	South Tyrone Hospital including Loane and Woodlawn House	17.66%
	Mullinure Hospital (Gillis Ward only)	15.52%
Western	Altnagelvin Hospital	16.15%
	South West Acute Hospital	15.31%
	Omagh Hospital and Primary Care Complex	15.42%
	Waterside Hospital	21.15%
	Tyrone & Fermanagh Hospital	11.24%
	Gransha Hospital	15.12%
	Community	15.87%

Source: HSC Trusts. Excludes bank staff.

Mrs D Kelly asked the Minister of Health (i) to detail the number and nature of assaults on nursing staff in the Iveagh Centre, South Belfast by patients or residents, in each of the last three years; (ii) whether these assaults were reported to the PSNI; (iii) whether staff required medical treatment; and (iv) what measures have subsequently been put in place to protect staff.

(AQW 9938/17-22)

Mr Swann: Responses to your individual queries are outlined below. It should be noted that Belfast Trust have advised that due to the way their system records the data, they are unable to isolate detail in relation to nursing staff. Detail provided therefore is in relation to all staff roles in Iveagh.

- (i) To detail the number and nature of assaults on nursing staff in the Iveagh Centre, South Belfast by patients or residents, in each of the last three years.
- November 2017 – October 2018: 629
 - November 2018 – October 2019: 672
 - November 2019 – October 2020: 672

The breakdown of incidents does not categorise the nature of assault, this would be recorded in the body of each incident report and would require a manual trawl of all files and so could only be provided at disproportionate cost.

- (ii) **Whether these assaults were reported to the PSNI.**

At least 6 incidents have been reported to the PSNI. To confirm if any other incidents were reported would require a manual trawl of all files and so could only be provided at disproportionate cost.

- (iii) **Whether staff required medical treatment.**

This information is not readily available and would require a manual trawl of all files and so could only be provided at disproportionate cost.

- (iv) **What measures have subsequently been put in place to protect staff.**

Staff members:

- Attend training in the Management of Actual or Potential Aggression (MAPA) to advanced level which includes personal safety and disengagement;
- Have a personal alarm which is checked prior to commencing duty and worn at all times whilst on duty;
- Are provided with PPE which may include hair nets, jackets and bite guards to prevent hair pulling, scratching and biting causing harm;
- Attend training relevant to their role e.g. Positive Behaviour Support (PBS);
- Attend handover meeting prior to commencing direct patient care;
- Will read patient care plans and PBS plans and ensure they are understood; and
- Notify the nurse in charge of any precipitating factors which may require consideration.

Post incident, staff are encouraged to participate in incident debriefs, PBS meeting and reflective/learning practice. Training needs are also established through the Staff Development Review Process with line manager. They can also be referred to Occupational Health or can self-refer. Confidential counselling is provided by the Trust and staff are also given support if they wish to report assaults to the PSNI.

Mr Easton asked the Minister of Health what is the estimated timescale for receipt of a potential COVID-19 vaccine. (AQW 9975/17-22)

Mr Swann: The UK is expected to receive its initial share of the Pfizer vaccine in December. It should be noted however that the vaccine will not be deployed until it has received authorisation from the MHRA.

A large workforce of trained vaccinators will be in place to enable a COVID-19 vaccination programme to begin once an authorised vaccine is available. This will be based on the normal vaccination workforce as well as volunteers from across the Health and Social Care Service. Final training for the vaccinators cannot be completed until full details of the vaccine(s) become available from the manufacturers.

Trusts and GPs are still finalising their vaccination plans but it is likely that there will be vaccination sites across Northern Ireland during the COVID-19 vaccination programme.

Vaccination policy in Northern Ireland is guided by the recommendations of the Joint Committee on Vaccination and Immunisation (JCVI), an independent expert advisory group. JCVI will recommend which COVID-19 vaccine(s) should be used, and on the priority groups to receive the vaccine based on the best available clinical, modelling and epidemiological data. JCVI have published an interim prioritisation list which is available at:

<https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-25-september-2020>.

It has been agreed that the Barnett formula will be used to allocate vaccine share across the 4 nations. The Barnett formula split for Northern Ireland is 2.85% and therefore NI should receive a 2.85% share of whatever amount of vaccine is received into the UK.

Mr Easton asked the Minister of Health how many people are in place and trained to administer a COVID-19 vaccine. (AQW 9976/17-22)

Mr Swann: The UK is expected to receive its initial share of the Pfizer vaccine in December. It should be noted however that the vaccine will not be deployed until it has received authorisation from the MHRA.

A large workforce of trained vaccinators will be in place to enable a COVID-19 vaccination programme to begin once an authorised vaccine is available. This will be based on the normal vaccination workforce as well as volunteers from across the Health and Social Care Service. Final training for the vaccinators cannot be completed until full details of the vaccine(s) become available from the manufacturers.

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Mr Easton asked the Minister of Health whether any locations in North Down will be used to administer a COVID-19 vaccine. (AQW 9977/17-22)

Mr Swann: The UK is expected to receive its initial share of the Pfizer vaccine in December. It should be noted however that the vaccine will not be deployed until it has received authorisation from the MHRA.

A large workforce of trained vaccinators will be in place to enable a COVID-19 vaccination programme to begin once an authorised vaccine is available. This will be based on the normal vaccination workforce as well as volunteers from across the Health and Social Care Service. Final training for the vaccinators cannot be completed until full details of the vaccine(s) become available from the manufacturers.

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Mr Easton asked the Minister of Health which groups will be given priority to receive a COVID-19 vaccine.
(AQW 9978/17-22)

Mr Swann: The UK is expected to receive its initial share of the Pfizer vaccine in December. It should be noted however that the vaccine will not be deployed until it has received authorisation from the MHRA.

A large workforce of trained vaccinators will be in place to enable a COVID-19 vaccination programme to begin once an authorised vaccine is available. This will be based on the normal vaccination workforce as well as volunteers from across the Health and Social Care Service. Final training for the vaccinators cannot be completed until full details of the vaccine(s) become available from the manufacturers.

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Mr Easton asked the Minister of Health what quantity of COVID-19 vaccines will be received initially.
(AQW 9979/17-22)

Mr Swann: The UK is expected to receive its initial share of the Pfizer vaccine in December. It should be noted however that the vaccine will not be deployed until it has received authorisation from the MHRA.

A large workforce of trained vaccinators will be in place to enable a COVID-19 vaccination programme to begin once an authorised vaccine is available. This will be based on the normal vaccination workforce as well as volunteers from across the Health and Social Care Service. Final training for the vaccinators cannot be completed until full details of the vaccine(s) become available from the manufacturers.

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It has been agreed that the Barnett formula will be used to allocate vaccine share across the 4 nations. The Barnett formula split for Northern Ireland is 2.85% and therefore NI should receive a 2.85% share of whatever amount of vaccine is received into the UK.

Mr Dunne asked the Minister of Health when GP practices will receive their next supply of flu vaccines.
(AQW 9982/17-22)

Mr Swann: Depending on the amount of vaccine they have received to date, GP practices have continued to receive supplies of flu vaccine used for those aged 65 and over and for children. GP ordering of vaccine used for those aged 18 to under 65 years of age has now recommenced as additional vaccine stock was delivered into Northern Ireland during the week commencing 16th November.

Mr Carroll asked the Minister of Health what plans he has to ensure that frontline staff who cannot get parking spaces on Trust or Department sites will not be subject to car parking charges.

(AQW 10063/17-22)

Mr Swann: On 29 October I announced that with immediate effect, all Health and Social Care (HSC) staff would receive free car parking to 31 March 2021. Trusts have worked exceptionally hard in a short space of time on the required operational arrangements to implement this commitment.

Staff who have had to use on-site public car parks are entitled to reclaim the cost until free parking arrangements have been put in place.

As patients and visitors continue to access services, there are some sites where demand for parking exceeds the available supply. Therefore, where necessary and to balance the needs of patients, visitors and staff, in addition to free on-site parking, extra off-site parking provision and free park and ride facilities have been made available, and this provision can be expanded as required.

I would also encourage staff where possible to avail of the free transport which is kindly provided by Translink.

Ms Bradshaw asked the Minister of Health what preparations have been made for storing the COVID-19 vaccine; and what is the available budget.

(AQW 10091/17-22)

Mr Swann: Four ultra-low temperature control freezers are now in place at a facility in Northern Ireland. These freezers will be used for taking delivery of the Pfizer vaccine, once it is approved for use in the UK, before the vaccine is distributed to vaccination sites.

There is no specific COVID-19 vaccination programme budget. Work is ongoing to refine the estimated costs of the programme but we anticipate that sufficient funding is already available within the current allocation to Health for COVID.

Mr Carroll asked the Minister of Health to detail his plans to fill the staffing gaps in intensive care units.

(AQW 10199/17-22)

Mr Swann: While during the first wave of COVID-19 there was a mass standing down of services, I want to provide as much protection as possible to non-COVID-19 services during this second and any future waves. Therefore, the flexibility and commitment of our workforce is more important than ever, with staff willing to work extra hours to ensure HSC is able to respond to the demands that are being placed on our services. This is helping to ensure the safety of our patients and clients and enabling us to maintain business continuity.

It is important that we value and recognise the significance of this extra effort from staff willing to work beyond their core/contracted hours; therefore, HSC Trusts have established, in conjunction with Trade Unions, a Rapid COVID Response Protocol, which provides a financial incentive for such staff.

We are also exploring all options to bring in additional staff as quickly as possible, including through the re-opened Workforce Appeal, which has again seen a phenomenal response. It is important to note, however, that the availability of staff to respond to the increased demand is one of the most challenging aspects of the pandemic, exacerbated by the impact COVID-19 continues to have on our own staff.

Mr Carroll asked the Minister of Health what assessment has been made of whether staff in intensive care units are getting appropriate breaks at work.

(AQW 10201/17-22)

Mr Swann: Appropriate arrangements are in place to ensure that Intensive Care Unit staff get their breaks across all Trusts. Given the fluid and rapidly-changing context of critical care, emergency situations do arise that may delay a staff member's break, however the break is then facilitated at a later time.

Mr Allister asked the Minister of Health how does the amount of payment for administration hours to on call watch commanders and crew commanders in the Northern Ireland Fire and Rescue Service compare in each month of this year compared with last year.

(AQW 10226/17-22)

Mr Swann: The table below sets out the monthly total amount paid to Northern Ireland Fire and Rescue Service retained watch commanders and crew commanders for administration hours in 2019 and 2020 to date.

Month	2019 £	2020 £
January	13,285	15,160
February	11,949	13,681

Month	2019 £	2020 £
March	13,705	14,730
April	13,445	14,496
May	13,603	17,089
June	13,658	15,638
July	12,840	13,963
August	13,792	14,176
September	13,700	14,833
October	13,520	-
November	14,315	-
December	13,009	-
Total	160,821	133,766

Mr Allister asked the Minister of Health, in light of the reduction in some Northern Ireland Fire and Rescue Service activities during COVID-19, for example, home fire safety visits, what savings have resulted; and what surplus has been returned to his Department.

(AQW 10230/17-22)

Mr Swann: The impact of COVID-19 has factored in Northern Ireland Fire and Rescue Services financial planning requirements throughout 2020/21. There have been both savings and additional costs for the Service as a result of the pandemic. The net effect has meant that there has been no surplus identified or returned to the Department of Health at this stage.

Mr Gildernew asked the Minister of Health to detail the budget for (i) all addiction services; (ii) drug addiction services; (iii) alcohol addiction services; (iv) drug and alcohol addiction services; (v) gambling addiction services; and (vi) social media and or mobile device addictions services.

(AQW 10234/17-22)

Mr Swann: The requested figures are set out below:

		£m
(i)	all addiction services	24.25*
(ii)	drug addiction services	n/a
(iii)	alcohol addiction services	n/a
(iv)	drug and alcohol addiction services	24.25*
(v)	gambling addiction	n/a
(vi)	social media and or mobile device addictions services	n/a

* Note figures have been rounded to two decimal points.

It should be noted that substance use services in Northern Ireland cover both alcohol and other drugs.

There are no services specifically commissioned for gambling addiction or social media and/or mobile device addictions. Where compulsive gambling or social media and/or mobile device addiction is a symptom of an underlying mental illness the behaviour will be addressed as part of the treatment plan with core mental health or psychological therapies services.

Mr McHugh asked the Minister of Health what programmes are available within the Western Health and Social Care Trust to promote healthy living.

(AQW 10242/17-22)

Mr Swann: The Western Health and Social Care Trust (WHST) has a suite of programmes to support healthy living across all sectors, these are developed based of local need and in collaboration with our Statutory, Voluntary and Community partners. These are reviewed and monitored regularly to ensure accessibility and reach to our most vulnerable target groups. In addition, WHST work with partners in the Fermanagh and West Tyrone geographical areas to specifically tailor a range of programmes based on models of good practice and local need as part of their Pathfinder work.

The following training courses are delivered by the WHSCT:

- Mental Health First Aid training
- Self-care programme
- “Using aromatherapy to manage your emotions”
- Self-care programme
- “Reflect and Recharge”
- Walk Leader Training
- Moving More Often Training
- Arts Care 4 U Training
- Falls Prevention
- Diabetes Prevention Programme
- Nutrition Matters
- Nutrition Webinars
- Trauma and Mental Health-Informed Communities Training

The following healthy living programmes are provided by WHSCT:

- TWIST West
- Leading the Way
- Step by Step
- Street Exercise
- The Daily Mile
- Mindfulness in schools
- Support the wellbeing of teachers via a 6 week mindfulness programme
- 4 day Mindfulness facilitator training for teachers
- ‘Mindfulness for resilience’
- Fermanagh/Omagh Neighbourhood
- Renewal Project
- Mapping Exercise of Fermanagh/Omagh C/V Services
- Support Group for People affected by Covid-19
- “How to stay Well - looking after your Mental Health”
- Positive Ageing Campaign
- Neighbourhood Health Improvement Project
- Community Planning Partnership
- Community Mobilisation group
- Working on my health programme
- COVID messaging for young people
- Supporting MH Older people in their own community
- Connections Suicide Prevention Training
- Engage men and suicide training rollout
- ‘Working Together for Mental Wellbeing’ #mentalwellbeing 2020:
- MH/SP campaign
- Digital Resilience and protecting emotional health and wellbeing online for children and young people
- Safe Choices programme for post primary schools
- Mental Wellbeing and Resilience for Looked after Children
- Self care for practitioners and first responders
- ROE
- Smoking cessation service
- Time for you to connect and relax programme
- Weight Management Programme
- Slow cooker Programme

On a regional basis, the Public Health Agency (PHA) proactively promote healthy living and address the causes and associated inequalities of preventable ill health and lack of wellbeing. While embarking on this process to change the focus of our health services to prevention, extensive investment and partnership work is currently underway with both statutory and community organisations in the WHSCT area.

In addition to programmes funded by the WHSCT, the following programme areas and specific programmes in the WHSCT area are funded by the PHA:

Mental Health / Suicide Prevention	<ul style="list-style-type: none"> ■ Self-Harm Intervention Programme ■ Lifeline Helpline ■ Training programmes ■ WHSCT Suicide Prevention Officer & associated programmes ■ Our Future Foyle ■ Bereaved by Suicide support ■ Flourish! Supporting Clergy
LGBT	<ul style="list-style-type: none"> ■ Outburst Festival ■ PR Strategy ■ Diversity Champion ■ LGBT Staff Forum
Sexual Health	<ul style="list-style-type: none"> ■ Sexual Health Training ■ RSE in the community ■ Just Ask programme ■ PANTS Campaign ■ Sexual Health Services Rainbow Project ■ Positive Life ■ TPSH for Teacher Training ■ TPSH for RSE
Regional Melanoma	<ul style="list-style-type: none"> ■ Cancer Focus Strategy implementation
Older People	<ul style="list-style-type: none"> ■ Here & Now ■ Arts & Older People Programme ■ Development of NI infrastructure to support implementation of intergenerational practice ■ Age Friendly Co-Ordinators ■ Older People Community Navigator
Smoking Cessation	<ul style="list-style-type: none"> ■ Elite Maintenance ■ Smokebusters ■ Training ■ Regional Smoking Cessation Resources ■ Western NRT
Poverty	<ul style="list-style-type: none"> ■ Keep warm packs
Rural Support	<ul style="list-style-type: none"> ■ To promote positive mental health among isolated rural dwellers, farmers, farm families
Children & Young People	<ul style="list-style-type: none"> ■ Youth Engagement Service (YES) - funding for activities described above to support young people during the current COVID pandemic and further periods of restriction. ■ FLARE – Facilitating Life & Resilience Education for young People. ■ Young People's Support Programme ■ NSD Alcohol and Drugs – The Edge project
People with Disabilities	<ul style="list-style-type: none"> ■ Access Inclusion Project
Sports	<ul style="list-style-type: none"> ■ Free Equipment and Training for Sports Clubs
Areas of Deprivation / Vulnerable	<ul style="list-style-type: none"> ■ Healthy Living Centres ■ NSD Alcohol and Drugs – Lifeskills project ■ NSD Alcohol and Drugs – Adult Step 2 and Youth Treatment additional funding ■ Healthy Lifestyle Programme ■ NSD Alcohol and Drugs – Low Threshold service ■ Healthy Cities Designation ■ Healthy Towns programmes

In addition, PHA is funding the following projects/programmes under their short-term funding programme:

<p>PHA Small Grants Scheme (mental health)</p>	<ul style="list-style-type: none"> ■ Positive Living Programme, Western Area ■ Educate to Cultivate & All Together Now ■ Alert ■ ADD NI specialist ADHD Parenting Programme ■ Creative Arts for Mental Health ■ ARC Fitness Addiction Recovery Programme Winter Cohort ■ Lifestyle Uplift 2 Project ■ Families Together ■ Virtual Support and Empowerment for Autism Families ■ Living Life to the Full ■ Improving ladies health and wellbeing ■ Taking Back Our Health Dungiven ■ In the Garden – Clear the Head ■ Bringing Art to Ballymagorry ■ Carrosyl Coming out of Lockdown ■ Cause Family Connections – A new normal way ■ Grow Well Programme ■ Adult Community Mental Health and Wellbeing ■ The “Time for Me” Project ■ Reconnecting after Lockdown ■ Shake it off ■ Skillsets for Change and Resilience – Volunteer and Client programme ■ Walk, Talk and Learn ■ “Hooked on Nature” ■ Environmental garden and polytunnel project ■ Surviving COVID, with a ‘CLANG’! ■ Social Distancing Project ■ Feel Good Fortnight 2020 ■ Early Years Toybox Reconnect Families Project ■ Eglinton Community Hall: Mind and Body Wellbeing ■ “Eglinton Can Walk It” ■ Embracing Life During COVID 19, Finding Hope ■ Equine Connections ■ Extern VPRS Fishing Group ■ Fresh Little Minds -GROW PROGRAMME ■ First Managements Parents Emotional Health and Well Being Project ■ Homework club for hearing impaired children ■ Supporting Glenelly Covid19 Recovery Plan ■ ‘Grubs Up at Glenshane Care’ ■ The Creative Ageing Project ■ Managing anxiety through horticultural therapy
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PHA Small Grants Scheme (mental health) <i>(continued)</i>	<ul style="list-style-type: none"> ■ Seedlings Circus: Safe and Well ■ Life after Lockdown, Health & Wellbeing Programme ■ Greysteel Community Health and Well-being Workshops ■ Killen Women's Group cookery and exercise classes ■ Well Connected Project ■ Getting On With Life ■ The 'H.O.P.E' Project (Health, Optimism, Positivity, Empowerment) ■ Guiding Adventures – With a Difference ■ Making Mums and Dads Lives Better Project ■ Ensuring Inclusiveness and No Child is Forgotten ■ Inspire Recovery & Wellbeing ■ Life After Covid: Helping our children cope with returning to school after lockdown ■ Restore and Revive Project ■ Community Together ■ Song for the Soul ■ Foreglen Mental Wellbeing Project ■ Promoting Health & Well Being in Rural Communities ■ Out of Lockdown ■ Supporting Children's Emotional Health & Well Being through COVID19 ■ Positive Steps to Health and Well-Being ■ From Isolation to Social Connection ■ ButterFly Project ■ Youth Mindfulness and Wellbeing Training. ■ The COVID Connections Collective project ■ Relax Kids ■ Keeping Community at the Heart of Support ■ Staying Connected Together ■ The Net ■ Sperrin Carers Get out and About ■ Green Senses ■ St Macartans Return from Covid (SMRC) ■ St Patricks GFC "Off the Field" Health & Wellbeing Community Programme ■ Coming out of Covid fitter, healthier and happier- A family approach ■ Brooke Park Hen's Shed ■ Mindful Connections ■ Alive and Thriving through Covid 19Trillicks Wellbeing ■ Together Programme ■ Light After The Darkness ■ Everyday Wellness
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Ms McLaughlin asked the Minister of Health whether babies and toddlers under two years old are counted within the calculations for numbers of people gathered together under COVID-19 regulations; and to detail the rationale for this decision. **(AQW 10259/17-22)**

Mr Swann: Babies and toddlers under two years old are counted as part of the total for indoor or outdoor gatherings.

A gathering indoors in a private dwelling which consists of persons from more than one household is not permitted. This includes visitors e.g. friends or relatives from areas within or outside of Northern Ireland. Indoor meetings between two households in a bubble is limited to a maximum of 10 people, including children, at any one time.

Further guidance is available on my Department's website at:

<https://www.health-ni.gov.uk/publications/guidance-accompany-health-protection-coronavirus-restrictions-no-2-regulations-northern-ireland-2020>

The rationale is to minimise close contact between a large number of individuals as the risk of transmission of the virus increases the longer individuals gather and spend time together.

The Executive maintains an ongoing process of review of the coronavirus restrictions regulations, which considers both the current level of the pandemic and the impact the restrictions are having, and it is the Executive's clear intention not to retain the restrictions for any longer than is absolutely necessary.

Mr Carroll asked the Minister of Health to detail the category of recipients when the first stage of a COVID-19 vaccine programme is rolled out.

(AQW 10272/17-22)

Mr Swann: Vaccination policy in Northern Ireland is guided by the recommendations of the Joint Committee on Vaccination and Immunisation (JCVI), an independent expert advisory group. JCVI will recommend which COVID-19 vaccine(s) should be used, and on the priority groups to receive the vaccine based on the best available clinical, modelling and epidemiological data. JCVI have published an interim prioritisation list which is available at: <https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-25-september-2020>.

Once more details regarding the safety and efficacy of the vaccines becomes available JCVI is expected to produce a final prioritisation list.

Mr Carroll asked the Minister of Health to detail his plan for community pharmacy involvement in the roll-out of COVID-19 vaccines.

(AQW 10276/17-22)

Mr Swann: Discussions are ongoing between my officials and Community Pharmacy representatives to determine what role this sector will play during the roll out of the COVID-19 vaccination programme.

Mr McCann asked the Minister of Health how many care partners are in place in care homes.

(AQW 10290/17-22)

Mr Swann: Care Partner arrangements have been available since late last year. Each care home submits a weekly return via an app to the RQIA, and this includes details of the care partner arrangements in place in their home.

The most recent figures, from the start of November 2021, suggest that there are currently 3,139 care partners in place here. RQIA is currently reviewing the use/ accuracy of the app as a reporting tool going forward.

Mr Lyttle asked the Minister of Health what impact the prohibition of grassroots youth sports training and matches has on the COVID-19 transmission rate.

(AQW 10308/17-22)

Mr Swann: The Executive, when making decisions on restrictions, takes into account not only the scientific and medical evidence but also the evidence of impacts of the restrictions on the economy and society, including education. The Executive weighs up the totality of the effect each restriction can have in combination with other restrictions in reducing the rate of infections of COVID-19. It is very difficult to disaggregate the precise impact on virus transmission of each restriction on its own.

In light of the high rate of spread of the virus which causes COVID-19, and the pressure this is placing on vital health and social care services, the Executive considered a wide range of activities which could impact on the rate of transmission of the virus. The Executive's decision was that certain businesses and activities, including gatherings such as grassroots youth sports training and matches, would have restrictions placed on them to help to suppress the transmission of the virus within the population. The current combination of restrictions allows other essential services to be maintained, protects the elderly and the vulnerable, and reduces the pressure on our health services during the current pandemic.

The Executive maintains an ongoing process of review of the coronavirus restrictions regulations, which considers both the current level of the pandemic and the impact the restrictions have on the economy and society, and it is the Executive's clear intention not to retain the restrictions for any longer than is absolutely necessary.

Mrs Cameron asked the Minister of Health what assessment he has made of the impact of potential administrative obstructions from EU regulations and the Protocol on Ireland/Northern Ireland on the roll out of a COVID-19 vaccine.

(AQW 10312/17-22)

Mr Swann: It is not expected that there will be any administrative obstructions as a result of the EU Ireland/Northern Ireland protocol as there has now been a 12 month grace period agreed, which should enable the vaccine supplies to be received throughout 2021 without any additional checks.

Mr Allister asked the Minister of Health whether Dr Fiachra McLaughlin was paid for the claims submitted for work that he had not done; and whether any and all money paid has been repaid.

(AQW 10325/17-22)

Mr Swann: The Southern Health and Social Care Trust has confirmed that no money was paid to Dr McLaughlin for any work not undertaken, as the Trust's claim validation and checking procedures picked up this claim before any payment was processed, therefore recoupment was not necessary.

Mr Allister asked the Minister of Health (i) what is the annual bill payment of administration hours to on call watch commanders and crew commanders in the Northern Ireland Fire and Rescue Service; (ii) what audit has been conducted of this expenditure; and (iii) with what result.

(AQW 10326/17-22)

Mr Swann:

- (i) In 2019/20 £165,453 was paid for administration hours to (retained) on call watch commanders and crew commanders by Northern Ireland Fire and Rescue Service (NIFRS).
- (ii) NIFRS Internal Audit function conducted a review titled 'Payroll – Management of overtime and claim forms for retained officer payments'. The report finalised in April 2020.

NIFRS conducted two internal reviews in September 2020 and October 2020 into payment of administration hours to retained officers.

- (iii) The Internal Audit review titled 'Payroll – Management of overtime and claim forms for retained officer payments' received limited assurance. NIFRS is addressing these audit recommendations.

NIFRS internal reviews in September 2020 and October 2020 found no evidence of fraudulent payments to retained officers for administration hours.

Mr Frew asked the Minister of Health, following his appeal during the first lockdown for people to apply to work in health services during the pandemic, (i) how many people were utilised and for how long; and (ii) how many people have been utilised in the last four weeks; and (iii) what types of functions have they been carrying out.

(AQW 10327/17-22)

Mr Swann:

- (i) My Department initiated the Workforce Appeal back in April to assist HSC Trusts tackle the virus and we were overwhelmed by the response. There were over 11,000 applications covering a wide range of roles, including over 3,000 clinical applications.

- 899 people were appointed and deployed in Trusts;
- 515 Clinical Appointments were made across a range of professions; and
- 384 Non Clinical Appointments.

The appointments were short-term in nature lasting for varying lengths of time.

- (ii)& (iii) My Department has now re-opened the Workforce Appeal in an effort to try and build capacity again with particular focus on certain roles and positions across hospitals and community care. The total number of appointments made to Trusts to date, as at 18th November, is 296, covering both Health & Social Care (137 appointments) and Clerical & Admin (159 appointments). An additional 30 appointments have also been made by the BSO on behalf of the PHA bringing the total appointment figure to 326.

Mr Gildernew asked the Minister of Health what modelling was undertaken for COVID-19 Surge Planning for (i) inpatient COVID-19 beds; and (ii) intensive care unit beds.

(AQW 10342/17-22)

Mr Swann: A modelling group chaired by the Chief Scientific Officer was established as the pandemic took hold during spring. With an increasing amount of data available, the modelling group is now better placed to track the trajectory of the virus. In addition, the Health and Social Care Board now maintains a hospital bed modelling tool that allow for short term modelling of the impact of COVID-19 on hospital inpatient and ICU patient numbers.

However, HSC Trusts do not set aside beds for COVID-19 patients. The number of patients with COVID-19 fluctuates, with information on the number beds currently occupied by COVID-19 patients published daily on the Department's COVID-19 dashboard.

The available number of ICU beds is determined by the critical care surge plan, on which the Critical Care Network for Northern Ireland reports daily to the Department. The plan provides the ability to flex critical care capacity to a maximum of 158 ICU beds across the region.

Mr Muir asked the Minister of Health to detail the rationale for the time lag in the reporting of HIV Infections.

(AQW 10358/17-22)

Mr Swann: The Royal Victoria Hospital GUM clinic collate the Northern Ireland HIV data for new HIV diagnoses and also for people receiving HIV care. Public Health England (PHE) collate the data for the United Kingdom and complete a number of validation and deduplication checks.

The Public Health Agency (PHA) usually receives an annual Northern Ireland dataset from PHE in September. Due to COVID-19 this was delayed to 3rd November. The Northern Ireland country HIV data tables were published by PHE on the same date along with the UK report.

PHA have always published the NI data report later, normally 1st December which is World AIDs day.

Mr O'Toole asked the Minister of Health what research his Department has undertaken into the effects of long covid; and the numbers of people with the condition.

(AQW 10362/17-22)

Mr Swann: There is accumulating evidence to suggest that people who have had both mild and severe symptoms of COVID-19 can experience long-term health effects such as problems with breathing, chronic fatigue and stress.

Research to evaluate the long-term health and psychosocial effects of COVID-19 in affected persons is ongoing. Major studies include the Post-Hospitalisation COVID-19 study which is a consortium of researchers and clinicians from across the UK working together to understand and improve long term health outcomes for patients who have been in hospital with COVID-19. Northern Ireland clinicians are sited as Chief Investigators and are actively engaged in this study.

The National Institute for Care and Health Excellence (NICE) is developing a guideline on long Covid which is due to be published by the end of the year. The guideline will address, among other things, a formal definition of the disease, how to identify on-going symptoms and a definition of best practice investigation and treatment options to support the management of the condition across diverse communities.

When published, the guideline will be fully considered alongside the wider body of emerging research to inform future policy and service decisions in Northern Ireland.

As there is no formal definition of long Covid it is not possible to accurately state how many people are affected in Northern Ireland.

Ms Flynn asked the Minister of Health for a monthly breakdown of the total amount of calls to the COVID-19 psychological support helpline for health and social care staff.

(AQW 10366/17-22)

Mr Swann: I refer you to the answer in AQW 9347/17-22.

Mr Easton asked the Minister of Health what plans have been implemented to deal with the second surge of the COVID-19 virus.

(AQW 10369/17-22)

Mr Swann: I published the Surge Planning Strategic Framework on 6 October. This sets the overarching context for individual Trust surge and winter planning. Alongside the framework, I also published individual Trust surge plans, ensuring comprehensive plans are in place to address both further COVID-19 surges and winter pressures.

The Surge Planning Strategic Framework highlights important learning from the first wave; sets out the approach to surveillance and modelling; reviews actions to minimize COVID-19 transmission and impact; summarises key regional initiatives to organise health and social care services to facilitate effective service delivery; highlights actions around the key issues of workforce, medicines and testing; and confirms a number of principles for our Health and Social Care Trusts to adopt when developing their individual surge plans.

Mrs Cameron asked the Minister of Health what data is gathered on the number of people seeking help from Health and Social Care and general practice for gambling disorder.

(AQW 10414/17-22)

Mr Swann: Data on gambling addiction is not generally collected by Health and Social Care Trusts. Some information on referral rates is, however, collected by the Southern Health and Social Care Trust.

Mrs Cameron asked the Minister of Health, pursuant to AQW 9496/17-22, what plans he has to introduce legislation to require gambling operators to include explicit and prominent public health warnings about the harms associated with their products and services in their advertising and marketing.

(AQW 10416/17-22)

Mr Swann: Gambling legislation is the responsibility of the Department for Communities. The Department for Communities have recently brought forward proposals to reform gambling law in Northern Ireland.

I have no intention of bringing forward separate legislation relating to gambling at this stage.

Mr Muir asked the Minister of Health when he will bring forward proposals to the Executive concerning further COVID-19 public health restrictions.

(AQW 10462/17-22)

Mr Swann: I have brought forward proposals to the Executive on a number of occasions, including the meeting of Thursday 19 November 2020. Any proposals brought to the Executive meeting are guided by the advice from Chief Medical Officer and Chief Scientific Advisor and reflect the current position and modelling of the pandemic. Any proposed restrictions are to manage the increased pressure on our health services during the current pandemic, protect the elderly and the vulnerable and allow other essential services to be maintained.

All scientific evidence is now publically available and published on my Department's website: <https://www.health-ni.gov.uk/covid-19-scientific-evidence>

Ms Flynn asked the Minister of Health to detail the number beds (i) available; and (ii) occupied in each hospital, on each day of September and October, for each year since 2017.

(AQW 10473/17-22)

Mr Swann: This information is not available for all of the specified periods.

Data is however available on a quarterly basis. Information on the number of available and occupied beds for the Quarters Ending September and December 2017, 2018 and 2019 is provided in Tables 1-3. My Department publishes annual information on the number of beds available and occupied at:

<https://www.health-ni.gov.uk/articles/inpatient-and-day-case-activity>

Daily data on beds available and occupied for the period 1st September to 31st October 2020 can be viewed on the Department's COVID-19 Dashboard and downloaded from the Department's website at:

<https://www.health-ni.gov.uk/publications/daily-dashboard-updates-covid-19-november-2020>

It should be noted that the beds data provided in Tables 1-3 will not be directly comparable to the daily data available at the link provided as they are derived from different sources.

Table 1: Available and Occupied Beds in HSC Hospitals in Northern Ireland, QE September and QE December 2017

Hospital	Quarter Ending			
	2017			
	Sept		Dec	
	Occupied beds	Available beds	Occupied beds	Available beds
Belfast Trust				
Acute Mental Health Inpatient Centre	-	-	-	-
Belfast City	27,790	37,632	27,283	36,868
Cancer Centre	5,314	6,177	5,065	5,898
Knockbracken Healthcare Park	9,530	10,856	9,573	10,856
Mater Infirmorum	18,542	20,973	19,172	21,963
Muckamore Abbey	9,378	9,568	8,854	9,476
Musgrave Park	15,519	21,778	15,081	22,631
RBHSC	6,433	8,643	7,287	8,632
Royal Maternity	7,603	9,601	7,541	9,844
Royal Victoria	51,548	61,654	52,793	61,349
Young Peoples Centre	2,394	2,852	2,490	2,852
Northern Trust				
Antrim	38,901	47,901	40,027	48,600
Causeway Hospital	16,391	21,812	17,225	21,845
Dalriada	1,949	2,944	1,991	2,944
Holywell	10,105	10,672	9,964	10,672
Mid Ulster	1,786	1,934	1,766	2,025
Moyle	1,346	1,472	1,487	1,557
Robinson Memorial	1,786	1,932	1,797	1,932
Whiteabbey	3,841	4,079	3,913	4,058
Southern Eastern Trust				
Ards	1,681	1,840	1,775	1,847
Downe	3,521	3,870	3,768	3,975

Hospital	Quarter Ending			
	2017			
	Sept		Dec	
	Occupied beds	Available beds	Occupied beds	Available beds
Downshire	5,607	6,624	5,772	6,624
Lagan Valley	7,227	8,482	7,467	8,560
Lagan Valley PNU	2,775	3,312	2,710	3,312
Thompson House	2,288	3,312	2,385	3,312
Ulster	47,731	57,168	49,920	57,306
Ulster MHU	2,162	2,208	2,293	2,208
Southern Trust				
Craigavon Area	36,861	45,181	37,223	45,300
Craigavon Area PNU	8,283	8,648	8,608	8,648
Daisy Hill	15,898	19,711	16,483	19,929
Lurgan	4,453	4,692	4,501	4,698
St Lukes	1,675	2,208	1,890	2,208
South Tyrone	2,936	3,312	3,038	3,314
Western Trust				
Altnagelvin Area	34,564	43,845	34,403	43,390
Gransha	1,670	2,760	1,985	2,760
Lakeview	761	920	511	920
Omagh Hospital & Primary Care Complex	2,657	3,696	2,798	3,707
South West Acute	17,860	20,640	17,764	20,407
Tyrone & Fermanagh	4,375	6,072	5,186	6,072
Waterside (Ward 1-4)	5,924	6,002	5,942	6,010
Total	441,065	536,983	449,731	538,509

Table 2: Available and Occupied Beds in HSC Hospitals in Northern Ireland, QE September and QE December 2018

Hospital	2018			
	Sept		Dec	
	Occupied beds	Available beds	Occupied beds	Available beds
Belfast Trust				
Acute Mental Health Inpatient Centre	-	-	-	-
Belfast City	27,167	35,402	25,714	34,045
Cancer Centre	5,278	5,629	5,379	5,673
Knockbracken Healthcare Park	8,652	10,856	8,634	10,856
Mater Infirmorum	17,860	22,206	18,549	21,975
Muckamore Abbey	8,171	8,589	7,618	7,662
Musgrave Park	15,675	25,238	15,317	23,142
RBHSC	6,672	8,767	7,022	8,738
Royal Maternity	8,237	10,120	7,640	10,120
Royal Victoria	52,722	60,691	53,803	62,978

Hospital	2018			
	Sept		Dec	
	Occupied beds	Available beds	Occupied beds	Available beds
Young Peoples Centre	2,205	2,852	1,823	2,852
Northern Trust				
Antrim	38,441	47,838	38,969	48,222
Causeway Hospital	17,123	21,882	16,700	21,871
Dalriada	1,995	2,944	1,931	2,944
Holywell	11,080	10,764	10,508	10,764
Mid Ulster	1,791	1,932	1,672	2,025
Moyle	1,524	1,655	1,483	1,658
Robinson Memorial	1,653	1,929	1,665	1,931
Whiteabbey	3,831	4,049	3,744	4,048
Southern Eastern Trust				
Ards	1,724	1,840	1,738	1,841
Downe	3,585	3,901	3,584	3,946
Downshire	5,919	6,624	6,130	6,624
Lagan Valley	6,334	8,109	7,072	8,202
Lagan Valley PNU	3,061	3,312	3,071	3,312
Thompson House	2,222	3,312	2,221	3,312
Ulster	49,509	57,323	49,071	57,316
Ulster MHU	2,314	2,208	2,217	2,208
Southern Trust				
Craigavon Area	37,072	43,190	38,413	43,963
Craigavon Area PNU	8,644	8,648	7,939	8,648
Daisy Hill	15,932	19,883	16,160	19,903
Lurgan	4,371	4,882	4,414	4,876
St Lukes	1,868	2,208	1,508	2,208
South Tyrone	3,109	3,312	3,192	3,313
Western Trust				
Altnagelvin Area	33,399	42,037	34,616	42,920
Gransha	2,135	2,760	2,017	2,760
Lakeview	624	920	680	920
Omagh Hospital & Primary Care Complex	2,972	3,682	3,066	3,722
South West Acute	17,434	20,549	18,402	20,792
Tyrone & Fermanagh	4,748	5,888	3,893	5,888
Waterside (Ward 1-4)	5,903	6,008	5,570	6,023
Total	442,956	533,939	443,145	534,201

Table 3: Available and Occupied Beds in HSC Hospitals in Northern Ireland, QE September and QE December 2019

Hospital	2019			
	Sept		Dec	
	Occupied beds	Available beds	Occupied beds	Available beds
Belfast Trust				
Acute Mental Health Inpatient Centre	7,511	7,360	7,665	7,360
Belfast City	25,586	33,064	26,747	33,472
Cancer Centre	5,346	5,642	5,340	5,340
Knockbracken Healthcare Park	6,116	7,912	6,224	7,912
Mater Infirmorum	13,364	16,094	13,868	16,339
Muckamore Abbey	6,404	6,532	5,269	6,492
Musgrave Park	14,273	22,592	14,970	23,074
RBHSC	6,351	8,919	7,401	8,974
Royal Maternity	7,776	9,936	7,183	9,720
Royal Victoria	52,957	60,070	55,480	61,680
Young Peoples Centre	1,500	2,852	1,560	2,852
Northern Trust				
Antrim	38,771	49,215	40,730	49,640
Causeway Hospital	16,908	20,948	18,314	21,300
Dalriada	2,018	2,944	1,989	2,944
Holywell	10,447	10,764	10,391	10,764
Mid Ulster	1,634	1,932	1,561	2,025
Moyle	1,166	1,472	1,304	1,534
Robinson Memorial	1,806	1,932	1,615	1,932
Whiteabbey	3,788	4,049	3,807	4,049
Southern Eastern Trust				
Ards	1,443	1,799	1,672	1,833
Downe	3,582	3,952	3,777	4,032
Downshire	6,060	6,624	5,684	6,624
Lagan Valley	6,884	8,202	7,333	8,391
Lagan Valley PNU	3,095	3,312	2,861	3,312
Thompson House	2,214	3,312	2,063	3,312
Ulster	49,810	57,325	52,055	58,279
Ulster MHU	2,357	2,208	2,337	2,208
Southern Trust				
Craigavon Area	38,748	45,368	39,050	45,614
Craigavon Area PNU	8,496	8,648	8,435	8,648
Daisy Hill	16,598	20,218	17,183	20,324
Lurgan	4,342	4,876	4,550	4,877
St Lukes	1,391	1,472	1,507	1,472
South Tyrone	3,155	3,312	3,192	3,312
Western Trust				

Hospital	2019			
	Sept		Dec	
	Occupied beds	Available beds	Occupied beds	Available beds
Altnagelvin Area	34,965	43,057	36,522	44,030
Gransha	2,207	2,730	2,332	2,760
Lakeview	808	910	839	920
Omagh Hospital & Primary Care Complex	3,283	3,769	3,171	3,775
South West Acute	17,947	20,626	18,754	21,017
Tyrone & Fermanagh	3,787	5,460	3,942	5,336
Waterside (Ward 1-4)	5,766	5,885	5,823	6,037
Total	440,660	527,294	454,500	533,516

Source: KH03a trust returns

Mr Gildernew asked the Minister of Health to detail the contingency planning into staffing intensive care unit wards in the second and subsequent surges of the COVID-19 pandemic.

(AQW 10557/17-22)

Mr Swann: I published the Surge Planning Strategic Framework on 6 October. This set the overarching context for individual Trust surge and winter planning, including that of the Critical Care Network for Northern Ireland (CCaNNI).

CCaNNI continues to oversee and monitor the critical care surge plan and reports daily to the Department. The critical care surge plan provides the ability to flex critical care capacity to a maximum of 158 ICU beds across the region. This plan enables Trusts to work collectively to ensure that critical care capacity is maximised, while making the most of available staffing resources. Within this overarching plan, Trusts take decisions on the need to transfer patients to the Belfast City Hospital Nightingale facility.

It is important to note that the level of staffing required to deliver maximum ICU capacity would be challenging to sustain for anything but a short period and will have a major impact across HSC services, including complex elective surgery. This is why we must all continue to do everything we can to reduce transmission of COVID-19.

Mr Allister asked the Minister of Health how many residents of care homes have been transferred to hospital due to a condition other than COVID-19 in each week since 13 October 2020.

(AQW 10623/17-22)

Mr Swann: The information requested on the number of care home residents transferred to hospital due to a condition other than COVID-19 for each week since 13 October 2020 is currently not available.

Ms McLaughlin asked the Minister of Health to detail the most recent waiting times and waiting lists for (i) first outpatient appointments; (ii) diagnostic services; (iii) admission for inpatient treatment; and (iv) cancer services at each Health and Social Care Trust; and how this compares with each of the previous four quarters.

(AQW 10643/17-22)

Mr Swann: Outpatient, diagnostic, inpatient and cancer waiting times are reported by my Department on a monthly and quarterly basis. These publications refer to the position at the end of a given month/quarter.

- (i) Outpatient waiting times publications detail how many patients are still waiting for a first consultant led outpatient appointment broken down by HSC Trust, Specialty and length of time waiting. Quarterly National Statistics on Outpatient Waiting Times Information is published at the following link: <https://www.health-ni.gov.uk/articles/outpatient-waiting-times>
- (ii) Diagnostic waiting times publications detail how many patients are still waiting for a diagnostic test broken down by HSC Trust, type of test and length of time waiting. Quarterly Official Statistics on Diagnostic Waiting Times Information is published at the following link: <https://www.health-ni.gov.uk/articles/diagnostic-waiting-times>
- (iii) Inpatient waiting times publications detail how many patients are still waiting for an inpatient or day case appointment broken down by HSC Trust, Specialty and length of time waiting. Quarterly National Statistics on Inpatient Waiting Times Information is published at the following link: <https://www.health-ni.gov.uk/articles/inpatient-waiting-times>
- (iv) Cancer waiting times publications detail how long patients waited for treatment, waited to see a breast cancer consultant and the number of breast cancer referrals broken down by HSC Trust and tumour site. Quarterly National Statistics on Cancer Waiting Times Information is published at the following link:

<https://www.health-ni.gov.uk/articles/cancer-waiting-times>

Waiting times information is available as downloadable csv files which includes data for the previous four quarters. In addition to the publications mentioned above, provisional monthly waiting times information for Outpatients, Inpatient & Day Case and Cancer are published at the following link: <https://www.health-ni.gov.uk/publications/interim-waiting-times-reports>

Department for Infrastructure

Mr Boylan asked the Minister for Infrastructure to detail the active travel projects her Department is progressing in the Newry and Armagh area.

(AQW 9832/17-22)

Ms Mallon (The Minister for Infrastructure): I am very keen to deliver on projects to get more people to walk and cycle. In June I committed £20million for blue/green infrastructure and to working with all Council areas in identifying and delivering active travel and greenway projects and in September, I announced £3.735million for six greenway projects that would be able to start this financial year.

Armagh, Banbridge and Craigavon Borough Council has proposed an extension to the Ulster Canal Greenway, where it stops short of Middletown village, as a greenway project that could commence next year. The Department is also examining options in Middletown village to encourage active travel in advance of the Ulster Canal Greenway, due to complete in 2021.

I would encourage Councils to continue the momentum for delivery of greenways and advance their projects through meaningful local consultation and engagement with landowners. I hope to be in a position to fund further greenway projects in coming years. However, decisions regarding potential funding allocations for any future greenway projects will depend on the budget provided to my Department for 2021/22.

A proposed Puffin crossing at Burren, Co Down will enable safer access to Carrick Primary School and park on the busy Bridge Road. My officials also continue to discuss potential pilot projects for Newry City Centre with officers in Newry, Mourne and Down District Council.

Details of all works programmes, including those in the Newry and Armagh area are compiled on a yearly basis and issued to the relevant Councils. They are then published on the Department's website and are available to view online through the following link:

<https://www.infrastructure-ni.gov.uk/publications>

Mr Boylan asked the Minister for Infrastructure for an update on the Transport Regulation Unit holding of public inquiries.

(AQW 9833/17-22)

Ms Mallon: Four public inquiries have been scheduled for Thursday 26 and Friday 27 November. Those being called to these hearings have received their call up letters, giving the appropriate statutory notice. Preparation for the outstanding hearings remains ongoing and they are being arranged over the coming months.

Mr Boylan asked the Minister for Infrastructure what her Department is doing to deter bicycle theft, such as increasing the provision of secure bike shelters.

(AQW 9834/17-22)

Ms Mallon: I want to ensure that in all transportation interventions my Department includes measures to improve walking and cycling and this includes cycle parking. I want to build infrastructure that makes walking and cycling journeys easier, safer and more convenient to undertake.

My Department has committed funding to councils through the COVID Revitalisation fund and I understand that Newry, Mourne and Down District Council is considering using part of its allocation for cycle shelter provision and maintenance, including roll-out of secure bike stands and maintenance stations across the Council's civic buildings, leisure centres, car parks, parks, greenway and towpath entrance areas.

My Department also provides funding for secure bike shelters and bicycle parking at key locations in discussion with stakeholders such as Translink, PSNI and the Council. I am keen to support the development of other such infrastructure throughout the region.

Mr Allister asked the Minister for Infrastructure what spare sewerage capacity there is in (i) Ballintoy; (ii) Balnamore; (iii) Dunloy; (iv) Loughgiel; and (v) Rasharkin.

(AQW 9874/17-22)

Ms Mallon: NI Water has advised me that capacity at the five named wastewater treatment works is as follows:-

- (i) Ballintoy - capacity issues had been identified. However, the upgrade of Ballintoy wastewater treatment works, which is estimated will cost in the region of £3 million, is scheduled for delivery during 2020/21.
- (ii) Balnamore - wastewater capacity is currently available. Wastewater from Balnamore is conveyed to Ballymoney wastewater treatment works, which also serves Bendooragh, Dunaghy, Lislagan.

- (iii) Dunloy - nearing capacity. This wastewater treatment works has been identified as requiring intensive management, by NI Water, through the PC21 period (2021-2027).
- (iv) Loughgiel - wastewater capacity is currently available. No wastewater network or treatment work issues have been identified.
- (v) Rasharkin - wastewater capacity is currently available in the wastewater treatment works. However, NI Water is aware of issues in the associated wastewater network. An upgrade to the wastewater network is not currently prioritised for investment in PC21 (2021-2027).

Mr Muir asked the Minister for Infrastructure for her assessment of the impact of receiving no additional resource funding in the October monitoring round for winter service.

(AQW 9888/17-22)

Ms Mallon: The average cost of providing winter service is £7m but can be as high as £10m in more severe winter conditions.

I have already allocated £3m from the Opening 2020/21 resource baseline budget as a contribution to funding for Winter Service. A recent Covid bidding exercise provided a further £5m funding for Winter Gritting Services but, as you are aware, a further bid for £2m in October Monitoring was unsuccessful.

While we can't predict the weather over the winter period, the funding in place will only deliver winter service for typical weather conditions. If the weather is above winter averages this will present budget difficulties to the department and if considered necessary, a bid for additional funding will be made as part of January Monitoring.

Mr Easton asked the Minister for Infrastructure how many potholes were recorded for repair on the Gransha Road, Bangor, in each of the last four years.

(AQW 9896/17-22)

Ms Mallon: Details of the number of carriageway defects identified on the Gransha Road, Bangor in each of the last four completed financial years are shown in the table below:

Financial Year	Number of Defects
2016/17	4
2017/18	4
2018/19	13
2019/20	14

Mr Easton asked the Minister for Infrastructure how many road drainage issues were reported in the North Down area, in each of the last three years.

(AQW 9898/17-22)

Ms Mallon: My Department allocates funding and manages roads maintenance issues on a council basis rather than by constituency area. Therefore the table below provides details of the number of road drainage related issues for each of the last three completed financial years across all of the Ards and North Down council area:

Financial Year	Number of Road Drainage Issues
2017/18	472
2018/19	518
2019/20	674

Ms Sugden asked the Minister for Infrastructure to detail (i) the funding that has been allocated to NI Water for the long-term resolution of the sewer flooding issues affecting Christie Park, including underneath Sandelford Bridge, in Coleraine; (ii) how future instances of sewer flooding in this area will be avoided; and (iii) what funding has been allocated for the Northern Ireland-wide PC21 (2021-27) investment programme.

(AQW 9935/17-22)

Ms Mallon: I am advised by NI Water that a solution to address the sewer flooding affecting Christie Park is not sufficiently progressed, and therefore there is currently no funding allocated to resolve this issue. Any scheme to address the sewer flooding issue in the Christie Park area, including underneath the Sandelford Bridge, will be subject to sufficient funding, and prioritisation, within the PC21 Investment Programme.

In terms of plans to address future instances of sewer flooding in this area, NI Water has developed a sewer network model to inform a Coleraine Drainage Area Plan (DAP). A high level solution emerging from the model is to upgrade NI Water sewerage infrastructure in the Christie Park area, potentially involving the upsizing of main sewers that run alongside the river

and the replacement of the existing Strand Road Wastewater Pumping Station Outline options for inclusion in the Coleraine DAP will be completed in the summer of 2021, with detailed solutions being subject to agreement with the Northern Ireland Environment Agency.

The PC21 process is well underway with the issue of a Draft Determination setting out the Utility Regulator's initial assessment of NI Water's Business Plan and funding requirements over the six-year period from 2021-27. Over the six-year period, the Draft Determination states that approximately £2bn will be invested in water and sewerage services, this compares to funding of £990m for PC15. You will be aware that presently funding can only be allocated on an annual basis, and the process for setting the budget for 2021-22 has not commenced.

It is essential that the appropriate level of funding is provided to NI Water to ensure that these essential services are progressed. NI Water's PC21 investment programme requires a multi-year budget settlement to provide medium term certainty and to enable greater capital efficiencies. I am working collaboratively with Executive colleagues to raise awareness of this need and to secure this important investment in our water and sewerage infrastructure.

Ms Bailey asked the Minister for Infrastructure to detail (i) her Department's position in relation to their response to the Energy Management Strategy and Action Plan, as published in June 2019; and (ii) what measures she has taken to ensure her Department fully meets the targets set down within the strategy.

(AQW 9961/17-22)

Ms Mallon: My department is fully committed to meeting the targets outlined in the Energy Management Strategy and Action Plan.

NI Water's goal is to fully exploit innovative approaches to energy and new technology to reduce their carbon footprint and ultimately become carbon neutral. This will be achieved through a wide range of actions that will affect almost every part of the business including:

- Improved instrumentation, automation and control of plant and equipment;
- Investment in new treatment processes and pumping systems to reduce energy demand and the emission of greenhouse gasses;
- Increased self-generation of renewable energy; and
- Procurement of more renewable energy.

NI Water has already achieved significant benefits from renewable energy generation, with the Dunore solar farm producing enough electricity to power Dunore water treatment works with spare capacity going into the grid.

From April 2017 to March 2020, the replacement of sodium street lights with energy efficient LED units and a programme to de-illuminate traffic signs, enabled my Department to reduce its energy consumption for street lighting by 14.5%.

I have also been able to allocate £8m for further LED retrofitting for this year, which will allow the replacement of approximately 30,000 sodium street lights with LED units and an estimated further reduction in energy consumption of 5.5%.

I will continue to work with Executive colleagues to embed an ambitious green recovery from COVID-19 that feeds into wider work with Executive colleagues to tackle climate change.

Mr McNulty asked the Minister for Infrastructure to detail (i) the number of street light faults registered, broken down by local council area as at 10 November 2020; (ii) whether additional resources will be allocated for the replacement and repair of street lights this year; and (iii) whether she has any plans to escalate repair and replacement of them.

(AQW 9992/17-22)

Ms Mallon: My Department does not maintain this information by local council area, however the table below shows the number of outages for each Roads Division as at 10 November 2020:

Division	Outages
Northern	540
Southern	873
Eastern	541
Western	980

I am pleased to be able to confirm that I have allocated a budget of £5m for street lighting maintenance for the current financial year and this will allow for delivery of a full street lighting repair service. Typically repairs will take up to 5 working days, however, there may be slight delays in some areas due to unavailability of internal staff and external contractor staff arising from the impact of the Covid 19 pandemic.

I am also pleased to inform you that I have allocated £14m for street lighting column replacements in the current financial year. When compared to funding provided in recent years, this represents a significant increase and will allow for the replacement this year of approximately 6500 street lighting columns spread across all four Roads Divisions.

Mr McCrossan asked the Minister for Infrastructure how her Department is supporting greenways in West Tyrone.
(AQW 10006/17-22)

Ms Mallon: In 2017, my Department provided Fermanagh and Omagh District Council with grant funding for a feasibility study along the greenway route from Omagh to Carrickmore.

More recently, the Walking and Cycling Champion wrote to Councils in July seeking an update on the status of their greenway projects. All Councils responded, including a number of proposals from the West Tyrone area. Following consideration of the proposals, I announced £3.735 million funding investment towards the development of six greenway projects, where construction could begin this financial year. Fermanagh and Omagh District Council confirmed that it was not yet in a position to progress greenways to the construction stage.

However, the Strabane North Greenway, as proposed by Derry City Council, was one of the successful projects selected and will be provided with funding subject to an approved business case and DoF approval.

More recently, my Walking and Cycling Champion wrote to Councils in July seeking an update on the status of their greenway projects. I hope to be in a position to fund further greenway projects in coming years. However, decisions regarding potential funding allocations for any future greenway projects will depend on the budget provided to my Department for 2021/22.

Mr Allister asked the Minister for Infrastructure (i) how many Translink auxiliary staff are currently employed on the minimum wage; and (ii) whether there are plans to increase their wage.
(AQW 10019/17-22)

Ms Mallon: Upon receipt of your question, the Translink Chief Executive has advised me that Translink has a total of 90 ancillary staff employed on the National Minimum Wage. I understand that the Annual Pay Award for financial year 2020/21 is currently being discussed with Translink staff and Trade Unions and I have been assured by Translink that any pay increase will increase pay above National Minimum Wage when concluded.

Mr Blair asked the Minister for Infrastructure what steps her Department is taking to protect and maintain rural community transport services.
(AQW 10034/17-22)

Ms Mallon: I recognise the important role that community transport plays and for that reason I have taken a number of steps to support Rural Community Transport Providers (RCTPs) during the COVID-19 response period. This included maintaining their grant funding for 2020 – 21 at 2019 - 20 levels, authorising the early release of 2019/20 retentions, along with Minister Poole, continued payment of Assisted Rural Travel Scheme and allocated £49k to the RCTPs to help cover costs of Personal Protective Equipment (PPE).

The period ahead will continue to be challenging, and I will continue to work collaboratively and innovatively in an effort to support and help ensure the long term viability of these organisations. I will do this reflecting on my priorities, the commitments in “New Decade: New Approach” and the budget available to me for the period ahead.

Mr Blair asked the Minister for Infrastructure what steps her Department is taking to encourage people living in rural areas, who are currently relying on private transport providers for essential journeys, to access public transport.
(AQW 10035/17-22)

Ms Mallon: I would like to state that, whilst Translink delivers the majority of our public transport network, private transport providers play an important role in improving our connectivity within the North.

As you will be aware, due to the Covid-19 pandemic, it is recommended that the public avoid all unnecessary travel and, where travel is necessary, people are asked to walk, cycle or use private transport. By following this approach, we can ensure that our public transport network is being used by those people who have no alternative means of travel.

Throughout the pandemic, whilst I have not encouraged the uptake of public transport for safety reasons, I have been committed to maintaining a public transport network that covers all of Northern Ireland, including our rural areas, for those who need it.

In light of this, Translink has delivered a comprehensive package of up-to-date service information and messaging to support public transport usage through the Let's Go Safely Together Campaign, which has included messaging on the mandatory wearing of face coverings, social distancing, hand hygiene and the availability of contactless forms of ticketing/payment.

Mr Blair asked the Minister for Infrastructure for her assessment of the potential of hydrogen electric vehicles to provide sustainable, greener transport in rural areas.
(AQW 10036/17-22)

Ms Mallon: As Infrastructure Minister, I am determined to secure a public transport service that connects people; unlocks our economic potential; protects our valuable environment; encourages active lifestyles; and improves well-being. I also want to see low emission – and in time zero emission – vehicles delivering services and public transport across Northern Ireland.

My Department is currently examining potential options to support the decarbonisation of transport through the introduction of a range of new green fuels which have the potential to replace petrol and diesel. This includes support for alternative fuels such as "Green" hydrogen. Development and deployment of hydrogen fuel cell technologies in the transport sector is at an earlier stage than for plug-in hybrid or battery electric vehicles.

Earlier this year I announced £30m investment in Zero Emission buses, building on the procurement of 3 Hydrogen Buses by Translink, as part of the Northern Ireland Hydrogen (NIH2) Project, which will also provide refuelling infrastructure for Hydrogen Vehicles other than for public transport.

Hydrogen technologies are particularly suited to the heavier vehicle market and I am currently considering how the NIH2 project can be built upon and how the introduction of these new fuels can be supported. Considering such options could provide a pathway for greening our transport infrastructure beyond urban areas and providing clean vehicle technology to operate in our small towns and countryside across Northern Ireland.

Miss Woods asked the Minister for Infrastructure (i) what plans she has to improve road safety and reduce speeding on Fort Road, Helen's Bay; and (ii) whether she will consider installing traffic calming measures.

(AQW 10038/17-22)

Ms Mallon: All requests for improvements to the road network, including the provision of traffic calming measures, are assessed and prioritised in line with my Department's current policies and guidance with all viable proposals competing for the limited funding available.

Based on the outcome of a previous traffic calming assessment, I can confirm that a scheme at Fort Road, Helens Bay is not as high a priority as other sites that have been assessed for the provision of traffic calming measures within the Ards & North Down area. I can also advise that my officials recently reviewed the signage and road markings on Fort Road which confirmed that they comply with the relevant standards.

I would respectfully suggest that should residents continue to have concerns about vehicles travelling at excessive speeds, they should contact the PSNI using the 101 non-emergency number, as they have the necessary enforcement powers for dealing with speeding issues.

Miss Woods asked the Minister for Infrastructure whether she will consider extending double yellow lines to reduce dangerous parking on Seapark Road, Holywood.

(AQW 10039/17-22)

Ms Mallon: Waiting restrictions, such as double yellow lines, are generally only provided to help facilitate traffic progression, or where there is a road safety concern, at locations where there are frequent and ongoing parking issues. It is recognised that during periods of more favourable weather, a substantial number of additional visitors are attracted to the Seapark area which may lead to parking issues.

While my Department has the powers to introduce waiting restrictions, it would not be considered appropriate to introduce permanent restrictions to address parking issues that are likely to occur relatively infrequently throughout the year.

Mr Muir asked the Minister for Infrastructure whether she will share the evidence gathered which did not suggest that exceptional circumstances exist to justify a bespoke financial assistance scheme for the haulage sector.

(AQW 10042/17-22)

Ms Mallon: My officials sought a range of evidence to put in place a financial support scheme for the Haulage sectors. The first requirement for the Determination and Designation under the Financial Assistance (Northern Ireland) Act 2009 is to prove that 'exceptional circumstances' exist.

As part of the evidence gathering on this issue I received letters from Ministers Murphy and Dodds on this issue and Minister Murphy pointed out that there were no 'exceptional circumstances' that have prevented the haulage sector benefitting from the existing schemes.

In terms of other evidence provided, before the summer, DAERA officials worked with DfI officials in an NI Haulage Industry Critical Goods Supply Analysis Group (NIHCA) to address evidence gaps, where possible, to inform decision making around any need for urgent NI specific financial assistance to ensure that critical goods can continue to flow. This group concluded that at that time:

- a) the food supply chain was operating relatively normally, with the large retailers indicating that they were not facing any major issues in relation to supply;
- b) Large hauliers appeared to be coping and in some cases had managed to share their empty running costs with their clients;
- c) The opening up of sectors in GB was expected to reduce the scale of empty running;
- d) As far as it could be determined, demand for road haulage services was being met; and

- e) Food and other critical goods were continuing to be hauled as and when required for supermarkets, pharmacies, etc. That was consistent with evidence from Road Haulage surveys across these islands which indicated that more than 80% of companies were expected to survive the next two months.

In addition the Department for Transport (DfT) has had regular engagement with both the Road Haulage Association and Freight Transport Association (now Logistics UK) to understand the up-to-date picture for road hauliers at a local and GB wide level. An analysis of available data by DfT concluded that it did not demonstrate an urgent and compelling need which would satisfy Treasury's threshold for intervention.

DfT have recognised that, with the road haulage industry being highly fragmented and SME dominated, it has proven difficult to obtain robust data on its economic position and resilience. However, they advised that available data sources, including the Logistics UK monthly tracker do not suggest that there is a general problem for road haulage, especially given the extension of the Coronavirus Business Interruption Loan Scheme (CBILS) and the announcement of the Job Support Scheme by the Chancellor of the Exchequer (now replaced by the extension of the more generous furlough scheme). The monthly tracker report for September 2020 highlighted that;

- a) business outlook for the logistics sector for next six months is positive;
- b) The number and proportion of HGVs parked up was 2.8%, while the number of vans was 0.8% - this reflects the return to normal levels of traffic for commercial vehicles; and
- c) According to ONS vacancies data (provided by the online job search engine Adzuna) for 17 September, the number of transport /logistics/warehouse online job adverts are one-fifth above their average.

Additionally, in line with the Logistics UK findings for financial health, ONS data from the Business Impact of Coronavirus Survey (BICS) found the proportion of businesses in the transport and storage sector with cash reserves of more than six months has risen since April.

Taking into account all of the evidence it is clear that, like many sectors across the economy, the haulage sector has faced some difficulties from demand for its services because of the impact of Covid-19. Current analysis still suggests a mixed picture with some hauliers reporting no significant issues while others have been impacted. Based on the evidence and engagement with the sector, it is my view that there is insufficient evidence to demonstrate 'exceptional circumstances' which would justify a bespoke financial support for the haulage industry. I will, however, continue to keep this matter under review.

Mr Muir asked the Minister for Infrastructure what further information or developments would require her to review her decision not to provide a bespoke financial assistance scheme for the haulage sector.

(AQW 10043/17-22)

Ms Mallon: As previously explained in AQW 10042/17-22 my officials sought evidence from a range of sources before I came to my decision that there was insufficient grounds to show exceptional circumstances to support a Financial support scheme for the Haulage sector in Northern Ireland.

The evidence included information from the DAERA and Economy Ministers, assessments from the Department for Transport, Industry trackers, and direct engagement with industry representatives. From this evidence it was apparent that the industry is diverse and has been affected in different ways with some sectors being harder hit than others, however the assessment was that the proof of Exceptional Circumstance required for Determination and Designation under the Financial Assistance (Northern Ireland) Act 2009 was not there. DfT is looking at specific sectors which may need direct help and my Department will work closely with them on this issue.

I will, of course, keep this matter under review and if you have any evidence of widespread hardship in the haulage industry please do not hesitate to share that information with my Department.

Mr Muir asked the Minister for Infrastructure whether she will consider asking the Driver and Vehicle Agency to run an advertising campaign reminding those who have received Temporary Exemption Certificates that they continue to be responsible for ensuring that their vehicles are roadworthy.

(AQW 10044/17-22)

Ms Mallon: The issuing of Temporary Exemption Certificates (TECs) was a necessary and effective mechanism to address the challenges posed by the measures implemented to deal with COVID 19, and enable customers to continue to legally use their vehicles on the road, throughout the period of time when it was not possible to conduct vehicle tests.

I am aware of the concerns around ensuring that, throughout the exemption period, customers are reminded of their responsibility to ensure that their vehicle is in a roadworthy condition for it to be driven safely and legally on the public road, which is also the expectation of the PSNI and insurers, and I have made that clear on numerous occasions. My department's advice to motorists is that they should continue to service their vehicle and carry out basic checks such as regularly checking tyre pressures and tread depths, looking out for brake wear and ensuring that all lights are working. This is a motorist's responsibility at all times, not just during the exemption period afforded by a TEC.

Over the past few months, my Department has used a number of platforms and formats to convey this road safety message to customers. The DVA has made this clear in its direct communications with customers and this message has been reiterated in statements and press releases issued by the Department, and I have stated this in the Assembly on many occasions and

asked members for their assistance in communicating this to their constituents. Furthermore, the importance of ensuring vehicle roadworthiness and wider vehicle maintenance messages have been frequently published on social media, using a number of government platforms which include nidirect, the Department's main social media platforms and the Share the Road to Zero platform, which has a strong road safety message. Officials in my Department also work closely with partner organisations and stakeholders who share these messages through their own platforms. The messages cover a number of topics, from general vehicle roadworthiness to tyre safety, winter weather precautions and regular vehicle checks.

The emphasis on these messages will continue over the coming months and their frequency will be reviewed as appropriate.

Mr Easton asked the Minister for Infrastructure for an update on calming measures in Ballyree Drive, Bangor.
(AQW 10054/17-22)

Ms Mallon: All requests for improvements to the road network, including the provision of traffic calming measures, are assessed in line with my Department's current policies and guidance. All schemes are subject to prioritisation, with all viable proposals competing for the limited funding available.

The Department is currently working on design options for providing traffic calming measures at this location. However until a preferred option is identified and estimated costs and budgets are known, I am unable to confirm whether this site will be included within our Local Transport and Safety Measures (LTSM) programme for 2021/22.

Mr Boylan asked the Minister for Infrastructure what action her Department is taking to improve accessibility for people with disabilities on (i) public transport; and (ii) her Department's property.
(AQW 10059/17-22)

Ms Mallon:

- (i) All Translink vehicles comply with current Public Service Vehicle Accessibility regulations (PSVAR). All Metro and Glider vehicles along with NIR fleet are wheelchair accessible, and over 95% of Ulsterbus vehicles are wheelchair accessible. All bus and coach purchases going forward will be wheelchair accessible.

In addition to this, steps have been taken around the public transport network to improve the accessibility of the network. This has included the provision of changing places facilities in bus and rail stations including Lanyon Place, the North West Multimodal Transport Hub and Portrush Station. The inclusion of changing places facilities will continue to be considered by Translink when upgrading public transport infrastructure.

Translink also works closely with the Inclusive Mobility and Transport Advisory Committee and meets with the organisation regularly to work towards making all aspects of our public transport network inclusive. In addition to this, IMTAC will also be involved in the design of the Belfast Transport Hub and new vehicles to ensure that my Department's investment in public transport infrastructure is inclusive.

- (ii) All property owned by my Department is compliant with the Disability Discrimination Act 1995. The Driver Vehicle Agency's (DVA) Business Transformation project includes plans to modernise or replace many test centres and office complexes which will improve accessibility to services and property for people with disabilities.

Mr Boylan asked the Minister for Infrastructure (i) how soon taxi drivers can receive support payments; and (ii) whether her Department is exploring ways to speed up this process.
(AQW 10061/17-22)

Ms Mallon: I was given new powers to provide financial assistance to taxi drivers on 3rd November and opened the taxi driver financial assistance scheme on the 10th November. Applications to this scheme are being assessed as quickly as possible. Eligibility and verification checks must be completed before payments can be issued to the successful applicants. I can assure you that officials are processing applications as quickly as possible.

Mr Carroll asked the Minister for Infrastructure, pursuant to AQW 8970/17-22, when her Department acted on behalf the Quarry Products Association (QPA) to alert local councils about procurement of materials from unauthorised rogue quarry operators whether, at that time, those companies represented by QPA that were extracting sand from Lough Neagh fell under her Department's definition of unauthorised rogue quarry operators.
(AQW 10067/17-22)

Ms Mallon: Until my recent decision to grant planning permission for sand dredging on Lough Neagh, those operations have been undertaken in accordance with a series of interim control measures implemented in November 2017.

Miss McIlveen asked the Minister for Infrastructure to detail (i) the staffing complement; and (ii) structure of the Transport Regulation Unit on 1 September (a) 2017; (b) 2018; (c) 2019; and (d) 2020.
(AQW 10073/17-22)

Ms Mallon: The information is not available in the format requested, however the number of staff in post and unfilled vacancies in the Transport Regulation Unit (TRU) is set out below, as at 1 September 2017, 2018, 2019 and 2020.

Staff in post by Grade on 1 September 2017, 2018, 2019, 2020

Grade	Year			
	2017	2018	2019	2020
AO	3	4	4	5
EO2	2	3	2	2
EO1	0	0	0	1
SO	1	1	1	1
DP	1	0	0	3
Grade 7	1	1	1	1
Total	8	9	8	13

Number of Vacancies in Transport Regulation Unit on 1 September 2017, 2018, 2019, 2020

Grade	Year			
	2017	2018	2019	2020
AO	2	0	2	0
EO2	1	0	0	0
EO1	0	0	1	0
SO	0	0	0	0
DP	0	0	1	0
Grade 7	0	0	0	0
Total	3	0	4	0

Ms Sugden asked the Minister for Infrastructure to detail the pass rate for learner drivers (i) since March 2020; and (ii) for the same period in each of the past two years.

(AQW 10075/17-22)

Ms Mallon: Learner driver pass rates are published on the Department's website. The latest reporting of these figures for Q1 2020/21 can be accessed via the link below.

<https://www.infrastructure-ni.gov.uk/articles/driver-vehicle-agency-activity-statistics>

Within the Driver Practical Testing section of the latest Q1 report, Table 4.5 details pass rates by test category for each quarter from 2008/09 to the end of June 2020. Due to Covid-19, all driver testing was suspended during April to June, 2020. The pass rates for private cars in this quarter for the previous two years, were 54.4% (2019/20) and 54.3% (2018/19) respectively.

Driver testing figures are within scope of National Statistics reporting, and as such they are released to the public by NISRA statisticians in accordance with protocols outlined in the Code of Practice for Official Statistics. The next publication of driver testing statistics for the quarter ending 30 September 2020 will be issued on 25 November 2020.

Ms Sugden asked the Minister for Infrastructure what discussions she has had as to whether those pupils who fail their driving test will be able to retake their test sooner than others who are applying for the first time.

(AQW 10077/17-22)

Ms Mallon: Driving instructors were included in the Executive's regulations on businesses that closed from 16 October until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests resumed on 21 November but will cease again for 2 weeks from 27 November to 10 December 2020 due to the circuit breaker restrictions announced by the Executive. Motorcycle lessons and tests are not affected by these restrictions.

The DVA has opened up the booking system exclusively for those customers whose tests were cancelled between 17 October and 20 November. Testing slots have been released for February and additional booking slots have also been made available in December and January as the DVA increases capacity by recruiting additional examiners. The DVA is working on proposals to reopen the booking service for the customers impacted by the 2 week circuit breaker restrictions and in due course will issue further communications to customers through nidirect and social media channels.

To ensure the process for booking driving tests is managed fairly, the DVA does not intend to prioritise retests for candidates who fail their test over those who have not yet had the opportunity to take their test. The DVA will, however, continue to work hard to increase its testing capacity for all candidates.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Ms Sugden asked the Minister for Infrastructure to detail (i) the current operating capacity of MOT centres across Northern Ireland; (ii) the number of MOT staff that are currently trained as driving examiners; and (iii) what discussions she has had with the Driver and Vehicle Agency regarding the potential for using those MOT staff who are qualified as driving instructors to be used in that capacity to relieve the backlog of driving test applications.

(AQW 10078/17-22)

Ms Mallon: From 20 July, the Driver and Vehicle Agency (DVA) resumed MOT testing, at all test centres, for priority vehicle groups, including those vehicles that are not able to avail of a Temporary Exemption Certificate (TEC). This includes taxis and buses due a first time test, vehicles not previously registered in Northern Ireland, vehicles whose MOTs have expired by more than 12 months that includes vehicles previously declared SORN and those sold by car dealerships. By this time, all MOT test centre staff were back at work.

From 1 September, MOT testing for four year old cars and motorbikes and three year old light goods vehicles also resumed and for those vehicles in this category that currently have a 6 month TEC, they will be called for test when their TEC expires. In addition, the DVA recommenced testing of heavy goods vehicles, trailers and buses.

Due to the adaptations made to vehicle testing processes, to ensure the necessary and proportionate control measures are in place to help prevent the spread of COVID-19, whilst all MOT staff are working in test centres, the current capacity for vehicle testing is approximately 30% in comparison with levels prior to the pandemic and the lift issues. The DVA is currently working on proposals to increase its vehicle testing capacity in the coming months.

Driving instructors were included in the Executive's regulations on businesses that closed from 16 October until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests resumed on 21 November but will cease again for 2 weeks from 27 November to 10 December 2020 due to the circuit breaker restrictions announced by the Executive. Motorcycle lessons and tests are not affected by these restrictions.

The DVA has opened up the booking system exclusively for those customers whose tests were cancelled between 17 October and 20 November. Testing slots have been released for February and additional booking slots have also been made available in December and January as the DVA increases capacity by recruiting additional examiners. The DVA is working on proposals to reopen the booking service for the customers impacted by the 2 week circuit breaker restrictions and in due course will issue further communications to customers through nirect and social media channels.

The DVA currently has 37 driving examiners and 40 dual role examiners who conduct both vehicle and driving tests. The DVA plans to use the dual role examiners to help meet the demand for driving tests over the coming months.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their

validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Middleton asked the Minister for Infrastructure whether her Department plans to improve pedestrian and cycle infrastructure between Bready and Newbuildings.

(AQW 10101/17-22)

Ms Mallon: My Department has developed a Masterplan for Active and Sustainable Transport Assessment for the full length of the A5 route. This plan identifies possible opportunities for the implementation of active and sustainable transport initiatives on and in the vicinity of the existing A5, after the new A5WTC dualling scheme is in place and the resulting reduction in traffic volumes has taken effect. The report identifies a number of possible opportunities at various locations between Bready and New Buildings including new footways, pedestrian crossings and bus stop facilities.

This report can be viewed by clicking on 'Documents' at <http://a5wtc.com/Decision-to-Proceed>. (Document 4 - Appendix 4: Sections DM04/05 & 06 - NMU opportunities between Bready - Magheramason and New Buildings).

The opportunities identified in the Masterplan can be delivered as separate packages of work depending on the timing of completion of the various stages of the A5WTC and the availability of funding at the particular time.

Mr Middleton asked the Minister for Infrastructure when her Department will be developing an airport strategy for Northern Ireland.

(AQW 10102/17-22)

Ms Mallon: As Minister for Infrastructure, my main powers relating to NI's three main airports are set down in the Airports (NI) Order 1994. These powers are limited to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

My Department is, therefore, not responsible for developing an airport strategy for Northern Ireland. I remain committed, however, to working alongside my Executive colleagues, the Finance and Economy Ministers, to support our airports in promoting economic recovery and maintaining air connectivity across these islands and further afield.

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 9727/17-22, whether her Department has informed the European Commission of her intention to (i) grant planning permission for sand extraction at Lough Neagh Special Protection Area; (ii) not enforce against unauthorised Environmental Impact Assessment (EIA) development; and (iii) permit unauthorised EIA development to become immune from enforcement action.

(AQW 10119/17-22)

Ms Mallon: My Department has provided relevant information to the European Commission in relation to the Lough Neagh case at different stages in the process, and will continue to provide it with information as appropriate and necessary.

Mr Muir asked the Minister for Infrastructure to detail the active travel projects (i) being undertaken by her Department; and (ii) being funded by her Department in the North Down constituency during the 2020/21 financial year.

(AQW 10122/17-22)

Ms Mallon: I am very keen to deliver on projects to get more people to walk and cycle. In June I committed £20 million for blue/green infrastructure and to working with all Council areas in identifying and delivering active travel and greenway projects. For example in September, I announced £3.735million for six greenway projects that would be able to start construction this financial year.

Ards & North Down Borough Council submitted a number of greenway proposals to the Department for consideration but only one is ready to start construction work this year. I have therefore allocated £22,500 to the Council to upgrade the Coastal Path, between Stricklands Glen and Brompton Road.

Newtownards Chamber of Trade have proposals to encourage more active and sustainable travel to and within the town centre and preliminary survey work will begin shortly to inform a future reconfiguration of the town to help with a green recovery.

A proposed puffin crossing on Bloomfield Road near Jordan Avenue, is proposed this financial year, which will improve road safety for pedestrians in the area.

Details of works programmes, including those in the North Down area are compiled on a yearly basis and issued to the relevant Councils. They are then published on the Department's website and are available to view online through the following link: <https://www.infrastructure-ni.gov.uk/publications>

Mr Muir asked the Minister for Infrastructure whether her Department will consider funding an eCargo bike accelerator project, similar to the Department for Transport's eCargo Bike Grant Fund.
(AQW 10123/17-22)

Ms Mallon: I am aware of the Department for Transport e-Cargo Bike Grant Fund and the benefits it could bring to introducing a green recovery for towns and cities. I have asked officials to request sight of a review of the scheme, when it has been carried out, for my consideration.

Mr Easton asked the Minister for Infrastructure whether Translink provide discounts to staff hiring public transport buses.
(AQW 10131/17-22)

Ms Mallon: Translink staff can get a 10% discount on private hire.

Mr Easton asked the Minister for Infrastructure how many cases of flooding in North Down were reported following the heavy rain on 11 November 2020.
(AQW 10132/17-22)

Ms Mallon: My Department maintains records by District Council area rather than by constituency area and I can confirm that during the night of 11 November 2020 and the early hours of 12 November 2020, my Department received 30 reports of flooding at 21 separate locations across the Ards and North Down Council Area.

Mr Easton asked the Minister for Infrastructure why drains along the A2 Donaghadee to Millisle were not cleared despite being reported prior to the recent flooding that affected the homes of residents.
(AQW 10133/17-22)

Ms Mallon: My Department received a report about a blocked gully at the location in question and following an inspection of the area on 18 October 2020, a works order to have the gully cleaned was raised. Unfortunately, due to existing workload and resource constraints the work could not be completed before the severe rain event occurred on 11 November 2020. Subsequent investigative works have indicated that there may be underlying problems with the drainage system in this area and further investigations are being taken forward as a matter of urgency.

Mr Stalford asked the Minister for Infrastructure what consultation her Department has conducted with (i) businesses; (ii) residents; and (iii) other stakeholders on the cycle lanes introduced in South Belfast in 2020.
(AQW 10171/17-22)

Ms Mallon: With the ongoing COVID-19 emergency, we are now having to adapt to a new way of living, and as part of that, we need to create more opportunities for active travel and make our roads safer for those who want to walk and cycle. For many of those key workers during this health emergency, this is a preferred option for getting to and from work.

In June 2020, I therefore created pop-up cycle lanes on Bankmore Street, Hardcastle Street, Marcus Ward Street and the Dublin Road to Shaftesbury Square, for a trial period, to help those travelling to the Belfast City Hospital.

When the Dublin Road route was first developed, businesses were closed and we were unable to follow proper consultation format. As businesses opened up again we were able to engage with all stakeholders and make necessary amendments. At the time of their construction all affected residents and businesses were notified by letter of the nature of the works, advising that should consideration be given to making this arrangement permanent a formal consultation exercise would be carried out before any decision is taken.

On 13th November 2020, part of this route was continued on the Donegall Road from Sandy Row to the entrance to the hospital, again as a temporary measure. At the time of construction all affected residents and businesses were notified by letter of the nature of the works, advising that should consideration be given to making this arrangement permanent a formal consultation exercise would be carried out before any decision is taken. Consultation is ongoing in relation to the Donegall Road cycle lane.

Going forward, any future pop-up cycle lanes will be taken forward as experimental schemes where notification will be given a few weeks in advance to allow objections to be made and considered.

Mr Stalford asked the Minister for Infrastructure how her Department intends to consult with (i) businesses; (ii) residents; and (iii) other stakeholders on the location of new cycle lanes.
(AQW 10172/17-22)

Ms Mallon: With the ongoing COVID-19 emergency, we are now having to adapt to a new way of living, and as part of that, we need to create more opportunities for active travel and make our roads safer for those who want to walk and cycle. For many of those key workers during this health emergency, this is a preferred option for getting to and from work.

In June 2020, I therefore created pop-up cycle lanes on sections of key routes to the three main Belfast hospitals on the Dublin Road, Donegall Road, Grosvenor Road and Crumlin Road. When the Dublin Road route and Grosvenor Road were first developed, businesses were closed and we were unable to follow proper consultation format. As businesses opened up again, we were able to engage with all stakeholders and make necessary amendments.

At the time of their construction all affected residents and businesses were notified by letter of the nature of the works, advising that should consideration be given to making this arrangement permanent a formal consultation exercise would be carried out before any decision is taken.

Going forward, any future pop-up cycle lanes will be taken forward as experimental schemes where notification will be given a few weeks in advance to allow objections to be made and considered.

Mr Muir asked the Minister for Infrastructure what actions her Department intends to take to address the issue of speeding on the Old Belfast Road, Bangor.

(AQW 10180/17-22)

Ms Mallon: All requests for improvements to the road network, including the provision of traffic calming measures, are assessed in line with my Department's current policies and guidance.

Officials have carried out a traffic calming assessment of this section of the Old Belfast Road, Bangor and I can confirm that a scheme at this location wouldn't currently rank as highly as other sites in the Ards and North Down area competing for what is limited funding for works of this nature. I am also advised that a previous consultation on a traffic calming scheme incorporating road humps generated over 100 objections.

It is important where speeding is a problem, that residents contact the PSNI, as the authority responsible for enforcing speed limits, on its 101 number.

Ms Anderson asked the Minister for Infrastructure to detail the sewerage projects in the Foyle constituency listed under NI Water's PC21 plan, in order of priority.

(AQW 10185/17-22)

Ms Mallon: NI Water has advised me that the projects highlighted in the table below, in priority order, are proposed for delivery in the Foyle constituency in PC21, subject to funding from the Executive.

Project Name	Current Priority Order	Anticipated PC21 Investment (£m)
Foyle Street, Derry - sewer upgrade	1	0.827
Skeoge Link Road, Derry - new wastewater pumping station at Skeogelands	2	4.872
Skeoge Link Road, Derry - new wastewater pumping station at Lenamore Road	3	4.527
Culmore - improvements to wastewater treatment works	4	4.743
Culmore - upgrade Faughan Crescent wastewater pumping station	5	0.594
Culmore - upgrade Strathfoyle siphons (sewers)	6	11.934
Donnybrewer - upgrade Eglinton Cottage Way wastewater pumping station	7	1.361
		28.858

Mr Easton asked the Minister for Infrastructure whether driving tests cancelled after the latest COVID-19 restrictions will get rebooking priority.

(AQW 10189/17-22)

Ms Mallon: Driving instructors were included in the Executive's regulations on businesses that closed from 16 October until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests resumed on 21 November but will cease again for 2-weeks from 27 November to 10 December 2020 due to the circuit breaker restrictions announced by the Executive. Motorcycle lessons and tests are not affected by these restrictions.

The DVA has opened up the booking system exclusively for those customers whose tests were cancelled between 17 October and 20 November. Testing slots have been released for February and additional booking slots have also been made available in December and January as the DVA increases capacity by recruiting additional examiners. The DVA is working on proposals to reopen the booking service for the customers impacted by the 2-week circuit breaker restrictions and in due course will issue further communications to customers through nidirect and social media channels.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Beggs asked the Minister for Infrastructure to detail (i) the COVID-19 support funding that is provided to (a) Belfast City Airport; and (b) City of Derry Airport; and (ii) why no funds have been made available to Belfast International Airport.
(AQW 10203/17-22)

Ms Mallon: As Minister for Infrastructure my powers relating to NI's three main airports are set down in the Airports (NI) Order 1994. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

However, due to the exceptional circumstances that emerged from the COVID 19 pandemic, the Department for Infrastructure was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport.

In April, the NI Executive, DfT and HM Treasury agreed a package of temporary financial support worth up to £5.7m over 3 months to maintain air connectivity, with the Executive meeting half of the costs. This enabled George Best Belfast City Airport to continue to maintain services for passengers on the Belfast - London Heathrow route operated by Aer Lingus. It also enabled the City of Derry Airport to continue to maintain services for passengers on the Derry City - London Stansted route operated by Loganair.

Recently, in line with the Executive's decision, I announced £1.23m in additional support for City of Derry Airport. This short term support grant is to help City of Derry Airport to remain operational.

In addition, in May 2020, the Minister of Finance announced 100% rates relief for Belfast International, Belfast City & City of Derry airports until 31 March 2021. This financial support is worth £2.2m, and £1.7m to BIA in particular.

Furthermore, whilst civil aviation is a reserved matter for the UK Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m for marketing support which is being delivered by Tourism Ireland and held recent discussions with Belfast International Airport to develop Trans-Atlantic and Middle East air routes

I am committed to working with both my Executive colleagues in Department for the Economy and the Department for Finance to identify and put in place any appropriate support for Belfast International Airport. I have accepted an invitation to meet with Belfast International Airport representatives, along with my ministerial colleagues in the Department of Finance and the Department for the Economy, given the different statutory responsibilities we each hold in respect of airports and connectivity.

Ms Armstrong asked the Minister for Infrastructure (i) how much she has bid for to fund the coastal road report recommendations for the Ards Peninsula in this financial year; and (ii) how much she will be applying for in 2021/22.
(AQW 10207/17-22)

Ms Mallon: The funding for works carried out to protect coastal roads in the Ards Peninsula is not bid for separately but rather forms part of my overall capital funding allocation and I understand that £280k has been allocated towards such works in the current year.

Looking forward I recognise the importance of investment in the road infrastructure and have highlighted a funding requirement for road maintenance as part of the information gathering exercise for Budget 2021-22. I will work collaboratively with the Minister for Finance and Executive colleagues as part of the Budget settlement to make the case for sustainable investment in our infrastructure and the outcome of this will influence the levels of funding that will be made available for works in the Ards Peninsula.

Ms Armstrong asked the Minister for Infrastructure whether she will commission a report into the provision and review of footpaths (i) around the Ards Peninsula; (ii) the Ballyhalbert Shore Road; and (iii) the footpath from Newtownards to Teal Rocks, Portaferry Road.

(AQW 10208/17-22)

Ms Mallon: All requests for improvements to the road network, including the provision of a footway schemes or upgrading works, are assessed in line with my Department's current policies and guidance and all works are subject to prioritisation, with all viable proposals competing for the limited funding available.

While I can appreciate why you have asked about my Department commissioning a report into the provision and review of footways at individual locations such as Ards Peninsula, it would not, given the Department's financial position, be the most effective use of limited resources. However if there are specific locations within the Ards Peninsula where you feel that a footway is merited then these should be brought to the attention of my officials so that they can be considered and assessed.

In relation to the previous request for a footway on Shore Road Ballyhalbert, my officials will update the feasibility study and costings to determine whether a scheme can be undertaken and included within a future works programme.

The request for the provision of a footway at Teal Rocks has previously been assessed by my officials but it did not rank as highly as other schemes in Southern Division. I have however asked that officials keep this request under review.

Ms Armstrong asked the Minister for Infrastructure, given there is not enough indoor passenger capacity to provide protection from inclement weather, what plans are in place to protect the daily foot passengers on the Strangford Ferry.

(AQW 10209/17-22)

Ms Mallon: Arrangements for additional morning and afternoon passenger-only sailings were put in place to facilitate the transportation of the large number of school children who need to travel at the same time. The use of the main open deck as an outdoor area, reduces the risk of Covid-19 transmission, while also maximising the number of passengers who can be carried. Unfortunately in applying the public health advice, this does mean that on occasions passengers may be exposed to inclement weather conditions on the 7 minute journey. Foot passengers are therefore recommended to wear suitable clothing.

Officials have explored options for putting additional shelter in place but no safe and practical option has as yet been identified.

Mr McHugh asked the Minister for Infrastructure what measures have been taken to improve safety at the traffic lights at the junction of Urney Road and Great Northern Link junction, Strabane.

(AQW 10240/17-22)

Ms Mallon: As you are aware concerns have been raised with my officials about difficulties being experienced by drivers turning right from the Urney Road onto the A5, when traffic volumes are higher. There is currently no dedicated green filter arrow included in the traffic light sequence at this junction.

I had arranged for my officials to carry out a traffic survey in early December when it was expected that traffic volumes would have returned to more normal levels, however, with the recent announcement of further restrictions and their impact on traffic levels, this will be rescheduled to ensure the assessment reflects more normal levels.

With more accurate survey information based on more typical traffic volumes a better informed decision can be made on whether the signal design should be updated to accommodate the right turning demand.

Ms Kimmins asked the Minister for Infrastructure, following the Executive decision on 12 November, when (i) driving tests will resume; and (ii) the booking system for driving tests will reopen.

(AQW 10254/17-22)

Ms Mallon: Driving instructors were included in the Executive's regulations on businesses that closed from 16 October until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests resumed on 21 November but will cease again for 2-weeks from 27 November to 10 December 2020 due to the circuit breaker restrictions announced by the Executive. Motorcycle lessons and tests are not affected by these restrictions.

The DVA has opened up the booking system exclusively for those customers whose tests were cancelled between 17 October and 20 November. Testing slots have been released for February and additional booking slots have also been made available in December and January as the DVA increases capacity by recruiting additional examiners. The DVA is working on proposals to reopen the booking service for the customers impacted by the 2-week circuit breaker restrictions and in due course will issue further communications to customers through nidirect and social media channels.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Boylan asked the Minister for Infrastructure why the bus and coach support scheme is capped at the current limit for each operator.

(AQW 10267/17-22)

Ms Mallon: The DfI financial support scheme for private coach and bus operators will distribute £5m of public funds. £100k is the maximum payment which can be paid through this scheme and is in addition to other available financial support such as the £25k business support grant, furlough and rate support and COVID 19 loans. This scheme was devised to help ensure payments can get to the industry quickly and the cap was recommended in line with value for money. It is estimated that this £100,000 cap will impact on approximately 2% of operators and I have asked my officials to continue to work with the industry through this crisis.

Mr Boylan asked the Minister for Infrastructure to detail the indicative timings of the high speed rail feasibility study.

(AQW 10268/17-22)

Ms Mallon: Minister for Transport, Eamon Ryan T.D and I agreed at the NSMC meeting on 7 October 2020 to progress the feasibility study for high speed rail, a commitment in New Decade, New Approach (NDNA).

In addition to the commitment in NDNA to conduct a feasibility study into high speed rail between Belfast – Dublin – Cork, we also agreed that the feasibility study will be extended and will now include Derry and Limerick in the terms of reference.

Following this decision, work is ongoing between my Department and the Department for Transport to agree terms of reference for the feasibility study and I look forward to the commencement of the study in due course.

Mr Boylan asked the Minister for Infrastructure how her Department is reminding drivers to ensure that their vehicles are roadworthy.

(AQW 10269/17-22)

Ms Mallon: I am aware of concerns around ensuring that, throughout the exemption period under the Temporary Exemption Certificates (TECs), customers are reminded of their responsibility to ensure that their vehicle is in a roadworthy condition, which is also the expectation of the PSNI and insurers, and I have made that clear on numerous occasions. My department's advice to motorists is that they should continue to service their vehicle and carry out basic checks such as regularly checking tyre pressures and tread depths, looking out for brake wear and ensuring that all lights are working. This is a motorist's responsibility at all times, not just during the exemption period afforded by a TEC.

Over the past few months, my Department has used a number of platforms and formats to convey this road safety message to customers. The DVA has made this clear in its direct communications with customers and this message has been reiterated in statements and press releases issued by the Department, and I have stated this in the Assembly on many occasions and asked Members to help share this message with their constituents.

The importance of ensuring vehicle roadworthiness and wider vehicle maintenance messages have been frequently published on social media, using a number of government platforms which include nidirect, the Department's main social media platforms and the Share the Road to Zero platform, which has a strong road safety message. Officials in my Department also work closely with partner organisations and stakeholders who share these messages through their own platforms. The messages cover a number of topics, from general vehicle roadworthiness to tyre safety, winter weather precautions and regular vehicle checks.

The emphasis on these messages will continue over the coming months and their frequency will be reviewed as appropriate.

Mr Boylan asked the Minister for Infrastructure, due to issues such as changes to the insurance as a result of the financial pressures of COVID-19, whether she will address the problems taxi drivers have been experiencing when applying for the support scheme.

(AQW 10270/17-22)

Ms Mallon: The Taxi Driver Financial Assistance Scheme is designed to provide a contribution to overhead costs (including PPE) that have actually been incurred. If a driver has not incurred the overhead expenditure then they are not eligible for the payment of £1500. In order to ensure value for money, the scheme is dependent on actual expenses having been incurred between 22nd March and 30th September with applicants needing to show evidence of continuous taxi insurance for that period. The requirement for this evidence has been confirmed by Audit.

The scheme provides additional support to that which is available to self-employed drivers through the Self Employment Income Support Scheme, in recognition of the fact that they have not been able to earn as much income to cover the ongoing costs which they have still had to pay out. The scheme is set up as a means of helping drivers with their ongoing overheads should they have paid them.

Mr Hilditch asked the Minister for Infrastructure (i) how many driving examiners have been recruited in each of the last four years; and (ii) whether she plans to recruit more.
(AQW 10271/17-22)

Ms Mallon: The DVA currently has 37 driving examiners and 40 dual role examiners who conduct both vehicle and driving tests. In the last four years the DVA has recruited a total of 23 examiners who can conduct driving tests, as set out in the table below.

Year	Driving examiners	Dual role examiners
2016	2	3
2017	9	0
2018	6	0
2019	0	3
Total	17	6

To increase driving test capacity the DVA is in the process of recruiting an additional 27 temporary and permanent vehicle examiners, which will free up the dual role examiners to conduct more driving tests over the coming months. The DVA is also planning to launch a driving examiner recruitment competition early next year.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Dr Archibald asked the Minister for Infrastructure, pursuant to AQW 6872/17-22, (i) for an update on the options for the location of the park and ride in Dungiven; and (ii) when a decision is expected.
(AQW 10335/17-22)

Ms Mallon: I have asked my officials to bring forward options for a Park and Ride facility in the Dungiven area. This work is expected to be completed towards the end of this year.

I would be happy to provide you with an update when this work is completed and I have made a decision on the location for the facility.

Ms Mullan asked the Minister for Infrastructure to detail (i) how much NI Water pays to Belfast City Council under its contractual relationship for the provision of pest control services; and (ii) how this funding is spent.
(AQW 10348/17-22)

Ms Mallon: NI Water has advised me that it has a contractual arrangement with Belfast City Council (BCC) to provide services on its behalf, directly related to its sewerage system. The operational cost of this service to NI Water is £42,000 per annum.

NI Water's contractual arrangement with BCC covers the provision of services for pest control expertise, compliance with all related legislation, staff/equipment and material costs. Specifically, this service involves the identification of rodent issues that are a direct consequence of defects in NI Water's sewerage system. BCC uses its expertise to offer the best holistic solution, including any follow-up work required. Services provided by BCC include, for example, reactive baiting for its wastewater network in its area. BCC also provides a contact for NI Water to forward any requests for sewer baiting/rodent control during normal working hours. All calls received by NI Water's Contact Centre or by NI Water's members of staff, in relation to pest control issues, will be forwarded to this contact. BCC also maintains records and reports of investigations as required, co-ordinates and communicates with NI Water and other bodies as appropriate and holds public liability insurance to cover the services it provides under its contract with NI Water.

Ms Mullan asked the Minister for Infrastructure to detail (i) the methodology behind NI Water determining that pest control issues in Belfast is a direct consequence of defects in NI Water's sewerage system; and (ii) when this latest assessment was conducted.

(AQW 10349/17-22)

Ms Mallon: NI Water has advised that pest control issues in Belfast are determined to be a direct consequence of defects in its sewerage system via reported sightings of rats linked to the public waste water network by either BCC or NI Water employees or a member of the public. Some customers contact NI Water directly and others may also have liaised with Belfast City Council. BCC, under its contractual arrangements with NI Water, provides a contact number to which any rodent related calls to NI Water's contact centre are forwarded. If the fault identified is an NI Water issue, within the Belfast area, a more thorough investigation will be carried out by the dedicated pest control section within BCC. If a fault is found which NI Water is responsible for it will rectify it as soon as possible. However BCC staff will bait manholes and sewers.

No other council outside of Belfast provides this service. NI Water has advised that the identification of defects is a reactive process driven by contacts and complaints on rodent issues.

Rodent issues are not always caused by faults in NI Water's infrastructure. In such cases NI Water, in the interests of good customer service, will work in tandem with BCC to educate customers on measures to try and prevent rodent activity. This would include advice on what to do with pipework that belongs to the customer and good housekeeping, for example not leaving rubbish or food waste out in the open. NI Water offers this service to any Council.

Mr McHugh asked the Minister for Infrastructure what road resurfacing work is scheduled for the Castlederg area.

(AQW 10350/17-22)

Ms Mallon: Details of works planned for 2020/21 within the Derry and Strabane Council area, which includes Castlederg, will be included within the Derry City and Strabane District Council report that is due to be presented to Council on Wednesday 9 December. After this meeting the report will be publically available via the following link:

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/Fermanagh%20and%20Omagh%20District%20Council%20Report%20Spring%202020%20-%20FINAL%20REPORT%20AS%20ISSUED%20TO%20FODC.PDF>

Mr McHugh asked the Minister for Infrastructure, in order to address safety issues, for an update on the proposed land acquisition on Bellspark Road, Strabane.

(AQW 10351/17-22)

Ms Mallon: The scheme to improve road safety at the Bellspark Road / Orchard Road junction by introducing a new staggered crossroads is significant and will require a number of stages including land acquisition. Efforts at present are focused on the acquisition of one key property as this will enable sightlines at the junction to be significantly improved.

Negotiations are ongoing with the owner to seek to reach an acceptable valuation for the purchase of this property.

Ms Anderson asked the Minister for Infrastructure, pursuant to answer AQW 9655/17-22, given that it is her responsibility to explore any and all negative effects of schemes designed by her Department (i) what measures she has put in place to ensure that taxi driver's benefits are protected when applying to her financial assistance scheme; and (ii) whether she has discussed with the Department for Communities on how such a scenario can be avoided.

(AQW 10364/17-22)

Ms Mallon: The Taxi Driver Financial Assistance Scheme, which launched on 13th November, recognises that self-employed taxi drivers have significant overheads, including additional PPE costs, which were not covered by payments received through the available self-employed income support schemes (SEISS).

The scheme provides additional support to that which was/is available to self-employed drivers through the SEISS. The SEISS allowed individuals to claim a taxable grant worth 80% and 70% of their average monthly trading profits. This separate scheme recognises that drivers have not been able to earn as much income to cover their ongoing costs, such as taxi insurance, but which they have still had to pay out.

I can advise that I have not been in discussions with the Department for Communities in relation to the financial assistance scheme for taxi drivers. As I indicated in my response to AQW 9655/17-22, it will be up to eligible taxi drivers applying for the financial assistance scheme and, based on their individual circumstances, to consider any implications for other financial support and benefits received.

Mr Boylan asked the Minister for Infrastructure whether she will explore ways to strengthen the Active School Travel Programme.

(AQW 10372/17-22)

Ms Mallon: The Active School Travel programme is delivered on behalf of my Department and the Public Health Agency (which jointly fund the programme) under contract by Sustrans NI. That contract is now in its final year which provides me with an opportunity to review how my Department will encourage active and safe school travel for children in the future.

My officials, together with the Public Health Agency, have already undertaken some work to inform the way forward. Expansion of important programmes of this nature will naturally be dependent on the resource budget allocated to my Department.

Mr Boylan asked the Minister for Infrastructure how her Department will encourage active travel school runs.
(AQW 10373/17-22)

Ms Mallon: The publication of the Travel to and from School by Pupils in Northern Ireland (2018/19) Report demonstrates that the 'school run' is far too often, the 'school drive'. I want to create safer conditions that allow children to use an active and sustainable method of travel where possible.

To achieve that aim, my Department's work with schools includes the Practical Child Pedestrian Safety Training Scheme, the Cycling Proficiency Programme, and the Active Travel Schools Programme, which is delivered by Sustrans and co-funded by the Public Health Agency. We also provide a range of road safety teaching resources to support safe walking and cycling to schools. Work has already begun on rolling out 20mph zones at 100 schools and will continue over the coming months. These zones will mean that parents, children and staff will be safer as they go to and from school on a daily basis and will complement our efforts to encourage more children to walk, scoot, wheel and cycle to school where they are able to do so.

I have also delivered campaigns encouraging people to choose active modes of travel, such as walking and cycling. My Department is also simultaneously addressing the safety of those who choose to walk and cycle. The most recent campaign which I launched in July pays particular attention to highlighting the benefits of walking to school for both children and their parents/guardians. The Department's social media channels also support these messages and frequently encourage active travel for the school commute.

I have also announced the Road Safety Grant Scheme for 2020/21 where a number of projects focussing on road safety and active travel will be rolled out across local communities in the coming weeks. Many of the projects will be seeking to improve the safety of people walking or cycling, including children.

Mr Boylan asked the Minister for Infrastructure whether her Department has considered piloting school street initiatives.
(AQW 10374/17-22)

Ms Mallon: I want to create safer conditions that allow children to replace the daily school run by an active and sustainable method of travel where possible. My officials are exploring options for a pilot 'School Street' scheme in Northern Ireland for my consideration.

My Department's work with schools continues through the Cycling Proficiency Programme, and the Active Travel Schools Programme, which is delivered by Sustrans and co-funded by the Public Health Agency. The Department also provides a range of road safety teaching resources to support safe walking and cycling to schools.

Over the next few months, my Department will roll out 20mph zones at 100 schools. These zones will mean that parents, children and staff will be safer as they go to and from school on a daily basis and will complement our efforts to encourage more children to walk, scoot, wheel and cycle to school where they are able to do so.

Mr Boylan asked the Minister for Infrastructure to detail the percentage of schools that have 20mph zones around them.
(AQW 10375/17-22)

Ms Mallon: As Minister responsible for promoting and improving road safety, I want to work actively with partners to reduce death and serious injuries on our roads. I believe that reducing the maximum speed traffic can travel at on some of our roads can help in this regard.

There are currently part-time 20mph speed limits outside 16 schools which equates to just under 2% of schools.

I want to see this situation improved and am therefore delighted to have committed funding in this year's capital budget towards the introduction of new part-time 20 mph speed limits at around 100 additional schools. This will mean that approximately 12% of schools will have a part-time 20mph speed limit outside their gates by the end of the financial year.

These measures will increase driver awareness and achieve reductions in vehicle speeds, ensuring that parents, children and staff will be safer as they go to and from the schools on a daily basis. I am determined that using the roads around all of our schools will be safer for everyone, and it is my intention that through future programmes, part-time 20 mph speed limits will apply to roads outside many more schools.

Ms Armstrong asked the Minister for Infrastructure whether she would meet with the Walk the Line campaign group in Ballyhalbert.
(AQW 10392/17-22)

Ms Mallon: Thank you for the opportunity to meet with the Walk the Line campaign group in Ballyhalbert.

I very much welcome the interest that groups such as the Walk the Line campaign group take in relation to roads related matters but unfortunately my current diary commitments do not provide me with a suitable opportunity to meet with them at present. However, should the group wish to meet with an official from DfI Roads Southern Division to discuss their thoughts

on footway provision or indeed any roads related matters in the area then this can be arranged by contacting the Division directly at southern.secretariat@infrastructure-ni.gov.uk

Ms Armstrong asked the Minister for Infrastructure to detail all correspondence between her Department and the owner of a hedge that encroaches onto the public footpath on the A20 from Newtownards to Teal Rocks.

(AQW 10395/17-22)

Ms Mallon: My Department has had no formal contact with the owner of the hedge adjacent to the footway that runs between Old Shore Road and Teal Rocks. As is normal practice when overgrown hedges obstruct the movement of pedestrians on footways, informal contact was made with the owner of the hedge advising that overgrowth was reducing the footway width. In response to this informal approach, the hedge has been cut back and it has not been necessary for my Department to issue any formal notices to have hedge cutting carried out at this location.

Mr Allister asked the Minister for Infrastructure (i) how Shared Environmental Services is funded; and (ii) to whom is it accountable.

(AQW 10419/17-22)

Ms Mallon: Shared Environmental Services (SES) is funded mainly through the Transferred Functions Grant (TFG) which is delivered by the Department for Communities (DfC).

Mid and East Antrim Council employ and host SES on behalf of the 11 councils. SES is accountable to each commissioning Council for the work and advice they provide.

Mr Middleton asked the Minister for Infrastructure how many meetings or engagements she has had with City of Derry Airport and its representatives since taking office.

(AQW 10422/17-22)

Ms Mallon: Since taking office, I have met with officials from CoDA and Derry City and Strabane District Council which owns CoDA, on one occasion. This was a joint meeting along with the Minister of Finance and took place on 17 November 2020, and was in response to an invitation from the Council and CoDA to discuss future support for CoDA with the Minister for the Economy, Minister for Finance and myself. The meeting was convened online due to the ongoing Covid situation.

Mr Middleton asked the Minister for Infrastructure how many meetings or engagements she has had with Belfast International Airport and its representatives since taking office.

(AQW 10423/17-22)

Ms Mallon: I have not yet met with officials from Belfast International Airport since taking office, however I have already accepted an invitation to meet representatives from the Airport alongside the Economy Minister, that meeting is to be arranged when the Economy Minister responds with availability.

I remain committed to meeting with Belfast International Airport at the earliest opportunity, alongside my Executive colleagues to listen to their case for urgent financial support.

Mr Middleton asked the Minister for Infrastructure how many meetings or engagements she has had with Belfast City Airport and its representatives since taking office.

(AQW 10424/17-22)

Ms Mallon: I have not had any requests to meet with representatives from Belfast City Airport since taking office.

I remain committed to working alongside my Executive colleagues to maintain air connectivity across these islands and further afield, and to consider cases for support and other measures required by the Executive to support the aviation sector.

Ms Mullan asked the Minister for Infrastructure how many times her Department has had to respond to flooding on (i) Foyle Road; and (ii) Ann Street, in each of the last five years.

(AQW 10447/17-22)

Ms Mallon: My Department has not had to respond to any flooding incidents on Ann Street in the last five years. In relation to Foyle Road officials have responded to reports of flooding twice in 2018, four times in 2019 and on three occasions in 2020. There were no reports of flooding in either 2016 or 2017.

Ms Mullan asked the Minister for Infrastructure whether she will address the recurring flooding issues that are prevalent on (i) Foyle Road; and (ii) Ann Street.

(AQW 10448/17-22)

Ms Mallon: My officials are aware of instances of sporadic surface water flooding on the Foyle Road, however, they are not aware of flooding on Anne Street.

Flooding on Foyle Road can occur when very wet weather coincides with a high tide and the outfall drainage becomes unable to discharge to the Foyle River. To enable my officials to better understand your concerns and observations, I would suggest that you initially contact Mr Robert McCartney, DfI Roads Section Engineer at Robert.mccartney@infrastructure-ni.gov.uk.. He will arrange for officials from NI Water to also attend a virtual meeting.

Ms Sheerin asked the Minister for Infrastructure, in light of the increase in the volume and speed of traffic past Ballylifford Primary School, what measures she will take to help with traffic calming at this location.

(AQW 10449/17-22)

Ms Mallon: In response to concerns you and other elected representatives had raised earlier this year, my officials and the PSNI reviewed the site. It was agreed that the 30mph signage would be upgraded and mounted on yellow backing boards, additional repeater signs would be provided and some signs would be relocated to enhance their visibility to approaching motorists.

A temporary traffic counter has also been placed on Ballinderry Bridge Road close to the school to ascertain current traffic volumes and the average speed of passing vehicles. The PSNI will review the data and consider the site for additional enforcement.

In recent years my Department has provided a number of traffic management measures on Ballinderry Bridge Road, Ballylifford, including a 30mph speed limit with gateway signage, flashing school signs, high friction surfacing, SCHOOL and KEEP CLEAR markings and zig zag warning lines at the school frontage. Under current policy, provision of traffic calming measures in the form of vertical speed measures (e.g. speed ramps), is not considered appropriate for this location due to the traffic volumes and nature of the road.

As you will be aware, I have recently committed £2m funding in this year's capital budget towards the introduction of part-time 20 mph speed limits. Given the funding limitations for works of this nature, as well as the practicalities of delivery, it was necessary to limit the number of schools in this year's programme to 100. Unfortunately, based on its assessment score Ballylifford Primary School was not ranked as highly as other schools that were included within this year's programme. However, I do intend to take forward a further tranche of part-time speed limits at schools and Ballylifford Primary School will be considered for inclusion in future programmes.

Miss Woods asked the Minister for Infrastructure, in the absence of the public inquiry into illegal waste disposal, as voted for by the Assembly in March 2014, for her assessment of (i) whether deficiencies in the planning system in respect of unauthorised minerals extractions which created a ready supply of ideal sites for the illegal disposal of waste has been addressed; and (ii) whether public confidence has been restored in the planning system.

(AQW 10459/17-22)

Ms Mallon: Councils, in their role as local planning authorities have a broad range of enforcement powers available to them in order to deal with unauthorised development. Since the publication of the the Mills report on waste disposal at the Mobuoy site, my Department has made changes in relation to planning policy, procedures and guidance, including the cancellation of Planning Policy Statement 9 "The Enforcement of Planning Control" and its replacement by the Strategic Planning Policy Statement and a series of practice notes. More recently, the Department has committed to the development of further targeted guidance to support district councils in relation to enforcement and the environmental impact assessment (EIA) process. The first element of guidance which is currently under development deals with unauthorised EIA development. This is part of a wider programme of work with councils which has also involved the development and delivery of tailored EIA training in conjunction with an external EIA expert and a clear focus on the proper management of unauthorised development. This is essential to ensuring public confidence in the planning system.

Mr Muir asked the Minister for Infrastructure, pursuant to AQW 9813/17-22, (i) in which division the Active Travel Branch (ATB) sits; and (ii) what the ATB budget is for 2020/21.

(AQW 10463/17-22)

Ms Mallon: The Active Travel Branch sits within the Transport Policy Division under my Walking and Cycling Champion, Liz Loughran.

Budgets are not allocated to individual branches, but are held by division. Transport Policy Division's Budget for 2020/21, following October Monitoring, is £2.074 million Non Ring-fenced Resource DEL, and £11.4 million Capital DEL. This is after the transfer of some blue green infrastructure capital funding, including £5.0 million Capital DEL to the Department for Communities to fund DfI's element of the COVID-19 Town Revitalisation Programme for councils for greater active travel.

Mr Boylan asked the Minister for Infrastructure to detail the nature of the Translink partnership with Scottish Citylink.

(AQW 10480/17-22)

Ms Mallon: Translink operates three return journeys per day on service 923 from Stranraer to Glasgow. Two of these services are operated by Translink under Translink's Scottish Operators Licence and the remaining service is operated by Translink under a commercial contract with Scottish Citylink.

Mr Boylan asked the Minister for Infrastructure to detail the Driver and Vehicle Agency's strategy following the full commencement of vehicle testing.

(AQW 10481/17-22)

Ms Mallon: From 20 July, the Driver and Vehicle Agency (DVA) resumed MOT testing, at all test centres, for priority vehicle groups, including those vehicles that are not able to avail of a Temporary Exemption Certificate (TEC). This includes taxis and buses due a first time test, vehicles not previously registered in Northern Ireland, vehicles whose MOTs have expired by more than 12 months that includes vehicles previously declared SORN and those sold by car dealerships.

From 1 September, MOT testing for four year old cars and motorbikes and three year old light goods vehicles also resumed and for those vehicles in this category that currently have a 6 month TEC, they will be called for test when their TEC expires. In addition, the DVA recommenced testing of heavy goods vehicles, trailers and buses.

Due to the adaptations made to vehicle testing processes, to ensure the necessary and proportionate control measures are in place to help prevent the spread of COVID-19, the current capacity for vehicle testing is approximately 30% when compared with levels prior to the pandemic and the lift issues.

The DVA is urgently working on proposals to increase its vehicle testing capacity from January 2021, to ensure they can test those vehicles whose 12 month TECs will start to expire early next year. To achieve this a range of measures will be adopted including the recruitment of additional vehicle examiners, the use of overtime to provide cover for leave and sick absence, and the reduction of the current vehicle test time in line with revised risk assessments. The DVA will also continue to issue TECs to all eligible vehicles until normal vehicle testing services resume.

Like all public facing services, the Covid-19 restrictions mean that the DVA will continue to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Boylan asked the Minister for Infrastructure for an update on Operation SNAP.

(AQW 10483/17-22)

Ms Mallon: Implementation of Operation SNAP in Northern Ireland will require amendment of existing road traffic legislation so that the existing offence of careless driving can be discharged by means of a fixed penalty.

I discussed the need for this legislation during my meetings with the Chief Constable in May and June 2020. I recognised the need for action and committed to the development of proposals to consult on the creation of a fixed penalty for careless driving. I will work with PSNI to achieve implementation as soon as possible.

Miss McIlveen asked the Minister for Infrastructure what measures she will introduce to effect central collation of information on Environmental Impact Assessment applications and permissions to assist Environmental Impact Assessment system monitoring.

(AQW 10506/17-22)

Ms Mallon: There is no requirement under current planning legislation governing Environmental Impact Assessment (EIA) for my Department to collate or monitor information relating to the EIA process. Each individual planning authority is under an obligation to maintain a planning register in order to enable public access to various decisions and information, including information relating to the EIA process where appropriate. The current Northern Ireland Planning Portal further supports wider public access and my Department is currently undertaking work with district councils to take forward a project for a replacement to the portal which will support ongoing public access to planning information.

Miss McIlveen asked the Minister for Infrastructure what system monitoring measures her Department undertakes to ensure the Environmental Impact Assessment process is effective and robust.

(AQW 10507/17-22)

Ms Mallon: I am content that my Department has fully transposed the requirements of the Environmental Impact Assessment (EIA) Directive (as amended) as they apply to the land use planning system so that domestic legislation provides for an effective and robust EIA process. District councils, in their role as local planning authorities, are the decision-makers for the majority of decisions relating to EIA. My Department's EIA responsibilities do not involve a central monitoring system of the overall EIA process. However, my Department has funded the development, delivery and accreditation of tailored EIA training for planning staff across the two-tier system. This training, at core and advanced levels, is intended to support all planning authorities apply the EIA process effectively and robustly. My Department is also preparing a number of further guidance documents on key aspects of the EIA process.

Miss McIlveen asked the Minister for Infrastructure, in order to replace the current DCAN 10 which relates to the 2012 Regulations, when a Development Management Practice Note will be issued to reflect the provisions of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

(AQW 10508/17-22)

Ms Mallon: Development Control Advice Note 10 (DCAN 10), was prepared by the former Department of the Environment under the unitary planning system. It provides general guidance on the operation of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 and continues to be a material consideration, where relevant.

However, given the move to a two-tier planning system in 2015 and subsequent amendments to the EIA process, which are set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, officials in my Department are developing a number of pieces of further guidance relating to different aspects of the environmental impact assessment (EIA) process.

While it had been anticipated that the first element of guidance, dealing with unauthorised EIA development, would have been available in the autumn the current COVID-19 crisis has resulted in some delay. However, work is well underway to finalise this as soon as possible.

Mr McCrossan asked the Minister for Infrastructure whether each division has the same policy with regards to maintaining trees and shrubs along roads.

(AQW 10518/17-22)

Ms Mallon: My Department's policy on tree and hedge maintenance is primarily focussed on road safety rather than aesthetic or amenity purposes. From a safety point of view the aim of tree, hedge and verge maintenance is to prevent obstructions to sight lines and traffic signs and to prevent trees or hedges becoming a danger to road users. This policy is applied across all of the Section Offices within the four DfI Roads Divisions as permitted by the availability of resources.

In general Departmental officials identify overgrown trees and hedges that endanger or obstruct road users during our routine maintenance inspections. Where such a tree or hedge is located on land adjoining the road, owners / occupiers are identified and requested to co-operate in the removal or cutting back of the trees or hedges thereby addressing any concerns in relation to public safety. Where the offending tree or hedge is located within the road boundary, appropriate remedial action is initiated by the Department with a response time commensurate with the severity of the defect.

It should be noted that most roadside trees and hedges are on lands adjacent to public roads and it is the responsibility of property owners or occupiers of those lands to ensure that trees and hedges/shrubs do not endanger or obstruct road users, including pedestrians. From time to time the Department will place notices in the local press and in farming journals reminding owners/occupiers of their obligations.

Whilst I would like to do more, the resource budget this year remains constrained and challenging and so within the funding envelope available, it is not possible to extend the tree and hedge maintenance activities beyond addressing safety related issues. Going forward I will continue to engage with the Finance Minister and Executive colleagues on an enhanced budget for road maintenance activities.

Mr McCrossan asked the Minister for Infrastructure for an update on planned road safety improvements at Urney Road and Great Northern link in Strabane.

(AQW 10519/17-22)

Ms Mallon: As you are aware concerns have been raised with my officials about difficulties being experienced by drivers turning right from the Urney Road onto the A5, when traffic volumes are higher. There is currently no dedicated green filter arrow included in the traffic light sequence at this junction.

I had arranged for my officials to carry out a traffic survey in early December when it was expected that traffic volumes would have returned to more normal levels, however, with the recent announcement of further restrictions and their impact on traffic levels, this will be rescheduled to ensure the assessment reflects more normal levels. With more accurate survey information based on more typical traffic volumes a better informed decision can be made on whether the signal design should be updated to accommodate the right turning demand.

Mr Middleton asked the Minister for Infrastructure how much support her Department has provided City of Derry Airport since the start of the COVID-19 pandemic.

(AQW 10545/17-22)

Ms Mallon: As Minister for Infrastructure my powers relating to NI's three main airports are set down in the Airports (NI) Order 1994. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

Due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, my Department was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to the City of Derry Airport (CoDA) and Belfast City Airport.

In April, the NI Executive, DfT and HM Treasury agreed a package of temporary financial support over 3 months to maintain air connectivity, with the Executive meeting half of the costs. City of Derry Airport was granted £924,435 as part of this package.

Following a decision by the Executive, I announced £1.23 million in additional support for City of Derry Airport. This short term support grant is to help City of Derry Airport to remain operational and will be drawn down from the £10 million set aside by the Executive to provide support for airports during the pandemic.

Mr Muir asked the Minister for Infrastructure, following the review of the scoping study commissioned by Armagh, Banbridge and Craigavon Borough Council, to detail a timeline for a feasibility study for the Portadown to Armagh rail project.[R]
(AQW 10565/17-22)

Ms Mallon: My priority as Minister is to work on transport infrastructure that improves people's lives, connects communities and tackles the climate emergency through prioritising active and sustainable transport options. I believe that rail has huge untapped potential to deliver multiple benefits across our island.

A Feasibility Study for the Portadown to Armagh rail project would be a follow-on to the scoping study commissioned by Armagh, Banbridge and Craigavon Borough Council. Recognising how this project can fit with my priorities I have committed to providing funding in partnership with the Council for the Feasibility Study. The intention is that Council will procure and manage the development of their Feasibility Study. There will be further engagement on this between my officials and council officers in December.

Ms Kimmins asked the Minister for Infrastructure whether she will work with her counterpart in Dublin to restore the Dublin to Belfast bus service to its original service levels.
(AQW 10569/17-22)

Ms Mallon: I am committed to securing island wide transport services including between Belfast and Dublin and, in light of Bus Éireann's decision to cease its cross border services, I approved Translink's request to provide some of these cross border services to ensure the connectivity between the two major cities on our island.

This is something I will monitor closely in line with government restrictions, as safety and social distancing are fundamental in considering a resumption to original service levels. I am in regular contact with my counterpart Minister Ryan, particularly regarding all island transport services, and I will continue to liaise with him as we navigate the challenges presented by COVID-19.

Ms Kimmins asked the Minister for Infrastructure, in order to promote safe and active travel for children to and from school, whether she will consider the implementation of a footpath to provide a linkage on Chancellors Road, Newry, between St Moninna's Primary School and Ravens Glen housing development using the blue-green infrastructure fund.
(AQW 10570/17-22)

Ms Mallon: I can confirm that my officials have previously considered a request for provision of a footway at this location and have deemed that any footway scheme would be developer led and provided in conjunction with development of adjacent lands which, as reflected in the current Area Plan, are included within the development limits of Newry.

My Department has recently approved an additional 76m of footway along Chancellors Road as part of a development proposal and any future development in this area will further extend this footway until it is connected to Ravens Glen.

In the meantime a number of additional safety measures in this area have been identified including provision of additional signage and associated road markings; works orders have been raised and works are expected to be completed in the New Year.

Ms Kimmins asked the Minister for Infrastructure whether she will (i) consider relaxing parking restrictions in the run up to Christmas in areas where it would be beneficial to do so; and (ii) engage with business representatives on this issue.
(AQW 10571/17-22)

Ms Mallon: I am keenly aware of the difficulties currently being experienced by businesses. These are very difficult times and I am fully committed to doing all I can to help businesses and our communities get through and recover from the current pandemic.

Restrictions are in place to facilitate the safe and free movement of traffic, and to manage on-street car parking in all of our towns and cities. The removal of restrictions would result in increased traffic congestion, instances of inconsiderate or unsafe parking, and reduced turnover and availability of spaces for those wishing to visit our city and town centres. A reduction in the availability of parking during the day could potentially deter rather than encourage shoppers from coming into the city in the first place, to the detriment rather than benefit of retail businesses.

In weighing all of these factors up, I am of the opinion that the current approach represents the best way forward in terms of achieving a balance that accommodates the varied and competing needs of the different types of businesses and business users. I will continue to keep this matter under review.

Mr Dunne asked the Minister for Infrastructure for an update on the review of the Special Events on Roads - Road (Miscellaneous Provision) Act (NI) 2010 following the closure of the consultation window in September 2020.
(AQW 10580/17-22)

Ms Mallon: The Roads (Miscellaneous Provision) Act (Northern Ireland) 2010, was enacted following a public consultation and Northern Ireland Assembly scrutiny. The legislation provides the power to close a road so that a special event, such as a street party, or sporting event, can be held on it. In most cases, the power is provided to the local Council in which the road is located.

I am aware that concerns have been raised by Councils, sporting bodies and other organisations, about how the legislation operates and I can confirm that my Department has just completed an exercise to gather views and data relating to how the legislation is operating in practice.

I am pleased to say that there were almost 800 responses to our online questionnaire and 14 letters/emails received. Detailed analysis of the information gathered is currently underway, and I have asked officials to provide the findings to me at the earliest opportunity. I can confirm that any findings will be made publically available then.

Ms Armstrong asked the Minister for Infrastructure (i) to detail the number of (a) hours; (b) days; and (c) crossing sailings both ferries serving the Strangford ferry crossing have been out of operation at the same time, from 1 April 2020 to 31 October 2020; and (ii) to provide a copy of the service charter confirming the operating targets for provision of ferry services in Strangford Lough for 2020/21.

(AQW 10590/17-22)

Ms Mallon:

- (i) During the period from 1 April 2020 to 31 October 2020, both ferries serving the Strangford Lough Ferry Service crossing were out of operation at the same time for a total of:
- 59.5 hours out of a total of 2418 planned hours (primarily due to crew unavailability related to COVID-19);
 - 3.8 days out of a total of 214 planned days (In total 8 days, consisting of 1 full day and a number of partial days, were disrupted due to crew unavailability related to COVID-19); and
 - 246 times out of a total of 9556 planned sailings (primarily due to crew unavailability related to COVID-19).
- (ii) The operating targets set out in the Passenger Charter are to provide a safe, reliable, clean and effective service, which meets the following standards:
- vehicle ferry available for 97 per cent of planned crossings;
 - shelters, cabins and decks are to be kept clean and tidy;
 - complaints thoroughly and quickly addressed; and
 - loading and disembarkation supervised by crew for maximum customer safety.

During the period between 1 April 2020 and 31 October 2020, the ferry has been available for 97.4% of planned sailings.

Mrs Cameron asked the Minister for Infrastructure whether taxi drivers will be eligible for the hardship scheme if they temporarily downgraded their vehicle insurance for private use only due to shielding.

(AQW 10611/17-22)

Ms Mallon: The Taxi Driver Financial Assistance scheme provides additional support to that which is available to self-employed drivers through the Self Employment Income Support Scheme (SEISS), which pays out 70% or 80% of previous profits and is the main source of support available for the self employed.

The Taxi Driver Financial Assistance Scheme agreed by the Executive is designed to provide a contribution to overhead costs (including PPE) that have actually been incurred and which were not covered by the SEISS support. However if a driver has not incurred the overhead expenditure then they are not eligible for the payment of £1500. In order to ensure value for money, the scheme is dependent on actual expenses having been incurred between 22nd March and 30th September with applicants needing to show evidence of continuous taxi insurance for that period. The requirement for this evidence has been confirmed by Audit. The scheme is set up as a means of helping drivers with the overhead costs they have had to pay out.

Mr Boylan asked the Minister for Infrastructure to detail passenger numbers on the main railway routes, for each year from 2019.

(AQW 10656/17-22)

Ms Mallon: The table below provides the passenger numbers on the main railway routes in the calendar year for 2019 and up to the 25th October for 2020.

	Total 2019	Ytd 2020
Bangor Line	3,296,290	1,079,631
Derry Line	2,979,823	998,329
Larne Line	3,185,656	1,152,592

	Total 2019	Ytd 2020
Portadown Line	4,642,523	1,587,240
Portrush Line	665,242	223,201
Local Lines	14,769,534	5,040,991
Cross Border Line	924,849	238,346
Total	15,694,383	5,279,337

Mr Boylan asked the Minister for Infrastructure how her Department plans to assist local councils with the development of greenways.

(AQW 10658/17-22)

Ms Mallon: My Department's Walking and Cycling Champion wrote to Councils in July seeking an update on the status of their greenway projects. Following consideration of the proposals, I announced £3.735 million funding investment towards the development of six greenway projects, where construction could begin this financial year.

All Councils were contacted in September this year to encourage them to continue the momentum for delivery of greenways and advance their projects through meaningful local consultation and engagement with landowners. I hope to be in a position to fund further greenway projects in the coming years, subject to budget provision for 2021/22.

Mr Dunne asked the Minister for Infrastructure for an update on the introduction of Residents Parking Schemes in (i) Bangor; and (ii) Holywood town centre.

(AQW 10664/17-22)

Ms Mallon: The first residents' parking scheme in Rugby Road / College Park Avenue, Belfast, came into operation during April 2018. A review of the scheme, which will reflect the needs, experiences and feedback of residents, is currently nearing completion. I will want to make sure that any lessons learnt from this scheme, and the other potential schemes that did not make it to implementation, inform wider policy on implementation of residents' parking schemes to the benefit of communities.

I can confirm that any findings will be made publically available and I will consider any new schemes in light of these findings.

Mr Muir asked the Minister for Infrastructure what costs the £1.23 million support grant announced for City of Derry Airport, based on 50% of the airports deficit this financial year, is going to cover.

(AQW 10717/17-22)

Ms Mallon: This money for City of Derry Airport will be targeted solely at supporting the airport to operate the essential flight routes servicing the North West and ensuring the safe operation of the infrastructure necessary for this. It is the minimum amount necessary to support Derry City and Strabane District Council, which owns the airport, to enable it to operate safely during COVID-19 related travel restrictions in the short term period to March 2021.

Mr Muir asked the Minister for Infrastructure whether she intends to bring forward a bid to the Minister of Finance for grant support for (i) Belfast International Airport; and (ii) George Best Belfast City Airport as a result of downturn in trade arising from the COVID-19 pandemic.

(AQW 10718/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

Due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, the Department for Infrastructure was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport (CoDA). This was the case once again when, on 19 November, I confirmed £1.23m in additional support to help CoDA remain operational.

In addition, in May 2020, the Minister of Finance announced 100% rates relief for Belfast International, Belfast City & City of Derry airports until 31 March 2021. This financial support is worth £2.2m, and £1.7m to BIA in particular.

Furthermore, whilst civil aviation is a reserved matter for the UK Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m for marketing support which is being delivered by Tourism Ireland and held recent discussions with Belfast International Airport to develop Trans-Atlantic and Middle East air routes

I remain committed to working alongside my Executive colleagues, the Finance and Economy Ministers, to maintain air connectivity across these islands and further afield, and to consider cases for support and other measures required by the Executive to support the aviation sector.

Miss McIlveen asked the Minister for Infrastructure (i) how the £10 million set aside to give support for airports during the pandemic has been allocated to date; and (ii) how much of this will be used to assist Belfast International Airport.
(AQW 10749/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

Due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, my Department was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport (CoDA).

In addition, in May 2020, the Minister of Finance announced 100% rates relief for Belfast International, Belfast City & City of Derry airports until 31 March 2021. This financial support is worth £2.2m, and £1.7m to BIA in particular.

Furthermore, whilst civil aviation is a reserved matter for the UK Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m for marketing support which is being delivered by Tourism Ireland and held recent discussions with Belfast International Airport to develop Trans-Atlantic and Middle East air routes

The Executive's most recent decision to set aside £10million as part of the October monitoring was to provide further support, as and when required, for airports during the Covid19 crisis and it is a matter for the Executive to decide how this funding is allocated.

Following an Executive decision, I announced £1.23 million in additional support for City of Derry Airport. This short term support grant is to help City of Derry Airport to remain operational and will be drawn down from the £10 million set aside to give support for airports during the pandemic.

Furthermore the Department for Finance is leading work on safety and security measures in all three airports and it is proposed that the remaining c£8.8 million continues to be held for this purpose.

I remain committed to working alongside my Executive colleagues, given shared statutory responsibilities, to maintain air connectivity across these islands and further afield.

Mr McCrossan asked the Minister for Infrastructure for an update on HGV restrictions in Clady village, Tyrone.
(AQW 10760/17-22)

Ms Mallon: Following the formal consultation on the proposed introduction of a 7.5 tonne weight restriction through Clady village in 2019, a number of responses were received from owners of local businesses who expressed concerns as to the potential impact of the proposed restrictions on their operations.

My officials are now considering if amendments can be made to the proposed weight restriction legislation which would mitigate the impact on local businesses.

Mrs Cameron asked the Minister for Infrastructure, in light of the £1.23 million package given to City of Derry Airport, whether she is considering giving financial support to Belfast International Airport.
(AQW 10768/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

Due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, my Department was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport (CoDA).

In addition, in May 2020, the Minister of Finance announced 100% rates relief for Belfast International, Belfast City & City of Derry airports until 31 March 2021. This financial support is worth £2.2m, and £1.7m to BIA in particular.

Furthermore, whilst civil aviation is a reserved matter for the UK Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m for marketing support which is being delivered by Tourism Ireland and held recent discussions with Belfast International Airport to develop Trans-Atlantic and Middle East air routes

The Executive's most recent decision to set aside £10million as part of the October monitoring was to provide further support, as and when required, for airports during the Covid19 crisis and it is a matter for the Executive to decide how this funding is allocated.

Following an Executive decision, I announced £1.23 million in additional support for City of Derry Airport. This short term support grant is to help City of Derry Airport to remain operational and will be drawn down from the £10 million set aside to give support for airports during the pandemic.

Furthermore the Department for Finance is leading work on safety and security measures in all three airports and it is proposed that the remaining c£8.8 million continues to be held for this purpose.

I remain committed to working alongside my Executive colleagues, given shared statutory responsibilities, to maintain air connectivity across these islands and further afield.

Mr Givan asked the Minister for Infrastructure whether there are plans to pause parking enforcement during the two week lockdown beginning 27 November 2020.

(AQW 10824/17-22)

Ms Mallon: The purpose of parking enforcement is to assist in the management of roads and streets by enforcing against dangerous, and inconsiderate parking that may impede the safe and free movement of pedestrian and vehicular traffic. The regular turnover of parking spaces provides improved access to businesses and other premises in a managed way. As this lockdown is only envisaged to last for two weeks I have no plans to suspend parking enforcement. However, I have asked my officials to monitor the situation and I will reconsider this approach if there are significant changes in circumstances.

Mr Blair asked the Minister for Infrastructure, in order to assist the recovery from COVID-19, to detail what work is being done in conjunction with the Department of Finance and the Department for the Economy to support Belfast International Airport.

(AQW 10912/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

Due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, my Department was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport (CoDA).

In addition, in May 2020, the Minister of Finance announced 100% rates relief for Belfast International, Belfast City & City of Derry airports until 31 March 2021. This financial support is worth £2.2m, and £1.7m to BIA in particular.

Furthermore, whilst civil aviation is a reserved matter for the UK Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m for marketing support which is being delivered by Tourism Ireland and held recent discussions with Belfast International Airport to develop Trans-Atlantic and Middle East air routes

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Furthermore the Department for Finance is leading work on safety and security measures in all three airports and it is proposed that the remaining c£8.8 million continues to be held for this purpose.

I remain committed to working alongside my Executive colleagues, given shared statutory responsibilities, to maintain air connectivity across these islands and further afield.

Department of Justice

Mr Easton asked the Minister of Justice for an update on the recruitment of more police officers.

(AQW 10055/17-22)

Mrs Long (The Minister of Justice): In the New Decade New Approach Document the British and Irish governments set out a number of priorities for the Executive, including increasing police numbers to 7,500. The Strategic Outline Case for increasing PSNI officer numbers has been approved by the Department of Finance to proceed to Outline Business Case and the PSNI are progressing this now.

Delivery of additional police numbers is largely dependent on the availability of Executive funding. There are also other considerations such as discussions with PSNI around ongoing requirements and operational considerations which are a matter for the Chief Constable.

Mr Middleton asked the Minister of Justice how much funding her Department is currently providing to organisations in the Foyle constituency to support victims of domestic abuse.

(AQW 10100/17-22)

Mrs Long: I can advise that during the current financial year my Department has provided £270,000 capital funding to assist Foyle Women's Aid 'One Safe Place' project to establish a Family Justice Centre in Londonderry/Derry city centre for victims of domestic abuse. This project is being delivered in partnership with the Department for Communities.

Further to my response to your Assembly question earlier this year (AQW 3016/17-22), you will note that my Department also provides funding to organisations not based in the Foyle constituency (Victim Support, Nexus and NSPCC) to support all victims of domestic violence and abuse across Northern Ireland, including those in the Foyle region.

Ms Sugden asked the Minister of Justice to detail the equality screening process applied to the tender for the proposed domestic and sexual violence advocacy service.

(AQW 10151/17-22)

Mrs Long: My Department carried out an equality screening exercise on the advocacy service policy which underpins and is reflected in the tender documentation.

This screening exercise has concluded that an Equality Impact Assessment is not necessary on the basis of positive impacts that will apply as a consequence of the service's introduction. The proposed new service is intended to strengthen and increase the existing help and support that is available to victims, regardless of their grouping under Section 75.

Ms Sugden asked the Minister of Justice to detail the conversations she has had, or plans to have, with victims relating to the proposed domestic and sexual violence advocacy service.

(AQW 10152/17-22)

Mrs Long: My Department did not engage with victims of domestic and/or sexual violence and abuse directly in the development of the new advocacy service. Rather, and from the outset, my officials engaged significantly with a range of key voluntary sector organisations representing the interests of victims. This took place over a prolonged period of time, to help inform policy development. This involved the establishment of a dedicated working group comprising Men's Advisory Project, Nexus, National Society for the Prevention of Cruelty to Children, Victim Support Northern Ireland and Women's Aid Federation Northern Ireland. Extensive consultation was carried with this group on all aspects of the proposed model, tailored for the Northern Ireland context. Collective meetings of the working group, as well as individual meetings with its members, were held as well as a dedicated workshop to help shape the advocacy role.

My Department also consulted with existing support service workers currently employed by both Women's Aid NI (the Criminal Justice Support Worker and the Domestic Abuse Support Worker) and Victim Support NI (the Independent Sexual Violence Advisor).

Ms Sugden asked the Minister of Justice to detail her position on the domestic and sexual violence advocacy service proposals, in relation to her Department's response in the Stakeholder Assurance Group minutes of 17 August 2020.

(AQW 10153/17-22)

Mrs Long: The approach of my officials reflects the position I have agreed as Minister following consideration of the scoping exercise and options available. The intention of the new service is to provide the best possible level of support for victims across Northern Ireland within the resources that may be available. The model developed was fully informed by comprehensive research to determine the current level of service in place across Northern Ireland as well as within neighbouring jurisdictions. This research identified gaps in a number of areas which could not be ignored and which will be addressed via the introduction of a singular advocacy service for all victims of domestic and sexual violence and abuse, regardless of age or gender, who are engaged within the criminal justice system.

The advocacy service proposals were consulted upon extensively, and over a prolonged period of time, with statutory and voluntary sector partners. I consider that as domestic and sexual violence can be intrinsically linked, with commonality in terms of need, providing a singular service will, amongst other things, help ensure that a high quality consistent service can be applied in support of both important areas and that the service can be made available regardless of a person's age, gender or where they live in Northern Ireland.

Ms Sugden asked the Minister of Justice, in light of the Stakeholder Assurance Group Minutes of 17 August 2020, to detail any concerns she has proceeding with the domestic and sexual violence advocacy service proposal.

(AQW 10154/17-22)

Mrs Long: I believe the new advocacy service will help plug gaps in existing service and will provide a consistent level of support to victims of domestic and sexual violence and abuse across Northern Ireland.

I am conscious of the significant benefits such a service will bring, not least in keeping victims safe but also in championing their interests.

It is my intent that its introduction will also go some way to enhancing the experience of those engaging directly with justice partners, empowering them to seek justice. In time, and depending on the availability of funding from strategic partners, any contract will provide scope to extend the breadth of the new service to support a wider pool of victims.

My officials, in conjunction with partners, will closely monitor the new service once introduced to ensure its effective delivery and that objectives set are being achieved.

Ms Sugden asked the Minister of Justice, in relation to the proposed tender from her Department for a domestic and sexual violence advocacy service, to detail her concerns regarding the opposition from stakeholder groups in relation to the All Population Role for this proposed service.

(AQW 10155/17-22)

Mrs Long: I am aware of the extensive consultation, over a prolonged period of engagement, with key voluntary sector partners on the development of an advocacy service. I am grateful for their valuable contribution to this important initiative to date.

I remain of the view that provision of a singular service presents the best way forward in delivering effective advocacy support to victims across Northern Ireland and within the funding that may be available.

Providing support for victims, regardless of their gender, age or where they live in Northern Ireland remains at the centre of what we are seeking to achieve with introduction of this new service.

The singular service approach was chosen because of the intrinsic link between both domestic and sexual violence and abuse and also because of the commonality in the specifics of the advocacy role proposed for the new service across both victim areas.

The role of the advocate was developed following extensive scoping in terms of both local provision, as well as that available in neighbouring jurisdictions. A singular service approach presents the most effective use of resources locally to meet the needs of victims, ensuring consistency in approach and transferability of skill set by the advocates. It will also help ensure that support can be more readily targeted according to the level of need identified, where advocates skilled in both disciplines will be able to cover a more extensive remit and more effectively.

Any tender documentation issued will be clear on the need to provide safe and effective services to address all of the needs outlined within a singular service. Whilst our initial intent had been that this service could be delivered via a consortium to reflect the variety of specialisms across the sector, I understand that two key local voluntary sector organisations could not reach agreement on who would lead in such a consortium and in the absence of agreement, our procurement advice is to proceed to tender.

Mr Easton asked the Minister of Justice (i) what plans her Department has for a new prison on the current HMP Magilligan site; and (ii) the potential cost of such a new build.

(AQW 10263/17-22)

Mrs Long: An Outline Business Case (OBC) 1 for the redevelopment of Magilligan Prison is near completion and will be submitted to Financial Services Division (FSD) over the next few months. The proposals in the OBC reflect the delivery model from the Estates 2020 discussion document, launched in December 2018 ie a 240 Accommodation Block, Independent Living Units (ILUs), a new Welcome & Visits Centre and a new Admin block.

The estimated costs for the proposed redevelopment are £109 million. Delays in development could however increase costs through construction cost inflation and the potential loss of resource savings.

Mr Easton asked the Minister of Justice to detail the cost of repairs to HMP Magilligan, over the last five-year period.

(AQW 10264/17-22)

Mrs Long: The cost of all reactive maintenance repairs at Magilligan Prison over the last 5 financial years is as follows:-

Financial Year	Reactive Maintenance Repairs
2015/2016	£326,744
2016/2017	£415,834
2017/2018	£498,867
2018/2019	£355,829
2019/2020	£444,963

Mr Easton asked the Minister of Justice (i) how many; and (ii) what types of weapons related to terrorism, have been discovered by the PSNI over the last five year period.

(AQW 10265/17-22)

Mrs Long: The Department of Justice does not hold this information.

This is an operational matter for the Chief Constable.

Mr Newton asked the Minister of Justice to detail the levels of domestic violence in the Belfast East constituency, in each of the last 3 years.

(AQW 10426/17-22)

Mrs Long: The recording of information on the number of reported incidents of domestic violence and associated statistics is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

You may, therefore, wish to direct your question to the PSNI.

You may wish to note that following Consideration Stage of the Domestic Abuse and Family Proceedings Bill provision has been made on a range of information that is to be reported on in relation to the domestic abuse offence (including where there is a child aggravator) and offences that are aggravated by domestic abuse.

Mr McHugh asked the Minister of Justice to detail the cost of maintaining Castlederg barracks since its official closure date.

(AQW 10456/17-22)

Mrs Long: The management of the PSNI estate is an operational matter for the Chief Constable, for which he is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

You may, therefore, wish to direct your question to the PSNI.

Miss Woods asked the Minister of Justice to detail (i) the number of sexual offence cases dealt with at court involving child victims in (a) 2018/19; and (b) 2019/20; and (ii) the outcome of prosecutions at court involving sexual offence cases involving child victims in (a) 2018/19; and (b) 2019/20.

(AQW 10458/17-22)

Mrs Long: Departmental prosecutions and convictions datasets do not contain information on the age of a victim beyond that included in offence descriptions. Therefore, information on the numbers of prosecutions and convictions for sexual offences which specify the involvement of children in their description, has been included in the table. Information is held on a calendar year basis so figures for 2018 and 2019, the most recent year for which information is available, have been provided.

Prosecutions and convictions for cases involving sexual offences specifying involvement of a child 2018 - 2019

Year	Prosecutions	Convictions
2018	113	62
2019	163	98

Notes:

- 1 Figures relate to initial disposal at court. Appeals are not included.
- 2 Figures relate to cases where at least one of the offences prosecuted was a sexual offence that specified involvement of a child in the offence description.
- 3 This may be an undercount of the actual number of cases where there was a prosecution for a sexual offence where the victim was a child.

Mr T Buchanan asked the Minister of Justice, since the devolution of policing and justice, how many occasions has a Minister of Justice rejected proposals from the Northern Ireland Policing Board on officer remuneration and allowances.

(AQW 10489/17-22)

Mrs Long: Since I have held the position as Minister of Justice, I have not rejected any proposals from the Northern Ireland Policing Board in respect of police officer pay and allowances. It would be inappropriate for me to comment in respect of decisions made by previous Ministers.

Mr Dunne asked the Minister of Justice to detail her plans for the future of the temporary resting place at Kinnegar Barracks.

(AQW 10490/17-22)

Mrs Long: The temporary resting place will be retained for at least the duration of the Covid-19 pandemic. The longer term options for the resting place are currently under consideration.

Mr Dunne asked the Minister of Justice to detail the number of domestic abuse incidents reported to the PSNI in each of the last five years.

(AQW 10491/17-22)

Mrs Long: The recording of information on the number of reported incidents of domestic violence and associated statistics is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

You may, therefore, wish to direct your question to the PSNI.

You may wish to note that, following Consideration Stage of the Domestic Abuse and Family Proceedings Bill, provision has been made on a range of information that is to be reported on, in relation to the domestic abuse offence (including where there is a child aggravator) and offences that are aggravated by domestic abuse.

Miss Woods asked the Minister of Justice (i) how many fines have been issued for improper use of fireworks or using fireworks without a licence in North Down, in each year for the past 5 years; and (ii) to detail the quantity of illegal fireworks seized in North Down in each year for the past 5 years.

(AQW 10564/17-22)

Mrs Long: There have been no fines issued following a conviction at court for offences relating to improper use of fireworks or using fireworks without a licence, in any of the past 5 years, where defendants had an address in North Down at time of conviction.

The recording of information on the quantity of illegal fireworks seized in North Down and associated statistics is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

You may, therefore, wish to direct that part of your question to the PSNI.

Miss McIlveen asked the Minister of Justice how much revenue was raised through the Offender Levy in each of the last five years.

(AQW 10595/17-22)

Mrs Long: The Offender Levy has raised a total of £1,797,597 in the last 5 years, which has been used to fund projects that support victims and witnesses in the criminal justice system and is broken down as follows:

2015-16	£233,020
2016-17	£256,215
2017-18	£354,572
2018-19	£365,725
2019-20	£399,911
2020-21 to date	£188,154

A full breakdown of Offender Levy receipts and allocation since the introduction of the Offender Levy in 2012 and can be found on the Department's website at <https://www.justice-ni.gov.uk/publications/victims-crime-fund>.

Miss McIlveen asked the Minister of Justice which groups availed of funding through revenue raised through the Offender Levy in each of the last five years.

(AQW 10596/17-22)

Mrs Long: Revenue raised through the Offender Levy is allocated through the Victims of Crime Fund to projects that support victims and witnesses in the criminal justice process, including victims' and witnesses' initiatives that are intended to contribute to the achievement of commitments within the victim and witness action plan.

Over the last 5 years, Victim Support Northern Ireland, NSPCC Young Witness Service, Nexus and the Men's Advisory Project have received funding from the Victims of Crime Fund. A breakdown of the allocation of the fund over the last 5 years is as follows:

2015-16 Victims of Crime Fund		£233,020
Funding allocated	Organisation	Projects funded
£179,020	Victim Support NI	Support services for victims and witnesses (including a contribution towards the implementation of cloud computing).
£54,000	NSPCC Young Witness Service	Support services for young witnesses.

2016-17 Victims of Crime Fund		£256,215
Funding allocated	Organisation	Projects funded
£154,000	Victim Support NI	Support services for victims and witnesses
£54,000	NSPCC Young Witness Service	Support services for young witnesses
£32,231	DoJ VW Policy	Register Intermediaries – Training and awareness raising
£11,063	DoJ VW Policy	Victim and Witness Information Literature
£4,921	Researcher (DoJ commissioned)	Young Victims Research

2017-18 Victims of Crime Fund		£354,572
Funding allocated	Organisation	Projects funded
£226,286	Victim Support NI	Support services for victims and witnesses
£59,000	NSPCC Young Witness Service	Support services for young witnesses
£50,000	PSNI and PPS	Registered Intermediary assistance for victims
£14,100	Nexus	Support for victims of sexual violence and abuse
£5,186	Men's Advisory Project	Support for male victims of domestic violence and abuse

2018-19 Victims of Crime Fund		£365,725
Funding allocated	Organisation	Projects funded
£190,114	Victim Support NI	Support services for victims and witnesses
£59,000	NSPCC Young Witness Service	Support services for young witnesses
£35,000	Victim Support NI	Independent Sexual Violence Advocacy Service for victims of sexual violence and abuse
£28,611	DoJ	Registered Intermediary Scheme
£20,000	PSNI	Improvements to victim interview suites at Garnerville
£15,000	PSNI	Victims of Domestic Violence and Abuse – Awareness raising advertising campaign
£9,500	Men's Advisory Project	Support for male victims of domestic violence and abuse
£8,500	Nexus	Support for victims of sexual violence and abuse

2019-20 Victims of Crime Fund		£399,911
Funding allocated	Organisation	Projects funded
£196,444	Victim Support NI	Support services for victims and witnesses
£ 59,000	NSPCC Young Witness Service	Support services for young witnesses
£ 63,000	Victim Support NI	Independent Sexual Violence Advocacy Service for victims of sexual violence and abuse

2019-20 Victims of Crime Fund		£399,911
£ 31,467	NSPCC	Improvements to young witness court waiting rooms
£ 50,000	DoJ	Sexual Violence and Abuse – Awareness raising advertising campaign

A full breakdown of Offender Levy receipts and allocation since the introduction of the Offender Levy in 2012 and can be found on the Department's website at <https://www.justice-ni.gov.uk/publications/victims-crime-fund>.

Ms Sugden asked the Minister of Justice to detail (i) the number of reported incidences of serious sexual offences in Northern Ireland in each of the past five years; and (ii) her assessment of these in comparison with the statistics for England, Wales and Scotland.

(AQW 10598/17-22)

Mrs Long: The recording of information on the number of reported incidents of serious sexual offences and associated statistics is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

You may, therefore, wish to direct your question to the PSNI.

Miss Woods asked the Minister of Justice for her assessment of the Independent Reporting Commission's Third Report on progress towards ending paramilitary activity.

(AQW 10640/17-22)

Mrs Long: The IRC plays an important role in monitoring progress towards ending paramilitary activity in Northern Ireland. I welcome the Commissioners' third report, which, as always, reflects their extensive consideration of, and engagement on, the issues. I wholeheartedly agree with the Commissioners' assessment that "the continuation of paramilitarism 22 years after the Belfast/Good Friday Agreement is against the wishes of the people, is without justification and should end".

The Action Plan to Tackle Paramilitary Activity, Criminality, and Organised Crime is a cross-Executive initiative, not a justice issue alone. I want to reflect carefully on the recommendations made by the Commissioners with my Executive colleagues.

Some of the issues raised by the IRC, such as group transition, are complex and contentious: whichever approach is taken to addressing these issues will require significant engagement and discussion, including with the British and Irish Governments.

I am pleased the Commissioners have recognised the significant amount of work which is being delivered under the cross-Executive Action Plan. This collaborative effort, drawing on the strengths of all involved, is making a real difference in communities. As the Commissioners rightly acknowledge, we are currently operating in a less than ideal context, not least in light of the pressures brought to bear by the ongoing global pandemic. I have been very impressed by the way in which delivery partners have been more creative and innovative over recent months to respond to that context.

I share the IRC's hope and expectation that the restoration of the Executive and Assembly will create the opportunity for more active political engagement on the development of the Programme, and for a cross-cutting focus on some of the more sensitive and challenging issues that remain to be addressed. We now have the opportunity to build on the progress that has been made to date. New Decade, New Approach committed the restored institutions to re-doubling their efforts to tackle paramilitarism. Political leadership will be key to that success.

Department for the Economy

Mr Dickson asked the Minister for the Economy what action she is taking to ensure that apprenticeships continue to promote a high level of engagement in learning, despite a lower level of on-site training due to COVID-19 restrictions.

(AQW 9988/17-22)

Mrs Dodds (The Minister for the Economy): My Department has responded quickly and decisively in response to the Covid-19 crisis: putting in place supplier relief measures to ensure the continued viability of our skills infrastructure; developing alternative assessment measures for vocational qualifications; providing guidance on learner support; and, supporting apprentices, under the age of 18, who lost their jobs to continue their training on the Training for Success programme.

Working collaboratively with partners and stakeholders, an Apprenticeship and Youth Training Recovery Package has been developed. This support package is underpinned by four key strategic priorities: minimising apprenticeship job losses; maintaining and growing the supply of apprenticeship opportunities; supporting apprentices who have been displaced; and, growing capacity in the youth training system. In order to help support employers' engagement with the

apprenticeship system and the vital on the job training this provides, financial incentives have been made available to recruit new apprentices, including those previously made redundant, and also to return and retain furloughed apprentices through to successful completion of their apprenticeship.

My Department has provided advice and guidance to all ApprenticeshipsNI contractors - outlining COVID-19 contingency arrangements. With effect from the 1st November apprenticeship training is continuing for all apprentices (unless an apprentice is furloughed and has no agreement with their employer to continue training at this time).

A Digital Hardship fund was also established to support access to on-line learning for disadvantaged learners - with equipment and internet connectivity being prioritised for those in most need and including internet connectivity where required.

The Departments Quality Improvement Team commenced a Peer Support Initiative in 2019, where high performing training contractors are invited to provide peer support to training contractors that face challenges in aspects of the quality of delivery. This initiative is well placed to support providers as they continue to engage with learners in the current environment.

The review of private training contractors' and colleges' Quality Improvement Plans has maintained a strong focus on the quality of delivery - closely linked to supporting the health and well-being of all learners. Support with this process has been provided by the Education and Training Inspectorate. The resulting Quality Improvement Plans will provide further information as to themes that will require additional support in the future.

Mr Dickson asked the Minister for the Economy for her assessment of whether apprenticeships in the hospitality sector can continue to provide quality skills training over the course of the winter, considering the heightened restrictions on hospitality due to COVID-19.

(AQW 9989/17-22)

Mrs Dodds: Skills are a key driver of economic growth and provide a powerful tool to promote individual opportunity and social inclusion. This is especially true for apprenticeships that meet specific skills needs and provide a route into many careers across the economy, including hospitality.

In the current climate, I recognise that ensuring inclusive access to apprenticeships has never been more critical. They will play a significant contribution in providing high quality opportunities, maintaining the skills pipeline and supporting the renewal of the Northern Ireland economy.

This is why the Apprenticeship Recovery Package has been developed to minimise apprenticeship job losses, maintain and grow the supply of apprenticeship opportunities and support apprentices who have been displaced and lost their apprenticeship. The package is bespoke to the needs of our local economy and will help to ensure that our Apprenticeship system bounces back from the devastating impact of the COVID-19 crisis.

My Department also launched an Apprenticeship Challenge Fund to support innovative approaches and new collaborations to increase apprenticeship opportunities in Northern Ireland.

In relation to sustaining training, my Department has published information for employers and apprentices in respect of COVID-19. This information reflects the current guidance and is updated as the situation evolves. Going forward, updated Key Messages will be shared with the Further Education Colleges and Training Contractors delivering the ApprenticeshipsNI Programme as and when is necessary.

Apprenticeship training will continue to be delivered in line with government guidelines and, in the meantime, training suppliers have been asked to facilitate online learning and learning portfolio building work where possible.

My Department will be closely monitoring programme activity to ensure the continued delivery of the ApprenticeshipsNI programme across all sectors - including Hospitality.

Alternative assessment/awards measures for vocational qualifications have been developed in conjunction with the Department of Education, CCEA, Awarding Organisations and other key stakeholders.

Mr McCrossan asked the Minister for the Economy for her assessment of the rate of unemployment in West Tyrone.

(AQW 10082/17-22)

Mrs Dodds: The latest unemployment rate data for West Tyrone and other parliamentary constituencies are only available pre-COVID-19. This shows that the West Tyrone constituency had an unemployment rate equivalent to that of the Northern Ireland average.

The economic impact of COVID-19 has been unprecedented, the effects of which have been felt across all areas of Northern Ireland. Despite the UK Government providing support, including the Coronavirus Job Retention Scheme and the Self-Employed Income Support Scheme, recent figures have shown a spike in the claimant count and redundancies across the whole of Northern Ireland over the last number of months.

Mr McGlone asked the Minister for the Economy what recent discussions she has held with (i) industry representatives; and (ii) the UK Government on an aerospace industry taskforce to help safeguard jobs in Northern Ireland.

(AQW 10089/17-22)

Mrs Dodds: I meet aerospace industry representatives and the sector body, ADS, on a regular basis to hear directly from them about the extraordinary challenges being faced by Aviation and Aerospace, induced by COVID-19. I also meet Whitehall

Ministerial colleagues bilaterally and as part of a Devolved Nations Group to represent the economic interests of Northern Ireland including Aerospace.

I will host a meeting of the Northern Ireland Aerospace industry group again on 23 November and on for that occasion, I have invited Whitehall Ministerial colleagues from the Department for Business, Ministry of Defence and Department for International Trade, to hear directly about, not only the challenges being faced by businesses, but also the opportunities to diversify into other areas such as defence, as they begin to see beyond COVID-19.

There are two Task Forces already established at UK-wide level in response to the COVID-19 impact on Aviation and Aerospace. The Prime Minister established a Global Travel Taskforce under the joint Chairmanship of the Secretary of State for Health and Social Care and the Secretary of State for Transport to consider further how Government can address issues associated with international travel. The UK Aerospace Supply Chain Task Force, Chaired by Tom Williams and established in consultation with ADS and industry primes, is co-ordinating help to minimise the impact of COVID-19 by taking action to support the business continuity of critical UK aerospace suppliers in the short-term, whilst enabling longer-term recapitalisation and investments in strategic capabilities to ensure future competitiveness of the UK supply chain.

I remain firmly of the view that we cannot solve the existential crisis facing the sector on our own. Solutions lie in a collaborative and joined up approach across the UK, and internationally, and I shall continue to do everything possible to represent the interests of Northern Ireland in that context.

Mr Middleton asked the Minister for the Economy to detail the current status of the city deal proposals for Londonderry and the North West.

(AQW 10103/17-22)

Mrs Dodds: I welcome the significant investment planned from the City Deals Programme and the Inclusive Futures Fund for Londonderry and the wider North West Region. The proposed investment provides a tremendous opportunity to drive sustained inclusive growth for the region.

My Department has responsibility for a number of the proposed projects in the City Deal. These centre on innovation and digital and I am currently considering these.

In addition, my officials together with colleagues in Tourism NI, are continuing to engage with Derry City and Strabane District Council on the potential for some tourism proposals to be included in the overall City Deal/ Inclusive

Futures Fund suite of Projects. Other proposed projects which focus on regeneration are the responsibility of the Minister for Communities.

Mr Dickson asked the Minister for the Economy (i) for her assessment of the risk of disruption to examinations in the further education sector for the current academic year, as a result of COVID-19; and (ii) what actions she is taking to mitigate this risk.

(AQW 10204/17-22)

Mrs Dodds: The Covid-19 pandemic and ongoing social distancing measures continue to impact on the delivery and assessment of vocational qualifications in the further education sector and further disruption is a distinct possibility.

From the outset of the pandemic, my Department has been working closely with key stakeholders, including the further education sector, through a Departmental Task & Finish Group, to respond to the emerging challenges with regard to the safe and effective delivery of vocational qualifications.

The focus for this academic year is to ensure that awarding organisations put in place flexible contingency measures and adaptations for providers to be able to respond appropriately to changing needs throughout the academic year and to effectively support learners to complete their courses of study.

In addition, providers, particularly the further education sector given their prominence in terms of scale, have put in place a range of innovative ways to offer safe delivery of teaching and learning, including enhanced blended learning.

The Department will continue to closely monitor the situation through the Task & Finish Group and in conjunction with CCEA Regulation in anticipation of any further emerging needs.

Mr O'Dowd asked the Minister for the Economy what measures her Department is taking to ensure that students can return home safely for the Christmas holidays.

(AQW 10211/17-22)

Mrs Dodds: Given the overlap between the above questions, I have decided to answer them both in a single response.

In Northern Ireland, there are a number of cross-cutting issues related to student travel to be worked through, involving a variety of Departments. For this reason, the Executive Office has been asked to co-ordinate these plans, and a Task and Finish Group has been established to do so.

The various Departments involved are working collectively with other partners to develop and communicate a package of advice and support to help students stay safe, and to travel home safely at Christmas. This includes engaging with the local HE providers to agree a phased end to the semester and the facilitation of a move to online learning. The measures will also

involve testing for students; public health authorities are working to agree the operational aspects of a testing programme to inform arrangements for student travel, while the relevant authorities will be engaged to consider the impacts on public transport.

In the interim, students should continue to follow the relevant public health advice in terms of travelling, and self-isolating when required.

Mr O'Dowd asked the Minister for the Economy whether she will establish a cross-departmental working group, with the Department of Health, to work out how the return of university students over the Christmas holidays can be best managed. **(AQW 10212/17-22)**

Mrs Dodds: Given the overlap between the above questions, I have decided to answer them both in a single response.

In Northern Ireland, there are a number of cross-cutting issues related to student travel to be worked through, involving a variety of Departments. For this reason, the Executive Office has been asked to co-ordinate these plans, and a Task and Finish Group has been established to do so.

The various Departments involved are working collectively with other partners to develop and communicate a package of advice and support to help students stay safe, and to travel home safely at Christmas. This includes engaging with the local HE providers to agree a phased end to the semester and the facilitation of a move to online learning. The measures will also involve testing for students; public health authorities are working to agree the operational aspects of a testing programme to inform arrangements for student travel, while the relevant authorities will be engaged to consider the impacts on public transport.

In the interim, students should continue to follow the relevant public health advice in terms of travelling, and self-isolating when required.

Ms McLaughlin asked the Minister for the Economy whether she will publish the legal advice in relation to Tamboran Resources Limited licence application that she referred to in the Assembly debate on 13 October 2020. **(AQW 10256/17-22)**

Mrs Dodds: In my speech to the Assembly on 13 October 2020, in response to the motion calling on the Executive to instigate an immediate moratorium on petroleum licensing for all exploration for, drilling for and extraction of hydrocarbon, I indicated that I could not support the motion as presented based on legal advice. That legal advice indicated that the course of action proposed in the motion would, most likely, be subject to challenge.

Such legal advice is protected by legal professional privilege and I do not intend to publish it.

Ms McLaughlin asked the Minister for the Economy (i) whether Tamboran Resources Limited has indicated the technologies it proposes to use during the production stage relating to the exploitation of hydrocarbons in the proposed licence area; and (ii) whether it has stated that hydraulic fracturing will not be used. **(AQW 10258/17-22)**

Mrs Dodds:

- (i) On 20 March 2020, Tamboran Resources (UK) Limited formally submitted a request to revise their Work Programme for application PLA2/16. Given the significant change to the Work Programme, the Department is in the process of scrutinising the revised proposal and is awaiting further information from TRUK.
- (ii) TRUK has indicated that the purpose of the proposed revised Work Programme is to remove the need to use high volume hydraulic fracturing from the Work Programme.

Mr Middleton asked the Minister for the Economy what financial support her Department has provided to airlines since March 2020. **(AQW 10425/17-22)**

Mrs Dodds: COVID-19 has had a profound impact upon the aviation industry: globally, nationally and regionally since March 2020.

My responsibility is with maintaining and enhancing Northern Ireland's air connectivity, both domestically and internationally, which is essential to rebuilding Northern Ireland's economy. In doing so, I fully acknowledge that civil aviation is a reserved matter for the UK Department for Transport (DfT).

I had a key role in securing the £5.7m support package, announced by the Secretary of State for Transport on Friday 1 May, which enabled the Belfast City and City of Derry airports to remain open, and Aer Lingus and Loganair respectively, to operate essential flights to London, thereby safeguarding NI's air connectivity with GB during the initial COVID-19 crisis period.

The City of Derry Airport to London Stansted flight, operated by Loganair, is a Public Service Obligation (PSO) route, whose funding has been split, between my Department and the DfT, since May 2019. The total PSO funding provided by my Department for the period 1 March to 30 September 2020 is £171,304.

I have established and lead a Tourism Recovery Steering Group in response to COVID-19. This includes an air and sea connectivity sub-group, which involves the 3 NI airports and airlines. As a direct result, I successfully secured £2m to fund marketing support, to be delivered by Tourism Ireland by March 2021. I understand that Tourism Ireland has received funding requests from a number of airlines, that operate from all 3 NI airports.

My Department is always willing to consider any requests for support from airports/airlines that deliver Value for Money, are State Aid compliant and are within the policy remit and legal vires of my Department to deliver.

Ms McLaughlin asked the Minister for the Economy to detail the other extraction techniques that are proposed for use by Tamboran Resources Limited in place of hydraulic fracturing in its revised work plan related to licence application PLA2/16. (AQW 10466/17-22)

Mrs Dodds: On 20 March 2020, Tamboran Resources (UK) Limited (TRUK) formally submitted a request to revise their Work Programme for application PLA2/16. Given the significant change to the Work Programme, the Department is in the process of scrutinising the revised proposal and is awaiting further information from TRUK.

Due to potential commercial sensitivities, the Department is not in a position to release any information pertaining to the proposed changes at this point.

Miss McIlveen asked the Minister for the Economy (i) what discussions there has been with UK Ministers and officials regarding the ending of the VAT margin scheme in Northern Ireland as a result of the Protocol on Ireland/Northern Ireland; and (ii) what proposals there are to mitigate against the impact to (a) local businesses importing second hand goods from the rest of the UK; and (b) Northern Ireland consumers. (AQW 10510/17-22)

Mrs Dodds: The VAT margin scheme is very important to the operation of second hand car businesses in NI and I am very concerned that its removal will put pressure on businesses and could ultimately lead to increased prices to consumers.

I have written to the Chancellor of the Duchy of Lancaster and the Secretary of State for Business, Energy and Industrial Strategy and asked them to urgently resolve this issue. My officials have also been liaising with HMRC on this issue.

There are no actions which the Executive could take to mitigate the impact of this on consumers or businesses as VAT policy is reserved.

Mr McGuigan asked the Minister for the Economy for an update on the payment of the Covid Restrictions Business Support Scheme. (AQO 1160/17-22)

Mrs Dodds: Part A of the Covid Restrictions Business Support Scheme, opened on 28 October 2020 and is targeted at those businesses named in the Health Protection regulations who are not eligible for support under the Department of Finance's Localised Restrictions Support Scheme. I welcome that £3million of assistance has been provided through the scheme to date. Part A has received 2,927 applications which officials are continuing to process as quickly as possible. Part B of the scheme which is aimed at those supplying goods or services to businesses named in the regulations, opened for applications on 18 November. 111 applications have been received to date and officials also continue to verify these and process eligible applications for payment as quickly as possible.

Mrs Cameron asked the Minister for the Economy to outline the progress made on processing applications to the Covid Restrictions Business Support Scheme. (AQO 1162/17-22)

Mrs Dodds: Part A of the Covid Restrictions Business Support Scheme, opened on 28 October 2020 and is targeted at those businesses named in the Health Protection regulations who are not eligible for support under the Department of Finance's Localised Restrictions Support Scheme. I welcome that £3million of assistance has been provided through the scheme to date. Part A has received 2,927 applications which officials are continuing to process as quickly as possible. Part B of the scheme which is aimed at those supplying goods or services to businesses named in the regulations, opened for applications on 18 November. 111 applications have been received to date and officials also continue to verify these and process eligible applications for payment as quickly as possible.

Mr McGrath asked the Minister for the Economy for an update on the payments made to businesses under Part A of the Covid Restrictions Business Support Scheme. (AQO 1163/17-22)

Mrs Dodds: Part A of the Covid Restrictions Business Support Scheme, opened on 28 October 2020 and is targeted at those businesses named in the Health Protection regulations who are not eligible for support under the Department of Finance's Localised Restrictions Support Scheme. I welcome that £3million of assistance has been provided through the scheme to date. Part A has received 2,927 applications which officials are continuing to process as quickly as possible. Part B of the scheme which is aimed at those supplying goods or services to businesses named in the regulations, opened for applications

on 18 November. 111 applications have been received to date and officials also continue to verify these and process eligible applications for payment as quickly as possible.

Ms Hunter asked the Minister for the Economy to outline why 35,000 customers in the Derry City and Strabane District Council area were without electricity for part of the day on 10 November 2020.

(AQO 1165/17-22)

Mrs Dodds: This is a matter for NIE Networks. Enquiries can be submitted through the help and advice section in the NIE website.

Mr Stalford asked the Minister for the Economy for her assessment of the economic impact of COVID-19-related restrictions.
(AQO 1166/17-22)

Mrs Dodds: The economic impact of COVID-19 and its subsequent restrictions has been unprecedented. Huge economic losses accumulated within a matter of weeks as a result of lockdown and industry shutdowns. At its most severe, during the spring, output in our economy was operating around 25% below normal. The shutdown of many industries led to the widespread furloughing of workers and a high uptake of self-employment grants. Even with these UK-wide schemes in place, there has been a spike in the claimant count and redundancies have shot up over the last few months. Our initial assessment of the most recent four-week circuit breaker suggests a potential loss of around £400m to our economy. This is on top of an estimated £4-5bn loss from the lockdown in the spring. The restrictions under the circuit breaker directly impacted on some 60,000 jobs, with huge consequences for those working in accommodation and food, close contact services, supply chain businesses, and the arts, entertainment and recreation sectors.

Ms Dillon asked the Minister for the Economy what actions her Department is taking to encourage women to take up careers in the engineering and manufacturing sector.

(AQO 1167/17-22)

Mrs Dodds: I am passionate about diversity and inclusion in our economy, and my Department is taking forward a number of activities to encourage more women into our engineering and manufacturing workforce. Last month I was privileged to launch the Northern Ireland Women in Science and Engineering Hub. The NI WISE Hub was established by Matrix (the Northern Ireland Science and Industry Panel) and draws on a UK wide campaign with over 30 years' experience of building opportunities for women and girls in science, technology, engineering and mathematics. Committed employers will be supported to address gender gaps by embedding diversity strategies within their organisations. Matrix also recently launched the Pulsar website, which maps support organisations across Northern Ireland and showcases inspirational female role models, promoting the breadth of engineering and manufacturing opportunities available. These initiatives will be further developed in partnership with other organisations including Manufacturing NI, the Royal Academy of Engineering, Allstate, Grahams and the Equality Commission. My Officials continue to work closely with the FE College Curriculum Hubs and Sectoral Partnerships to produce regular sector-focused careers information bulletins. A bulletin for the Advanced Manufacturing Sector will be published online next month. Finally, in developing the new Skills Strategy we are engaging with stakeholders across industry and government, to develop better pathways to encourage women into engineering and manufacturing careers.

Mr Buckley asked the Minister for the Economy what assurances she can give that businesses will have unfettered access to the UK internal market from 1 January 2021.

(AQO 1168/17-22)

Mrs Dodds: The right for Northern Ireland businesses to place goods on the UK internal market, as they do now, has been my overriding priority.

The UK Internal Market Bill, and the proposed Regulations defining a NI 'Qualifying Good', show that the repeated promises that have been given by the UK government to guarantee unfettered access to the GB market, are being acted upon.

I remain concerned, however, that clarity is not yet forthcoming on whether the UK and EU have agreed the position on exit summary declarations for goods leaving NI for GB. This would be a retrograde step and I continue to urge the UK government to press to ensure that this unwelcome administrative burden is not placed on NI businesses.

I am also concerned that the guarantees apply only to NI businesses sending their goods directly from NI ports. A significant amount of trade from NI for the GB market passes through Dublin port. I am continuing to press this point with the UK government so that all NI goods enjoy the unfettered access to the GB market that has been promised.

Mr Storey asked the Minister for the Economy for an update on her plans to support growth and job creation in the hydrogen economy, in particular in North Antrim.

(AQO 1170/17-22)

Mrs Dodds: I recently made a statement setting out my ambition for the hydrogen economy, which I believe can play a key role in the future decarbonisation of energy and the growth of our economy. I recently provided funding to NI Water to purchase an innovative new electrolyser to trial in their waste water treatment works. This is a major early development in

kick-starting the hydrogen economy. I am excited by some of the potential projects that can showcase our potential to develop cutting-edge hydrogen technology here in Northern Ireland, particularly in North Antrim. I met with Wrightbus earlier this year to learn about their plans to develop a hydrogen hub in Ballymena. This has the potential to create local jobs and support the local manufacture and fuelling of zero-carbon buses. My Department also recently met with Mid and East Antrim Borough Council on its plan to develop a Hydrogen Training Academy to facilitate specialised training to support job creation in the area. I am committed to leading on the growth of the hydrogen economy, and have met with Executive colleagues to ensure a joined-up approach and the BEIS Minister to explore UK funding opportunities for local projects.

Northern Ireland Assembly Commission

Mr Carroll asked the Assembly Commission (i) to detail the amount of food waste that was disposed of when the Assembly was not sitting between 2017 and 2020; and (ii) how the waste was disposed of.

(AQW 10498/17-22)

Mr Butler (The Representative of the Assembly Commission): The provision of waste contractor services for the Assembly Commission is managed through a pan-government framework contract which encompasses Parliament Buildings and the wider Stormont Estate. The Estate Management team and its subcontractors provided the information in this response.

Within Parliament Buildings, it is not possible to separate the food waste generated by the catering operations and the food waste collected from the recycling bins located throughout the building. The following table includes the monthly figures in kilograms (kg) for both, from January 2017 to January 2020.

	2017 (kg)	2018 (kg)	2019 (kg)	2020 (kg)
January	4,019	1,370	633	735
February	2,924	1,850	640	-
March	4,019	1,910	632	-
April	3,654	1,014	648	-
May	4,750	1,863	665	-
June	4,020	972	685	-
July	2,558	1,026	588	-
August	4,751	1,014	628	-
September	617	368	657	-
October	760	633	647	-
November	760	633	148	-
December	1,070	633	513	-

The food waste from the Stormont Estate is transported directly to an anaerobic digestion plant where it is processed to produce fertiliser and biogas.

Northern Ireland Assembly

Friday 4 December 2020

Written Answers to Questions

The Executive Office

Mr Allister asked the First Minister and deputy First Minister what is the status of Guidance for Ministers in the Exercise of their Official Responsibilities (March 2020) and the Conduct of Executive Business documents; and do they form part of the Ministerial Code, as defined in law.

(AQW 4516/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill (The First Minister and deputy First Minister): Both Guidance for Ministers in the Exercise of their Official Responsibilities and the Conduct of Executive Business are non-statutory documents, although they contain references to certain statutory provisions. They do not form part of the Ministerial Code.

Mr Middleton asked the First Minister and deputy First Minister for an update on the Derry/Londonderry Urban Villages Scheme.

(AQW 5561/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The Urban Villages Initiative in Derry~Londonderry continues to enable a partnership approach with a diverse range of community-led and capital projects to support good relations and address key strategic actions identified by the local community in the Bogside, Fountain and Bishop Street.

2020/21 investment of approximately £275k is supporting delivery of five community-led projects on important local themes including: mental health and well-being; pathways to employment; community events/festivals; understanding shared heritage; and helping low-income families to build their financial resilience.

Local schools are also involved in cross-cutting schools programmes and all five local primary schools along with two post-primaries have achieved School of Sanctuary status in recognition of their work in providing safe, welcoming and inclusive places for children.

Two of the primary schools have also partnered up under our 'Buddy Up' scheme and three post-primaries schools are involved in the Creative Schools Partnership programme.

Groups leading key capital projects, such as New Gate Arts and Cultural Centre and Iona Enterprises, are also availing of a peer-to-peer community development programme. The area is also included in a new PEACE IV programme to tackle mental health and wellbeing in children and young people in Urban Village areas and the border regions.

More recently, the area has received funding from our 'Keeping Healthy, Staying Safe' initiative to support projects in providing healthy meals and personal protection measures to continue safe delivery in the current challenging circumstances.

In addition, there are twelve capital projects, seven of which have already been completed including the Abercorn Road Environmental Improvement Scheme. Recently £1.7M of investment was announced to transform the existing New Gate Arts and Culture Centre in the Fountain estate into a state-of-the-art shared performance space. Work is underway on site at the Cathedral Youth Club project and business case approval has also been gained for the Gasyard Heritage and Exhibition Centre.

Work is at an advanced stage to secure business case approval for redevelopment of the Meenan Square complex.

Mr McGlone asked the First Minister and deputy First Minister what guidance has been provided to Government departments, public bodies and local councils to ensure that people with (i) sight loss; and (ii) other disabilities are not unfairly disadvantaged by changes to the built environment or other measures taken in response to COVID-19.

(AQW 5597/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The Disability Discrimination Act 1995 places a duty on service providers to make reasonable adjustments for people with disabilities to help them to overcome barriers in accessing goods and services. Any changes to the built environment or other measures taken in response to Covid-19 should comply with current building regulations, relevant legislation and best practice guidance. Those responsible for buildings should make reasonable adjustments to avoid disadvantaging any users of their buildings.

Mr Middleton asked the First Minister and deputy First Minister for an update on the High Streets Task Force.
(AQW 9026/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: This is a priority for us. Officials have been tasked with the establishment of the High Street Task Force Reference Group and the first meeting will take place in the next few weeks.

It is clear that our town and city centres face a range of economic and social challenges. Whilst the Covid-19 pandemic has undoubtedly exacerbated the situation, many of the challenges are long-standing; stemming from the financial crisis of 2009, prolonged underinvestment in infrastructure, and changing patterns of consumer behaviour.

This calls for a strategic, sustained response, with Departments and local government working in partnership to deliver a vision for sustainable town and city centres, as thriving sustainable hubs for the retail, services, hospitality and residential sectors.

Our aim is to bring a proposal to the Executive for discussion in the near future.

Mr McCrossan asked the First Minister and deputy First Minister whether (i) they have written to United States president-elect, Joe Biden, to congratulate him following the US presidential election; and (ii) they have invited him to Ireland to discuss future economic opportunities.
(AQW 10084/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The First Minister and deputy First Minister wrote to President-elect Joe Biden on 7 November 2020 to congratulate him on his success in the Presidential election of 3 November 2020.

In their letter of congratulations, First Minister and deputy First Minister highlighted long standing economic and cultural links between Northern Ireland and the United States, and their desire to strengthen these links as we set about rebuilding after the pandemic. They acknowledged the President-elect's strong connections with the island of Ireland and looked forward to welcoming him when he is in a position to visit. They expressed the hope that they will get the opportunity to meet the incoming President in the not too distant future.

Miss Woods asked the First Minister and deputy First Minister what interim arrangements are in place within the Commission to support victims and survivors in the absence of a Victims and Survivors Commissioner.
(AQW 10178/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We have instructed our officials to commence the process for the appointment of a Victims Commissioner. In the meantime, as a body corporate the Commission continues in legal existence even in the absence of a Commissioner. The Chief Executive Officer is now responsible for the day-to-day business of the Commission.

CVS will continue to operate on the basis of the work programme previously agreed by the Commissioner before her term ended and the Commission staff are still available to continue to support and assist Victims and Survivors as they have always done.

Mr Muir asked the First Minister and deputy First Minister, in light of delays encountered to date, whether they intend to publish revised timescales for the implementation of New Decade, New Approach.
(AQO 628/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The New Decade, New Approach document contains a wide range of proposals which, taken together, constitute an ambitious and very challenging package of measures to be taken forward.

Whilst the Executive's priorities in recent months have been the management of the COVID-19 pandemic and charting the path for recovery, some of the NDNA proposals are already being progressed at a departmental level or are already implemented.

Looking forward, the Executive will soon have the opportunity to consider the totality of the NDNA proposals in the context of work underway on the development of a multi-year PFG from 2021.

Mr Blair asked the First Minister and deputy First Minister for an update on the establishment of support services for the survivors of institutional abuse.
(AQO 1210/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We are pleased to say that the HIA Support Service was officially launched on Tuesday 1 December 2020. This is another important step forward in helping to ensure that victims and survivors of historical institutional abuse can access the support they need.

The Victims and Survivors Service (VSS) will deliver dedicated health and wellbeing services to HIA victims and survivors. This will include: dedicated health and wellbeing caseworkers; psychological therapies and other talking therapies; disability aids; support for those with persistent pain; welfare support; drop-in and social support; personal development; and, when COVID restrictions allow, complementary therapies.

Officials, along with staff from VSS and the Interim Advocate's Office, are continuing to engage with the victims and survivors groups regarding the design and implementation of the service.

Going forward the Executive Office will rely heavily on advice from the new Commissioner, Fiona Ryan, who takes up office on 14 December 2020 – a further key step in the implementation of the Hart report. She, in turn, will engage with victims and survivors, including through the new Advisory Panel.

Ms Bunting asked the First Minister and deputy First Minister what discussions have been held with Her Majesty's Government and the government of the Republic of Ireland with regard to the Troubles-related incident Victims Payments Scheme.

(AQO 1207/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: There has been ongoing correspondence between Executive Ministers and the Secretary of State in relation to the source of funding for the Victims' Payments Scheme.

Along with the Finance Minister and the Justice Minister, we have requested a meeting with the Secretary of State to discuss this matter. While the Secretary of State has very recently agreed in principle to this meeting, a date has not yet been confirmed.

We have had no discussions with the Irish government on the Victims' Payments Scheme.

In response to a recent information gathering exercise commissioned by the Department of Finance, officials provided estimated figures for the Scheme for next 3 years of £165M.

In addition, the formal designation of the DOJ and the funding of £2.5M advanced by the Executive has meant that a substantial programme of work is being taken forward to put in place the necessary administrative preparations for establishment of the scheme. This has already enabled the progress of critical IT developments such as the completion of the Discovery phase, and has allowed the recruitment of Board members to commence.

We will continue to work to do all that we can to help this scheme get delivered as soon as possible.

Ms Flynn asked the First Minister and deputy First Minister for an update on the progress of the Interdepartmental Working Group on Mother and Baby Homes, Magdalene Laundries and Historical Clerical Child Abuse in respect to the Historical Clerical Child Abuse element of their work.

(AQO 1208/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: It is important that the Executive continues to hear the experience of people who have experienced clerical abuse, and responds to their needs.

The Inter-Departmental Working Group was established by the Executive to take forward work on historic Mother and Baby Homes and Magdalene Laundries, as well as historical clerical child abuse which fell outside the terms of reference of the Historical Institutional Abuse Inquiry.

The Department of Health leads the work on Mother and Baby Homes and Magdalene Laundries while the Executive Office leads the work on historical clerical child abuse.

The working group intends to commission a research project on clerical child abuse shortly.

The Independent Chair, Judith Gillespie, has established a Reference Group of victims and survivors and their representatives. The group met for first time on 16 November and offered a number of comments on the proposed scope of the research, which officials are now considering.

The research will not be restricted to abuse perpetrated by ordained clergy; it will also include abuse by those carrying out a role related to the ministry of a religious institution or faith group. The research is a key step in deciding the best way forward on addressing the impact and legacy of abuse. And it will help to inform how we can best address the needs and concerns of people affected, which is paramount.

Mr Humphrey asked the First Minister and deputy First Minister what support is being provided by the Urban Villages Initiative for the work of the North Belfast Advice Partnership.

(AQO 1213/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The North Belfast Advice Partnership comprises five organisations including Ballysillan Community Forum; Ardoyne Association; Ligoniel Improvement Association; Vine Centre and Tar Isteach, who work in collaboration across the North Belfast Urban Village area.

Since 2018, under its community led programme, the Urban Villages Initiative has been supporting the Connected Futures project, with NBAP as a named partner. In 2020 the project's lead partner is the Ardoyne Association and prior to that, Ballysillan Community Forum, both NBAP organisations.

The core aim of all Urban Village projects is to improve good relations outcomes and develop thriving places. Connected Futures recruits and trains 15 volunteers each year in the area of welfare rights and volunteering on a cross-community basis. The volunteers are trained and deployed together across the Ardoyne/Ballysillan area, increasing participant's knowledge, relationships and mobility. A further strand of the current project trains local participants on a cross-community basis to gain appropriate, industry-recognised qualifications with direct access to employment opportunities in the Care Home sector in North Belfast.

There is significant cooperation and cross community collaboration in this area with many community partners working alongside NBAP organisations including NBWISP, Sunningdale, Marrowbone Community Association, North Belfast Alternatives and Good Morning NB. NBAP continues to work collaboratively with community organisations, schools and local businesses, complementing other statutory services.

Department of Agriculture, Environment and Rural Affairs

Mrs Barton asked the Minister of Agriculture, Environment and Rural Affairs what plans he has to provide support for farmers as a replacement for the Basic Payment Scheme.

(AQW 9160/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): I am working to develop a tailored support regime that will help farmers to become more productive and to maximise the sustainable returns they can achieve from the assets at their disposal. These assets include the environmental assets on the farm and therefore the delivery of environmental outcomes will form a major part of the overall support framework going forward.

I provided some detail on my plans in my statement to the Assembly on the 17 November 2020.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs what steps he is taking to prevent the use of (i) incineration; and (ii) landfill for unsold clothing suitable for reusing or recycling.

(AQW 9722/17-22)

Mr Poots: War Memorials

Mr Givan asked the Minister of Agriculture, Environment and Rural Affairs whether Northern Ireland Environment Agency grants are available for the restoration of war memorials.

(AQW 10194/17-22)

Mr Poots: The Environment Fund is a key delivery mechanism through which DAERA's Environment, Marine and Fisheries Group and Northern Ireland Environment Agency secure delivery of strategic environmental outcomes through the provision of grant aid and partnership working with not-for-profit organisations and councils.

As the remit of the Environment Fund relates to environmental outcomes such as improvement and monitoring of habitats and species and promotion of health and wellbeing, the restoration of war memorials is not within its remit. I have also considered more broadly across other funds within my Department but there is nothing that would be applicable. I know that you have raised this issue with other Departments to explore whether they can be of assistance. I am also aware that local council areas maintain war memorials and, if you have not already, there may be merit in exploring with them.

Ms Dolan asked the Minister of Agriculture, Environment and Rural Affairs to detail the current advice to landowners to deal with ash trees affected by dieback disease.

(AQW 10215/17-22)

Mr Poots: Landowners and those with responsibilities for management of trees are encouraged to remain vigilant for symptoms of ash dieback infections. Detailed information and guidance for owners of ash trees affected by the disease is provided by DAERA, and is published on the Department's website at;

<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/support-%26-advice-on-chalara-affected-woodland-august-2019.pdf>

In particular the guidance provides important advice on tree safety management to those with responsibilities, taking account of the situation and extent of affected ash trees. Landowners can access information from the guidance on the regulatory requirements where they wish to fell affected trees to manage the impacts of the disease and increase the resilience of woodlands. In addition, the eligibility criteria are set out for grant support, available from DAERA, to replant trees and support woodland recovery.

Ms Dolan asked the Minister of Agriculture, Environment and Rural Affairs how common dieback disease is in ash trees, broken down by local council area.

(AQW 10216/17-22)

Mr Poots: DAERA surveillance and monitoring of ash dieback disease (*Hymenoscyphus fraxineus*) since 2012 has confirmed that the disease is affecting trees in the wider environment across all local council areas in Northern Ireland.

The following table summarises for the period 2017 to 2020, findings of ash dieback that have been confirmed across a range of single trees and groups of ash trees, by council area.

Fermanagh and Omagh	391
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Mid- and East Antrim	245
Derry and Strabane	110
Mid-Ulster	100
Causeway Coast and Glens	98
Lisburn and Castlereagh	97
Armagh Banbridge and Craigavon	66
Newry Mourne and Down	36
Antrim and Newtownabbey	32
Belfast	29
North Down and Ards	12

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs what plans he has to support the wool sector.
(AQW 10297/17-22)

Mr Poots: Since the start of the pandemic I and my officials have been meeting with industry stakeholders on a regular basis and I have met with the Ulster Wool Marketing board to hear and discuss their concerns. I am aware of the impact that COVID-19 has had on the global market for wool however I am pleased to hear that wool markets have reopened and that Ulster Wool have been able to market wool from the 2019 wool clip, albeit at a much reduced market price.

Wool from the 2020 clip hasn't yet been marketed and Officials are continuing to monitor the market in the hope that the modest price rises that have been seen recently will continue. I would also note that any potential options for future support must be fully compliant with relevant State aid rules.

The wool clip is an important part of sheep production especially in terms of animal welfare but I note that wool sales only account for approximately 1.3% of the output per ewe. With markets for lamb remaining strong this year throughout the summer and autumn, the loss in value estimated at 75 pence per fleece traded, has had a relatively small impact on enterprise profitability.

To date the focus for my Department has been on ensuring COVID-19 support payments are made to producers for losses incurred due to reduced market returns from the main contributor to enterprise output. In most cases this has been for perishable products or those that lose substantial value if held back from the market or stored, which is not the case for wool.

With other sectors having also incurred significant losses and I am considering further support measures, these will have to be prioritised with a focus on compensating for losses attributed to the main element of enterprise output and profitability.

In the longer term I intend to work closely with stakeholders from the sheep industry and Ulster Wool to develop a strategy for sustainable wool production. I have asked my officials to consider and investigate options for how this can be developed.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs when the discussion document on the Environment Bill will be published.

(AQW 10354/17-22)

Mr Poots: It is intended that the discussion document on the plans, principles and governance aspects of the Environment Bill should be published imminently.

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 8150/17-22 and AQW 8428/17-22, (i) whether this includes farm funding; and (ii) if so, to detail the relevant figures excluding such farm funding.

(AQW 10420/17-22)

Mr Poots: Further to my responses to AQW 8150/17-22 and AQW 10166/17-22, I can confirm that payment details found at <http://cap-payments.defra.gov.uk/> are categorised into rural development, direct aid and market schemes. In addition details of the measure description under which each beneficiary received funding is also available.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs what support his Department is providing to help farmers prepare their farms for winter.

(AQW 10634/17-22)

Mr Poots: To help farmers prepare for the winter, my Department on an ongoing basis provides practical advice and information on a range of topics. These include fodder budgeting, preparing cattle for housing, slurry management and preparing for extremes of weather. The information is published on the DAERA website, agriculture press and also discussed at Business Development Group meetings and webinar events. An example of this are the monthly management notes

prepared by CAFRE which appear in local press and are available on the CAFRE website under monthly news. In addition, poultry farmers and bird keepers have been reminded about the threat of Avian Influenza from migrating birds at this time.

Along with Health Minister Robin Swann, I recently launched Rural Support's Winter Programme that aims to help farmers deal with the pressures of farming throughout the winter months, to remain resilient, to keep their farm sustainable and aid positive physical and mental health. The programme addresses topics and issues identified through an extensive survey of farmers and farm workers carried out by Rural Support, and I would urge the farming community to actively engage in order to help increase their capacity to deal with these pressures.

In the coming weeks, messages on winter preparedness will be reinforced with further information and publications in the media related to managing drinking water infrastructure on the farm, and animal welfare considerations in severe weather conditions.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs what assessment his Department has made on the current trends of calf prices.

(AQW 10636/17-22)

Mr Poots: On a weekly basis my Department publishes a statistical report that contains the latest average market prices for livestock and crops. Within each of these weekly reports, average drop calf prices are reported for the latest week along with comparisons against prices in previous periods.

The weekly reports show that average drop calf prices for 2019 were £208 per head with a minimum average weekly value of £179 per head and a maximum average weekly value of £258 per head over that year. The weekly reports also show that prices for drop calves in 2020 were within the range of those from the previous year until live markets closed in March due to Covid-19 restrictions. Once live markets opened again and price reporting recommenced in May there was a substantial uplift in average weekly calf prices with average weekly values ranging between £274/head and £326/head until early September. Since then, average weekly calf prices have weakened to between £234/head and £268/head for the weeks up to mid-November.

With the closure of live markets from March until May a back-log of drop calves would have developed on farms. Therefore, when live markets re-opened in May there would have been older drop calves appearing in the marketplace and these would have been worth relatively more. This may have contributed to some of the increase in the average drop calf price from May onwards. Furthermore, beef prices were similar when live markets closed in March and opened again in May. However, since then beef prices increased and by early July were 30p/kg higher which equates to a difference of around £100/head for a finished animal. This increase in beef prices would also have contributed to the increase in drop calf prices since live markets re-opened. Finally, the decrease in prices since early September is in line with the trend of past years and reflects the fact that relatively more drop calves are available in the market place between September and April.

In summary, my Department officials have assessed that there has been several factors that have contributed to the trend in average drop calf prices this year. These include the temporary closure of live markets due to covid-19 restrictions, rising beef prices, and the seasonality of births within the dairy herd. In particular, the temporary closure of live markets looks to have distorted the 2020 trend in drop calf prices and this is something that I am keen to avoid going forward.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs, what assessment his Department has made of the potential effect on air quality levels in County Antrim of the proposed energy park at Kilroot Power Station.

(AQW 10638/17-22)

Mr Poots: Dear Mr Blair

The Industrial Pollution and Radiochemical Inspectorate in NIEA has held preliminary discussions with the operator regarding the regulatory process and additional permitting requirements in relation to the proposed energy park at the Kilroot power station. Any new large combustion plant must obtain a new permit or a variation of an existing permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 prior to operating, and the application must include an air quality impact assessment report.

Given that the proposals are for new technologies, they will be required to employ Best Available Techniques (BAT), therefore emission limits for any new plant will be much tighter, and will result in a reduction in air emissions from the installation. NIEA will carry out an assessment on any application received and will consult with all relevant statutory authorities.

Mr Dickson asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 8129 17-22, to detail the species of trees have been planted thus far.

(AQW 10742/17-22)

Mr Poots: Tree species planted with support from Forestry Grant Schemes and on Departmental land pursuant to AQW 8129 17-22 includes the following; broadleaf species of oak, birch, alder, hazel, wild cherry, rowan, crab apple, willow, rowan, aspen, field maple, hornbeam, and beech. These account for 426,000 trees of which approximately 95% are native tree species. Conifer tree species of Sitka spruce, Norway spruce, western red cedar, Douglas fir and Scots pine account for 148,000 trees.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs whether farmers will be eligible to apply for any of the new COVID-19 financial support schemes.

(AQW 10759/17-22)

Mr Poots: On 23 November our Finance Minister, Conor Murphy announced a £300 million support package including over £200 million for businesses and £98 million of COVID-19 funding to support the most vulnerable.

Whilst there are no particular elements of this funding that relate specifically to farmers. Farmers and farm families may be eligible to benefit from the following elements of the funding package.

£95 million is being allocated to a High Street Voucher Scheme this funding will be distributed across all households within Northern Ireland.

£44.3 million is being provided to fund a one-off £200 heating payment for those with disabilities who are on higher disability benefits and older people in receipt of pension credits.

£20 million is being provided to support company directors who have been without support until now. The majority of farm businesses are formed as sole traders or partnerships but there are a small number who are formed as limited companies. This funding will help to support farmers who are listed as company directors.

The key support measures that farmers can avail of have been in place for some time and remain open. These include:

The Self Employed Income Support Scheme (SEISS), a third grant has opened and is available to support self-employed individuals and members of a partnership, including farmers that have had a new or continuing impact from coronavirus between 1 November 2020 and 29 January 2021.

The Bounce Back Loan scheme helps small and medium-sized businesses to borrow between £2,000 and up to 25% of their turnover. The maximum loan available is £50,000. The government guarantees 100% of the loan and there isn't any fees or interest to pay for the first 12 months. After 12 months the interest rate will be 2.5% a year.

The Bounce Back Loan scheme remains open for applications until the 31 January 2021. If a farmer already has a Bounce Back Loan but borrowed less than they were entitled to, they can top up their existing loan to the maximum amount. The top-up must be requested by 31 January 2021.

Other forms of finance include The Coronavirus Business Interruption Loan Scheme (CBILS) which helps small and medium-sized businesses to access loans and other kinds of finance up to £5 million. This is not available to farmers if they have already availed of a Bounce Bank Loan.

The Coronavirus Job Retention Scheme also remains open for farm businesses who are unable to maintain staff in post because their operations have been affected by coronavirus (COVID-19).

The Coronavirus Job Retention Scheme will remain open until 31 March 2021. From 1 November 2020 farm businesses can claim 80% of an employee's usual salary for hours not worked, up to a maximum of £2,500 per month.

Details of COVID-19 Support measures are constantly evolving and I would encourage everyone to visit the NI Business Info website www.nibusinessinfo.co.uk where further details on the range of COVID 19 support measures for businesses can be found. These details are updated and added to on a regular basis.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs (i) for an update on Bord Bia schemes to be renewed this year under the EU State Aid regime; (ii) to detail future participation in the schemes for agriculture products; and (iii) for his assessment of the economic impacts if Bord Bia schemes are not renewed.

(AQW 10865/17-22)

Mr Poots: I am aware of concerns that Northern Ireland producers and processors may no longer be eligible to participate in the Bord Bia quality schemes after the end of the Transition Period. The Bord Bia schemes are due for renewal under the EU State Aid regime later this year. My officials have liaised with Bord Bia's parent Department, DAFM, seeking clarification on any potential issues and I also raised the matter with my counterpart in Dublin at the time, former Minister Calleary. Having considered all the legal issues involved, in early September, DAFM submitted an application for renewal of the relevant State Aid approval on a no-change basis, and is currently awaiting the EU Commission's response. Continued participation of NI businesses in these schemes is beneficial to both our jurisdictions. I am due to meet with DAFM Minister McConalogue on 3 December and this issue is tabled for discussion alongside other important matters.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs (i) for his assessment of exports and imports status regarding animals; (ii) whether he is aware of concerns raised specifically by blacksheep breeders; and (iii) what consideration he has given to making an application for a derogation.

(AQW 10867/17-22)

Mr Poots: I am ever mindful of the need to protect animal health status in Northern Ireland and its associated access to export markets.

I am aware of the concerns raised by blackface sheep breeders in relation to the movement of sheep between Great Britain and Northern Ireland following the end of the transition period.

My officials will imminently be liaising with their colleagues in other UK administrations with regard to these concerns, as they continue to work to provide the clarity needed to stakeholders on this and other issues relating to the post transition movement of animals.

I also intend to engage with my Ministerial counterparts across the UK on the issues which the blackface sheep breeders have raised.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs to detail his plans to grow and develop organic agriculture.

(AQW 10909/17-22)

Mr Poots: My Department offers support to farmers for conversion and management to certified organic farming standards through the Environmental Farming Scheme (EFS). After three tranches of the EFS since 2017, the Department is supporting 631 hectares under the Organic Conversion option and 2,506 hectares under the Organic Management option.

The Department also liaises with Organic NI, which is the sector's producers group, in relation to organic farming issues.

My Department previously funded the Organic Action Plan Group Northern Ireland (OAPGNI), which oversaw delivery of an action plan to grow and develop the organic sector. However, growth of the sector will be dependent on market demand for organic produce.

Mr McNulty asked the Minister of Agriculture, Environment and Rural Affairs (i) what protocols are in place for the movement of mushroom substrate after 1 January between (a) Northern Ireland and Great Britain; (b) Great Britain and Northern Ireland; (c) Northern Ireland and the Republic of Ireland; (d) Republic of Ireland and Northern Ireland; and (ii) whether he anticipates any difficulties for the mushroom farming sector.

(AQW 10958/17-22)

Mr Poots: The chicken litter component of mushroom substrate is a category 2 Animal By-Product (ABP). European Union (EU) law prohibits the movement of category 2 ABPs from the EU to third countries. The process for moving mushroom substrate between Northern Ireland (NI) and Great Britain (GB) after 1 January 2021 will, therefore, depend on the outcome of the UK's ongoing negotiations with the EU (albeit that there is no currently no NI to GB trade in mushroom substrate).

Mushroom substrate can continue to move from GB to NI after 1 January 2021 as long as it has been processed in an approved facility as required by EU Regulation No. 142/2011 and consignments are accompanied by an Export Health Certificate (EHC) for the chicken litter component. If it contains any other category of ABP, it will also have to be accompanied by the relevant EHC for that material. Any EHCs required will need to be provided by the relevant compost manufacturer in GB.

The processes for the movement of mushroom substrate between NI and the Republic of Ireland (ROI) will not change following the end of the transition period.

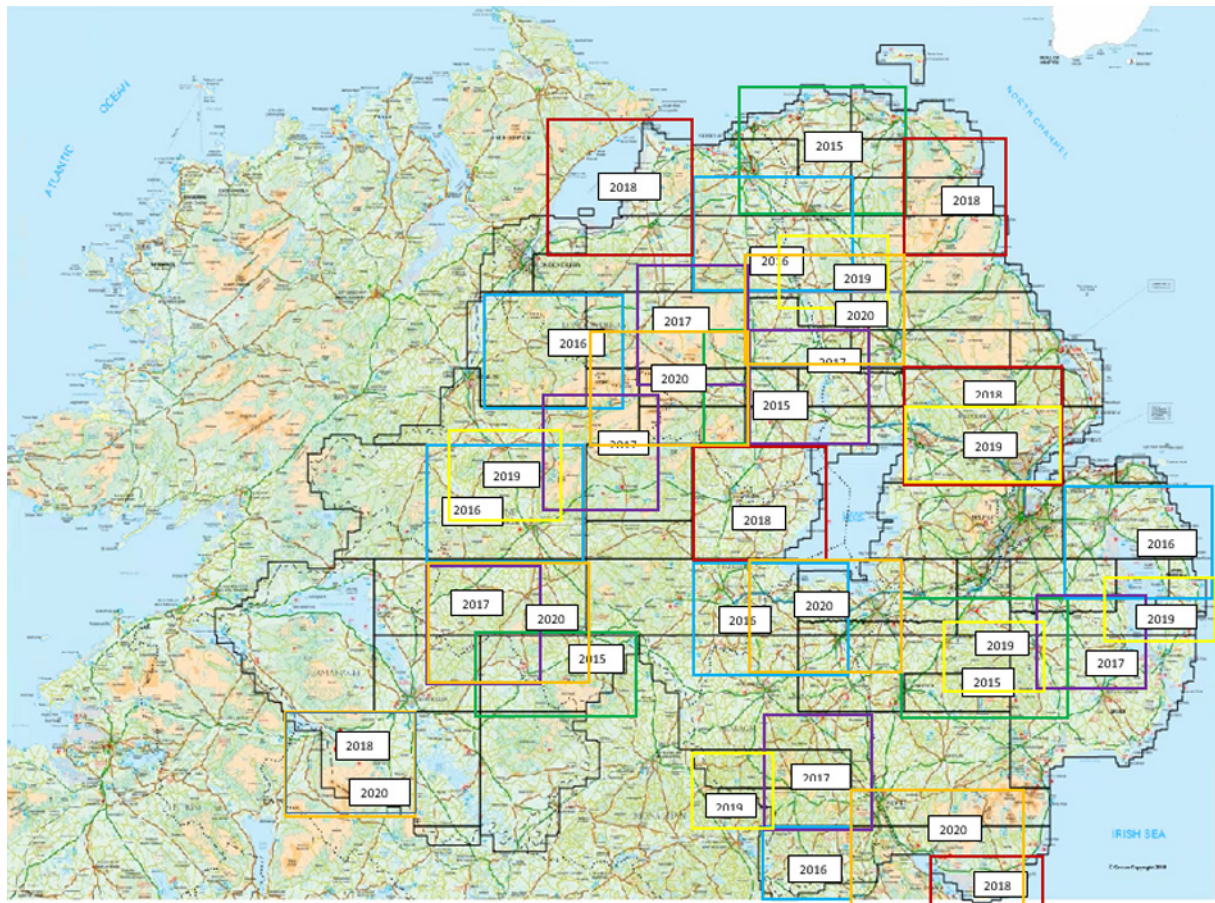
As mushroom substrate is not currently moved from NI to GB, and will be able to continue to move from GB to NI with certification (EHC) from 1 January 2021 there are not expected to be any significant issues arising for the mushroom sector in NI, provided manufacturers in Great Britain can issue the certification needed.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs which geographical areas were zoned for Basic Payment Scheme inspection by satellite in the years (i) 2020; (ii) 2019; (iii) 2018; (iv) 2017; (v) 2016; and (vi) 2015.

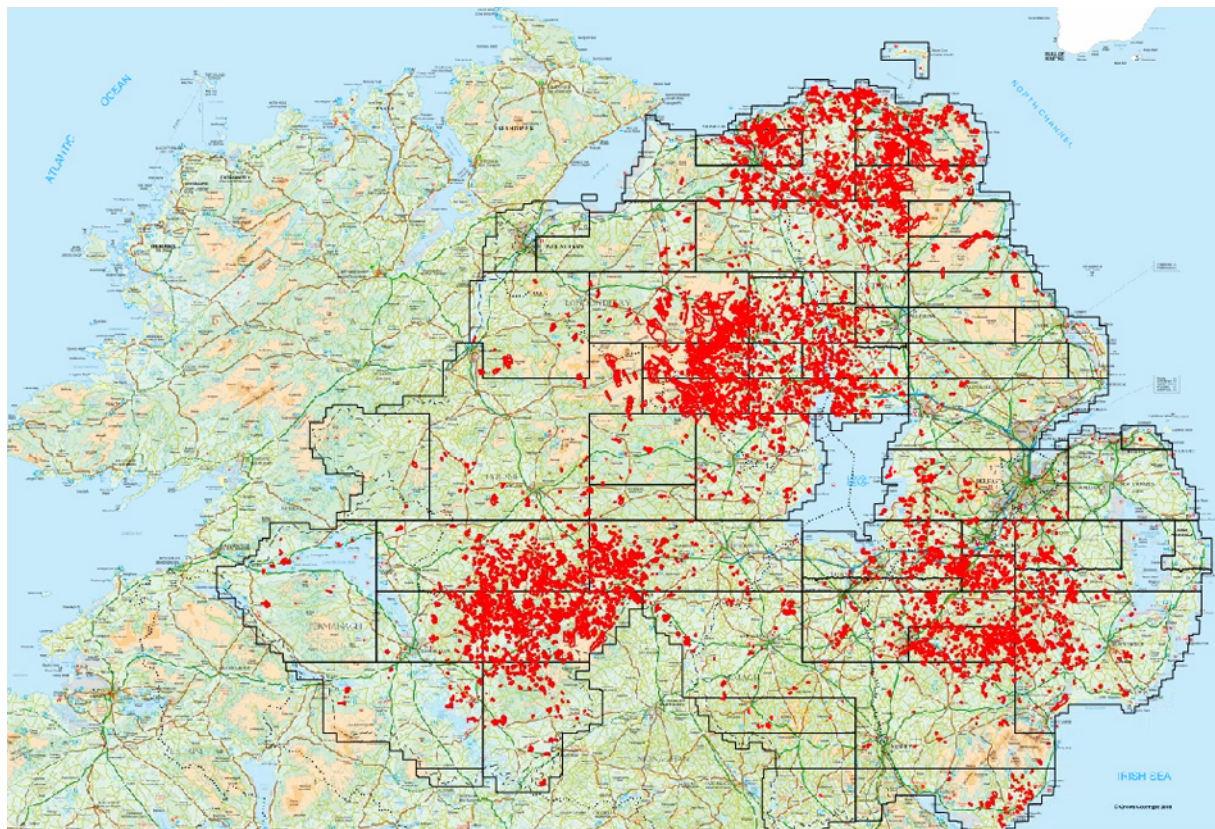
(AQW 10977/17-22)

Mr Poots: A number of geographical zones are selected at random within Northern Ireland each year and contemporaneous satellite imagery is obtained for these areas. A number of farm businesses that fall within these zones are then selected for Basic Payment Scheme On The Spot Checks. A visual representation of these zones has been provided as this best identifies their geographical locations. The first map identifies all the zones which have been selected since 2015 onwards. Each zone has been overlaid and colour coded depending on the year. The subsequent maps individually identify each zone for the years requested.

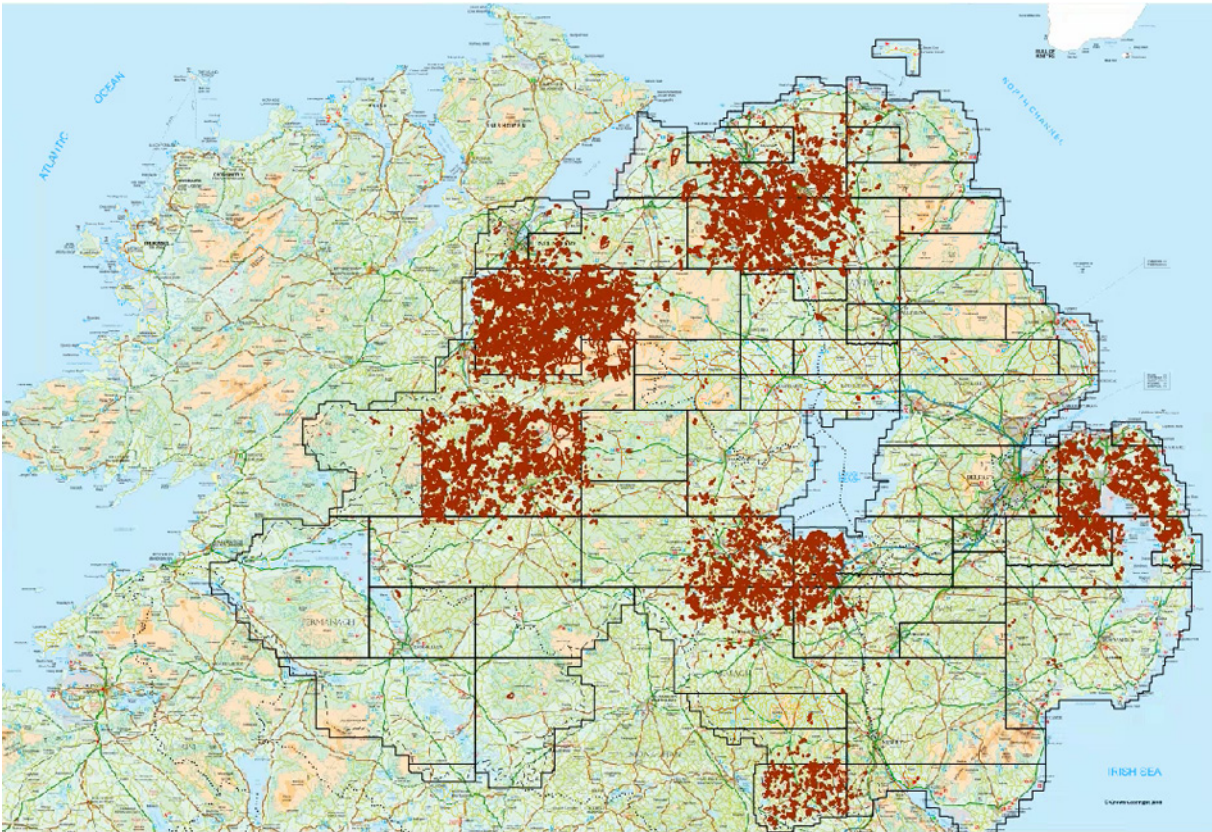
CwRS Inspection Zones 2015-2020



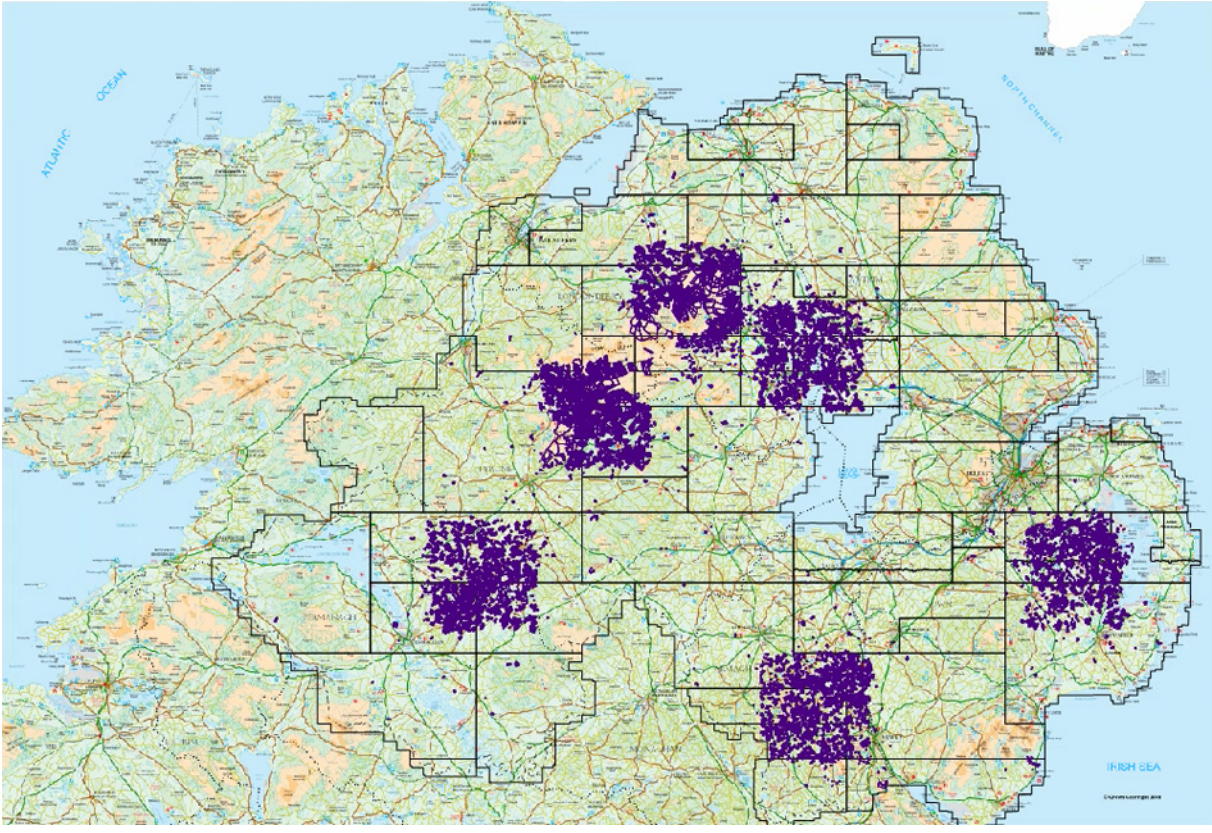
2015



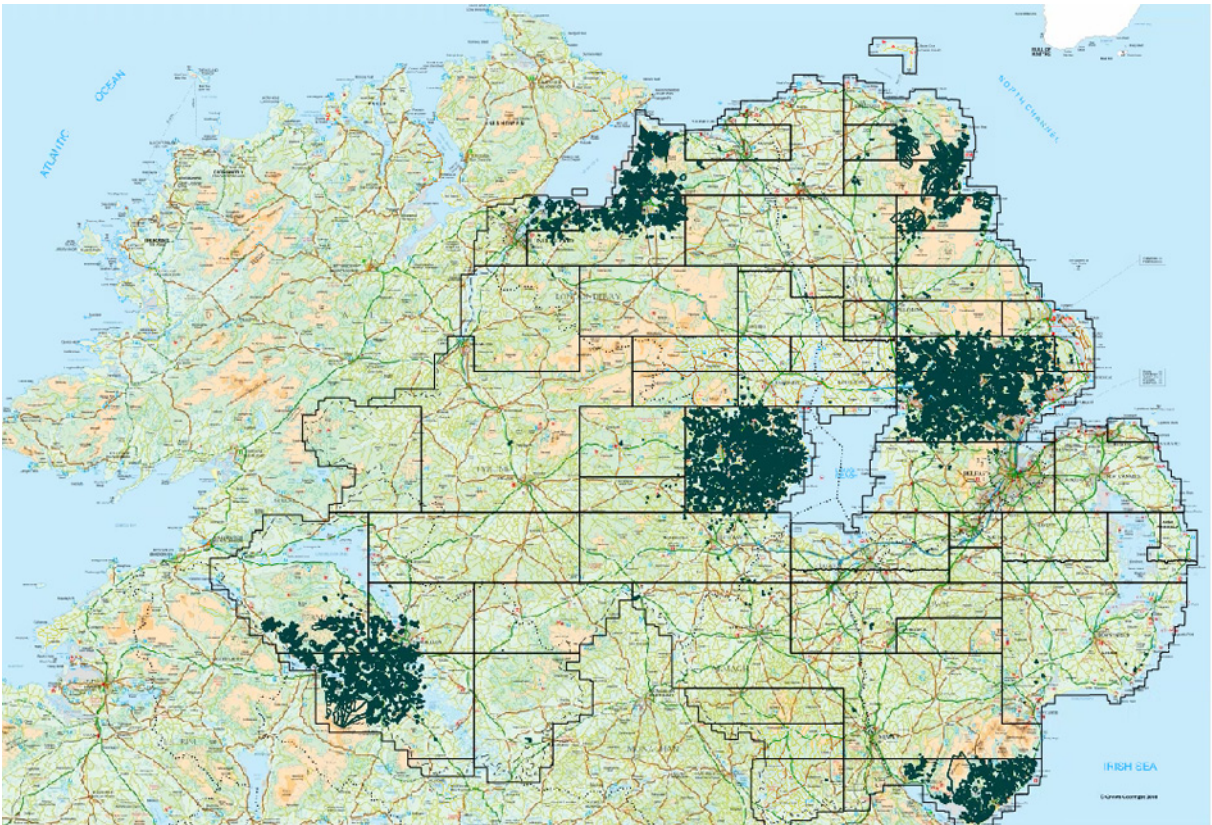
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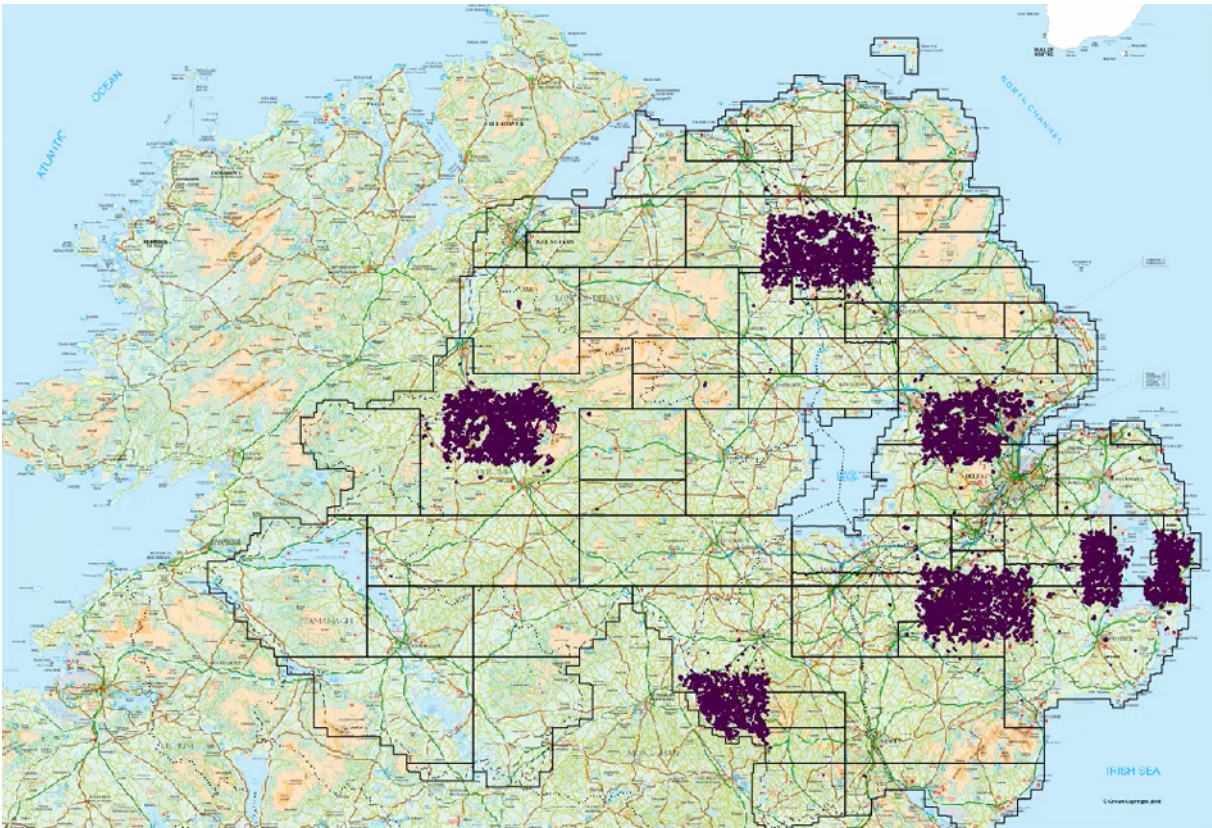
2017



2018



2019



2020



Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs when payments will issue to farmers on the Environmental Farming Wider Scheme.

(AQW 10978/17-22)

Mr Poots: It is planned to commence payment of all EFS Higher and Wider 2020 claims in early April 2021.

All administrative and on the spot checks must be carried out before any payments can issue. The extension of the time available to Tranche 3 applicants to complete their commitments from 1st June 2020 to 31st December 2020 has meant that checks of these claims can only commence in January 2021.

Department for Communities

Mr Beattie asked the Minister for Communities what steps will be taken to reduce food poverty as the furlough scheme closes and people face redundancy.

(AQW 7521/17-22)

Ms Ní Chuilín (The Minister for Communities): Since the outbreak of the Covid-19 pandemic my Department has led on an Access to Food Programme supporting both those who were shielding and others who found themselves facing food insecurity for any other reason. This included the delivery of food boxes which was a critical element of the Department's response.

As we have moved into the next phase of the emergency the programme has been reviewed looking at the range of interventions available and the emerging needs of the community, in discussion with Councils, Trusts and Voluntary and Community sector partners. A key purpose of the review was to consider ways of building a level of sustainability into any future access to food programme. The position on funding and ongoing cost was considered as part of that review.

Firstly, I can confirm that my Department has invested almost £800k to support Fareshare to deliver an increased supply of food to community food providers. Secondly, we have also made a further £750k allocation to Councils for a COVID-19 Access to Food Fund. This will help deliver a more strategic response to the issue, recognising that whilst food is at the forefront of need, support and advice on wider issues and the need to link into a strong network of local services is so important, especially with the challenges to our local economy. Thirdly, a business case is also in development to consider the roll out of the Social Supermarket model. This is following the success of a five pilot programme launched in October 2017 as part of the Welfare Mitigations package. A Social Supermarket offers food provision alongside a wraparound of support to address the underlying causes of food insecurity. I believe this model has the potential to form a sustainable part of the food response in the medium to long term.

My Department has recently received an additional allocation of £3.5m for Food Support and officials are currently working on proposals as to how best to utilise this between now and March, recognising the short term needs of vulnerable people across Christmas and New Year. These funds will aim to bolster and complement existing supports.

In going forward I am committed to delivering long-term sustainable solutions to poverty in all its forms including food poverty. I'm very much aware of the increasing need for food across our communities and the likelihood of this continuing as the economic consequences of the pandemic continue. The issue of food insecurity and the associated impacts of Covid-19 cut across all Departments. Tackling this in the longer term must be considered within the broader context of an Anti-Poverty Strategy that is well informed throughout its development with the involvement of our citizens and communities.

Mr McGlone asked the Minister for Communities what measures she is taking to introduce a self-isolation support grant for people on low income.

(AQW 8994/17-22)

Ms Ní Chuilín: On 25 March Minister Hargey responded swiftly to the pandemic by introducing a non-repayable Discretionary Support COVID19 living expenses grant where a person or a member of their immediate family is diagnosed with COVID-19 or is advised to self-isolate in accordance with guidance published by the Regional Agency for Public Health and Social Well-being.

There is no limit on the number of Discretionary Support COVID19 awards a person may receive as long as they meet the eligibility criteria. The amount payable is based on each applicant's individual circumstances and will include a specific amount for all dependent children in the household.

As we continue to respond to the impacts of the pandemic I will keep this under review.

Mr Allister asked the Minister for Communities what action has been taken in respect of the Charity Commission NI arising from the Baume report.

(AQW 9387/17-22)

Ms Ní Chuilín: The former Head of the Civil Service (HOCS) commissioned a review into how the Department for Communities had handled a number of complaints from a member of the public in relation to the Charity Commission.

HOCS asked my Department to respond to the suggestions set out in the review. These are currently being progressed, including consideration of the Department's role as the custodian of charity regulation law and policy and sponsor for the Commission. The Department's Head of Governance has also written to the Chief Commissioner to seek assurances in relation to matters highlighted in the Review.

In order to restore public confidence in a system that has undoubtedly been damaged, I have also decided to commission an independent review of charity regulation including a review of the performance of the Charity Commission in its role as statutory regulator.

Mr Carroll asked the Minister for Communities whether she has considered the merits of a winter heating benefit payment.

(AQW 9904/17-22)

Ms Ní Chuilín: There is a Winter Fuel Payment – a tax free and non means tested benefit to help people pay their heating bills. The Payment is made yearly to eligible older people who are born on or before the 5th October 1954. The current rate payable is between £100 and £300 depending on personal circumstances. The total spent here on Winter Fuel Payments in 2019/20 was £51.1 million.

I announced in the Assembly on 23 November, further support to ensure that the additional heating costs incurred as a result of the pandemic will not create an added burden or anxiety at this difficult time.

A Covid-19 Heating Payment will be issued as a one-off payment to provide financial support to people in receipt of Pension Credit as well as those receiving the highest rates of Attendance Allowance, Personal Independence Payment and Disability Living Allowance, including children.

This payment is in addition to any other payments, including the annual Winter Fuel Payment.

There is no application process; the payment will be made automatically via existing payment channels.

I will continue to review and improve the services that my Department delivers to ensure that we continue to meet the needs of the people we serve, especially at this very difficult time.

Ms Bailey asked the Minister for Communities what measures his Department has taken to assist people on low incomes and are the most vulnerable in our society to address fuel poverty.

(AQW 9960/17-22)

Ms Ní Chuilín: I refer the member to AQW 9963/17-22

Ms Bailey asked the Minister for Communities what measures her Department has taken to address fuel poverty for those on low incomes.

(AQW 9963/17-22)

Ms Ní Chuilín: The Department for Communities' approach has been to tackle the effects of fuel poverty both through direct interventions and behavioural changes within households.

Current Programmes include the Affordable Warmth Scheme, Boiler Replacement Scheme, the Energy Advice Service, Winter Fuel Payments, Oil Buying Clubs and the School Education Programme.

I have recently approved changes to the eligibility criteria for the Affordable Warmth Scheme increasing the income threshold from £20,000 to £23,000 and removing disability benefits from the calculation of income for the Scheme. Work is now ongoing to amend the relevant Scheme Regulations and these changes to scheme eligibility will then be implemented.

A Covid-19 Heating Payment will be issued as a one-off payment to provide financial support to people in receipt of Pension Credit as well as those receiving the highest rates of Attendance Allowance, Personal Independence Payment and Disability Living Allowance, including children.

This payment is in addition to any other payments, including the annual Winter Fuel Payment.

There is no application process; the payment will be made automatically via existing payment channels.

Mr Allister asked the Minister for Communities for a breakdown of staff by community background in the Northern Ireland Housing Executive district, grant and technical sections in the (i) Omagh; (ii) Cookstown; (iii) Dungannon; and (iv) Magherafelt offices.

(AQW 10020/17-22)

Ms Ní Chuilín: The Housing Executive has advised the Department of the following information:

Office Location	Community Background			
	Protestant	Roman Catholic	Not Known	Total
Omagh	14	48	-	62
Cookstown	#	#	-	14
Dungannon	#	15	-	#
Magherafelt	#	#	-	#

Please Note:-

Given the protocol that such information should not be disaggregated in circumstances where there are less than 10 in any particular group, to ensure that the identities of any individual cannot be inferred from the data provided, information has been provided as a total based on each office location.

Similarly, in circumstances where identity may be inferred from the office location total, this information has not been provided.

*Figures based at November 2020:-

- includes Staff on External Secondment and those on Career Break;
- excludes Agency Workers and Student Placements.

Mr Allister asked the Minister for Communities for the community background figures of staff in the south west Housing Executive offices.

(AQW 10093/17-22)

Ms Ní Chuilín: The Housing Executive has advised the Department of the following information:

Office Location	Community Background			
	Protestant	Roman Catholic	Not Known	Total
Omagh	14	48	-	62
Fermanagh	#	27	#	#

Please Note:-

#Given the protocol that such information should not be disaggregated in circumstances where there are less than 10 in any particular group, to ensure that the identities of any individual cannot be inferred from the data provided, information has been provided as a total based on each office location.

Similarly, in circumstances where identity may be inferred from the office location total, this information has not been provided.

*Figures based at November 2020:-

- includes Staff on External Secondment and those on Career Break;
- excludes Agency Workers and Student Placements.

Mr Allister asked the Minister for Communities for the community background figures of staff in Mid Ulster Housing Executive offices.

(AQW 10094/17-22)

Ms Ní Chuilín: Housing Executive has advised the Department of the following information:

Office Location	Community Background			
	Protestant	Roman Catholic	Not Known	Total
Magherafelt	#	#	-	#
Cookstown	#	#	-	14
Dungannon	#	15	-	#

Please Note:-

#Given the protocol that such information should not be disaggregated in circumstances where there are less than 10 in any particular group, to ensure that the identities of any individual cannot be inferred from the data provided, information has been provided as a total based on each office location.

Similarly, in circumstances where identity may be inferred from the office location total, this information has not been provided.

*Figures based at November 2020:-

- includes Staff on External Secondment and those on Career Break;
- excludes Agency Workers and Student Placements.

Mr Allister asked the Minister for Communities for the community background of staff presently acting up in south west Housing Executive offices.

(AQW 10095/17-22)

Ms Ní Chuilín: The Housing Executive has advised the Department of the following information.

Office Location	Community Background			
	Protestant	Roman Catholic	Not Known	Total
Omagh	#	#	-	#
Fermanagh	#	#	-	#

Please Note:-

#Given the protocol that such information should not be disaggregated in circumstances where there are less than 10 in any particular group, to ensure that the identities of any individual cannot be inferred from the data provided, information has been provided as a total based on each office location.

Similarly, in circumstances where identity may be inferred from the office location total, this information has not been provided.

*Figures based at November 2020:-

- includes Staff on External Secondment and those on Career Break;
- excludes Agency Workers and Student Placements.

Mr Allister asked the Minister for Communities for the community background figures of staff in the Housing Executive Omagh grants office.

(AQW 10096/17-22)

Ms Ní Chuilín: The Housing Executive has advised the Department of the following:

Office Location	Community Background			
	Protestant	Roman Catholic	Not Known	Total
Omagh Grants Office	#	12	-	#

Please Note:-

#Given the protocol that such information should not be disaggregated in circumstances where there are less than 10 in any particular group, to ensure that the identities of any individual cannot be inferred from the data provided, information has been provided as a total based on each office location.

Similarly, in circumstances where identity may be inferred from the office location total, this information has not been provided.

*Figures based at November 2020:-

- includes Staff on External Secondment and those on Career Break;
- excludes Agency Workers and Student Placements.

Mr Allister asked the Minister for Communities for a breakdown of (i) permanent; (ii) fixed-term; and (iii) agency staff by community background in the Northern Ireland Housing Executive district, grant and technical sections in the (a) Omagh; (b) Cookstown; (c) Dungannon; (d) Magherafelt; and (v) Enniskillen offices.

(AQW 10227/17-22)

Ms Ní Chuilín: The Housing Executive has provided the following table detailing the breakdown of staff by community background in its district, grant and technical sections in the Omagh; Cookstown; Dungannon; Magherafelt; and Enniskillen offices.

The Housing Executive has advised that it is not possible to disaggregate the data further to provide information on the number of permanent and fixed term staff without risk of exposing an individual's identity. Furthermore data relating to the community background of Agency workers is not held by the Housing Executive; such data is held by the respective Employment Agency.

Office Location	Community Background			
	Protestant	Roman Catholic	Not Known	Total
Omagh	14	48	-	62
Cookstown	#	#	-	14
Dungannon	#	15	-	#
Magherafelt	#	#	-	#
Fermanagh (Enniskillen)	#	27	#	#

Please note below the protocol applied to the above

Given the protocol that such information should not be disaggregated in circumstances where there are less than 10 in any particular group, to ensure that the identities of any individual cannot be inferred from the data provided, information has been provided as a total based on each office location.

Similarly, in circumstances where identity may be inferred from the office location total, this information has not been provided.

*Figures based at November 2020:-

- includes Staff on External Secondment and those on Career Break;
- excludes Agency Workers and Student Placements.

Miss Woods asked the Minister for Communities whether there is a delay on the Winter Fuel Payment being made this year; and when payments will be made to those who are automatically eligible.

(AQW 10248/17-22)

Ms Ní Chuilín: There is no delay to the Winter Fuel Payment being made this year. Automatic Winter Fuel Payments are being made to those who are eligible during the period 9 November 2020 to 11 December 2020.

I announced in the Assembly on 23 November, further support to ensure that the additional heating costs incurred as a result of the pandemic will not create an added burden or anxiety at this difficult time.

A Covid-19 Heating Payment will be issued as a one-off payment to provide financial support to people in receipt of Pension Credit as well as those receiving the highest rates of Attendance Allowance, Personal Independence Payment and Disability Living Allowance, including children.

This payment is in addition to any other payments, including the annual Winter Fuel Payment.

There is no application process; the payment will be made automatically via existing payment channels.

Mr McGrath asked the Minister for Communities how many Housing Executive tenants or applicants have been temporarily placed in a (i) hotel; (ii) bed and breakfast; and (iii) hostel in each of the last five years, broken down by broad rental market area.

(AQW 10314/17-22)

Ms Ní Chuilín: The Housing Executive is unable to provide a breakdown of placements by broad rental market area. However, the tables below provides local Council area data on the number of placements made between 2015/16 and 2019/20 and broken down into non-standard accommodation (B&B/Hotels) and Hostel accommodation. It should be noted that in making placements the Housing Executive will seek to utilise available spaces within hostel accommodation or single lets (a self-contained property like a house or flat, sourced via the private rented sector, where the household are sole occupants). Only when there is no viable alternative will the Housing Executive seek to place a household in B&B or Hotel accommodation in order to fulfil the statutory duty placed upon it by the Housing (NI) Order 1988 (as amended).

Number of Placements in Non-Standard Accommodation (B&B/Hotels)

Council Area/ Year	2015/16	2016/17	2017/18	2018/19	2019/20
Antrim & Newtownabbey	7	4	23	24	113
Ards & North Down	22	3	4	8	14
Armagh, Banbridge & Craigavon	24	27	24	96	77
Belfast	180	49	145	220	330
Causeway	68	63	53	46	68
Derry City & Strabane	156	95	247	349	694
Fermanagh & Omagh	24	30	72	79	134
Lisburn & Castlereagh	58	16	51	34	35
Mid Antrim	20	10	18	60	100
Mid Ulster	9	18	13	18	29
Newry & Mourne	61	34	24	28	54
Total	629	349	674	962	1648

*note that voluntary sector hostels also contain direct access placements which will not be recorded by the Housing Executive. In categorising and recording the type of accommodation, the Housing Executive records number of placements within B&B/Hotel accommodation within the category of 'non-standard' accommodation. There is no breakdown within the category as to specific types of accommodation e.g. B&B/Hotels.

Number of Placements in Hostel Accommodation

Council Area/ Year	2015/16	2016/17	2017/18	2018/19	2019/20
Antrim & Newtownabbey	74	73	66	34	76
Ards & North Down	21	18	15	7	20
Armagh, Banbridge & Craigavon	5	3	7	25	16
Belfast	464	445	374	440	623
Causeway	61	59	71	52	61
Derry City & Strabane	105	108	136	110	116
Fermanagh & Omagh	29	25	19	23	40
Lisburn & Castlereagh	54	60	46	64	55
Mid Antrim	46	48	46	79	69
Mid Ulster	67	47	65	67	55

Council Area/ Year	2015/16	2016/17	2017/18	2018/19	2019/20
Newry & Mourne	41	20	6	11	24
Total	967	906	851	912	1155

Mr McGrath asked the Minister for Communities what is the longest time a Housing Executive applicant has spent in a (i) hotel; (ii) bed and breakfast; and (iii) hostel in each of the last five years, broken down by broad rental market area. (AQW 10315/17-22)

Ms Ní Chuilín: The Housing Executive is unable to provide a breakdown of placements by Broad Rental Market Area. However, the tables below provide local Council area data on the maximum time a placement has remained in temporary accommodation across the years 2015/16 to 2019/20 and broken down into non-standard accommodation (Hotel/B&B) and Hostel accommodation. It should be noted that in making placements the Housing Executive will seek to utilise available spaces within hostel accommodation or single lets (a self-contained property like a house or flat, sourced via the private rented sector, where the household are sole occupants). Only when there is no viable alternative will the Housing Executive seek to place a household in B&B or Hotel accommodation in order to fulfil the statutory duty placed up on it by the Housing (NI) Order 1988 (as amended).

Non-Standard Accommodation (Hotel/B&B) maximum stay (days)

Council Area/Year	2015/16	2016/17	2017/18	2018/19	2019/20
Antrim & Newtownabbey	40	76	60	255	220
Ards & North Down	67	1	402	28	7
Armagh, Banbridge & Craigavon	104	73	169	215	101
Belfast	153	416	260	302	175
Causeway	218	178	216	284	227
Derry City & Strabane	136	368	284	234	356
Fermanagh & Omagh	54	307	166	142	242
Lisburn & Castlereagh	356	5	231	117	188
Mid Antrim	92	34	43	339	72
Mid Ulster	77	80	189	42	119
Newry & Mourne	80	111	42	82	64

It is intended that use of such non-standard accommodation is for as short a duration as possible and attempts are made to find more suitable accommodation. In categorising and recording the type of accommodation, the Housing Executive records length of stay within B&B/Hotel accommodation within the category of 'non-standard' accommodation. There is no breakdown within the category as to specific types of accommodation e.g. B&B/Hotels.

It should be noted that the non-standard placement category may include some placements which are referred to as Non-standard (B&B/Hotels) but are not strictly B&B/Hotels. This would be the case for some of the longer-term placements whereby such placements have been made within shared accommodation which is non-standard in nature but neither a B&B/Hotel.

Hostel Accommodation maximum stay (days)

Council Area / Year	2015/16	2016/17	2017/18	2018/19	2019/20
Antrim & Newtownabbey	396	1011	598	455	488
Ards & North Down	361	231	759	309	354
Armagh, Banbridge & Craigavon	154	157	175	445	419
Belfast	1737	1665	1309	945	595
Causeway	768	444	831	803	474
Derry City & Strabane	1919	1651	1253	933	579
Fermanagh & Omagh	439	1047	484	789	496
Lisburn & Castlereagh	457	524	383	903	497
Mid Antrim	356	1485	703	797	484

Council Area / Year	2015/16	2016/17	2017/18	2018/19	2019/20
Mid Ulster	523	802	599	677	586
Newry & Mourne	397	832	573	377	477

While the data in each table above relates specifically to an individual case per Council Area per year, the Housing Executive's Homelessness Strategy Annual Progress Report has published the average length of stay in temporary accommodation from 2017/18 which will help to give context to the specific case data. This can be detailed as follows and highlights a significant difference between the average length of placements and the maximum length of placements outlined in the table above.

Hostel Average placement

- 2017/18 – 234 days
- 2018/19 – 220 days
- 2019/20 – 224 days

Non-standard Accommodation Average placement

- 2017/18 – 48 days
- 2018/19 – 18 days
- 2019/20 – 36 days

Mr McGrath asked the Minister for Communities what assessment she has made of the value for money of the process of placing Housing Executive applicants in hotels, bed and breakfasts or hostels; and whether she plans to amend this process. **(AQW 10316/17-22)**

Ms Ní Chuilín: The Housing Executive seeks to ensure stays in temporary accommodation are as short as possible with the needs of the client being paramount. The costs associated with temporary accommodation are closely monitored by both DfC and the Housing Executive and are the subject of a bid if necessary for funds to enable the Housing Executive to fulfil its statutory Homelessness duty.

While it is recognised that non-standard accommodation is not the best value for money, in the absence of available/suitable accommodation, it is necessary for the Housing Executive to place people in non-standard accommodation in order to fulfil its homelessness duty.

The Housing Executive is currently carrying out a strategic review of temporary accommodation and support needs of homeless clients. The review aims to develop a long term and sustainable strategy for temporary accommodation provision and includes an objective to consider the strategic response to homelessness to make the stay in temporary accommodation as short as possible.

Mr Givan asked the Minister for Communities to detail the scope of the consultation during the 2016 review of the Caravan Act 2011. **(AQW 10376/17-22)**

Ms Ní Chuilín: The main purpose of the Review in 2016 was to consider what impact the Caravan Act 2011 has had on both caravan and site owners and if there are any gaps or unintended consequences. As well as the statutory duty to consider if amendments to the implied terms are needed, the Department broadened the Review to include consideration of the whole Act.

The Review was carried out to take account of evidence collated since the introduction of the Act in Sept 2011. This included the findings from the Department for Economy on the holiday sector. All correspondence with interested parties such as MLA's, DfE, the Caravan and Camping Forum National Caravan Council site owners, residents, etc. over the previous five years was also taken into account.

Correspondence was issued in May 2016 to stakeholders seeking views as part of the Review of the Caravans Act, and a total of 9 responses were received. The following shows the breakdown of those who responded.

- 1 site owner
- 3 council representatives
- 1 Government Department
- 4 Camping and Caravan organisations

Councils were also asked to report on any referrals, court action and any prosecutions around illegal eviction or harassment on a quarterly basis to the Department.

From the evidence collated the Department did not deem any amendments to the implied terms to be necessary at this time.

Mr Dickson asked the Minister for Communities whether she will bring forward additional COVID-19 financial support for social enterprises.

(AQW 10386/17-22)

Ms Ní Chuilín: The budget approved by the Executive for the Covid Social Enterprise Fund was £7m. The fund was significantly oversubscribed and Community Finance Ireland (CFI), who were appointed to administer the fund, have now completed their individual assessment of all applications. In order to fund all applicants who were deemed eligible and assessed to be in need a further £2.25m was required. In recognition of the valuable role Social Enterprises play in our community, I bid to the Executive for these additional funds and I am delighted that this has now been approved.

In addition the Department has also recently launched the £3.3million Voluntary, Community and Social Economy Sector (VCSE) Covid Recovery Fund. This fund is open to applications from VCSE organisations and allows for grant awards to support the purchase of PPE and IT to enable the safe delivery of services.

Funding is being distributed by Co-operation Ireland in partnership with Rural Community Network, and will remain open for applications until 4pm on Friday 11th December 2020. The deadline for applications may be extended subject to a review of committed expenditure and availability of any remaining funds.

Mr Newton asked the Minister for Communities what initiatives and schemes she is supporting in East Belfast to address the issue of poverty.

(AQW 10427/17-22)

Ms Ní Chuilín: My Department supports a number of initiatives and schemes specific to East Belfast.

- Neighbourhood Renewal and Areas at Risk funding supports 12 projects in Inner East and Tullycarnet Neighbourhood Renewal Areas (NRAs) and Ballybeen Area at Risk.
- Ballynafeigh Community Development Association, East Belfast Community Development Agency and Greenway Women's Group are supported through the Community Investment Fund.
- Greenway Women's Group received support through the Women's Centres Childcare Fund which provides free childcare places to help low income parents access employment and training opportunities.
- Support was given to the 'Training for Women Network' which is located in East Belfast. It is the lead partner in the 'Regional Support for Women in Disadvantaged Areas and Rural Areas' which consists of 7 women's sector organisations.
- Business in the Community, based in East Belfast, receives support through the Innovation and Research Fund (Skills Match Programme). It seeks to help all sectors work more collaboratively, refocusing their collective efforts to tackle key societal issues and building long-term, sustainable business models.

My Department also provides wider interventions to address poverty. For example:

- The Make the Call Wraparound Service aims to ensure that individuals and households receive the social security benefits, supports and services to which they are entitled.
- The Volunteering Infrastructure Support Programme provides support for organisations and volunteers.
- FareShare have been given an additional investment of c. £800,000 to ensure adequate food infrastructure and supply of food to community food providers to end March 2021.
- Local Councils have been given a £750,000 allocation for a Covid-19 Access to Food Fund.
- The Voluntary, Community and Social Enterprise (VCSE) Covid Recovery Fund is currently open for applications and allows organisations, including those that may be involved in work to address poverty, to apply for funding to purchase PPE and IT equipment to enable safe delivery of services.
- The Affordable Warmth Scheme offers energy efficiency improvement measures to low income households with an annual income of less than £20,000.
- Housing Rights provides advice regarding housing and homelessness, and debt being experienced by households having difficulty paying their mortgage (directly preventing some from being made homeless).

Mr Newton asked the Minister for Communities to detail her strategy, timescales, budget and projected outcomes of the decision to let the Housing Executive build family homes again.

(AQW 10428/17-22)

Ms Ní Chuilín: In my Housing Policy Statement to the Assembly, I set out my plans to deal with the very significant investment challenge facing the Housing Executive.

The strategy for doing so, involves a package of revitalisation measures including changing the Housing Executive Landlord from its current form, so that it has the freedom to borrow and invest in its own homes thereby providing security for current tenants and future generations.

The projected outcome of my plans is about ensuring the supply of social homes can meet the needs of the increasing numbers of households in housing stress. Crucial to this is the protection of the homes we have; ensuring they can be maintained and sustained and ultimately through the Housing Executive, in its new form, being able to access borrowing to sustain itself and to build again.

I intend to bring a recommendation to the Executive before the end of this mandate which will include details of the timescales and budget for implementation.

Ms McLaughlin asked the Minister for Communities what actions she is taking to ensure that vulnerable people placed in shared and temporary accommodation have access to adequate support packages; and whether she has plans to increase the provision of supported accommodation.

(AQW 10467/17-22)

Ms Ní Chuilín: The Housing Executive must ensure that individuals who present as homeless are assessed and vulnerability or support needs identified prior to placement in available accommodation most suited to their needs.

When conducting housing solutions interviews with customers who present as homeless, Housing Advisors attempt to identify any support needs that the applicant may have. Advisors will make referrals to a range of external support services tailored to the individual where available, regardless of the type of temporary accommodation they are placed in, including those placed in single lets in the private rented sector. Should further support needs be identified after the placement has been made, landlords have access to Housing Executive staff who can then arrange for any additional support services to be included to enable the placement to continue.

The Housing Executive's Supporting People Team are producing a three year strategy for 2021-2024. This strategy will consider the existing needs, service provision and emerging demands on Housing Support Services. It will be informed, in part, through an evidenced assessment of need. Action plans to address identified needs will then be drawn up.

Mr Carroll asked the Minister for Communities how many times her Department has lobbied for, or requested, a change in the borrowing rules in relation to the Housing Executive.

(AQW 10495/17-22)

Ms Ní Chuilín: The issues around the borrowing rules for the Housing Executive have always been a consideration in working towards a solution to the very significant investment challenge that we face.

Work to date has demonstrated that the only option to lift these borrowing obstacles is to change the classification of the Housing Executive from its current form within the public sector. Further work will take place to assess viable options as part of revitalisation of the Housing Executive.

Mr Carroll asked the Minister for Communities when the review of the current housing fitness standard will be completed.

(AQW 10496/17-22)

Ms Ní Chuilín: I will amend the Landlord Registration regulations to incorporate a fitness declaration at the point of registration. In time this will then be underpinned by a change to the fitness standard to improve the standard of these properties.

A comprehensive review of fitness for all tenures would not be deliverable during this mandate however preparatory work will commence during this business year.

Mr Allen asked the Minister for Communities to detail the Housing Executive's policy for reallocation of housing cases and applications during the absence of a housing adviser.

(AQW 10540/17-22)

Ms Ní Chuilín: The Housing Executive has advised that there are various reasons why the transfer of a case between staff may be appropriate. One of these is where a member of staff is absent.

The decision to transfer a case is normally taken by the respective Team Leader on a case by case basis. The Team Leader will take into consideration how long the member of staff is absent, along with the status of the case. Dependent on these factors, a case may be reallocated to another Advisor for a time bound period or indefinitely.

Mr Allen asked the Minister for Communities what mental health support is available for Housing Executive staff.

(AQW 10541/17-22)

Ms Ní Chuilín: The Housing Executive has advised the Department that it is fully committed to the protection and promotion of the health and wellbeing of its staff, including their mental health. The current COVID-19 pandemic has provided additional challenges for staff and the Housing Executive has put in place some additional measures in order to support staff during these difficult times.

Support for Housing Executive staff includes access to free and confidential counselling sessions through Inspire Workplaces. Inspire also provides an online platform for health and well-being information which all Housing Executive staff have access to.

Independent medical advice and support is provided by the Occupational Health Service and is engaged by the Housing Executive on individual cases as required. It is currently working to further increase the interventions available through Occupational Health.

The Housing Executive has 37 staff trained as Mental Health First Aiders who can be contacted in confidence by staff who may be experiencing mental health issues for initial support and advice. In addition, the Housing Executive may also refer employees to outside agencies where specific dependency issues are identified.

The Housing Executive has also made available various online materials and courses for staff relating to health and wellbeing, with a dedicated Health and Wellbeing section accessible through its Covid-19 intranet page. This includes information on topics such as adapting to home working, personal resilience, and managing stress. This also includes signposting to other external sources of information and advice.

Finally the Housing Executive has established a Health and Wellbeing Team and a Personal Resilience Steering Group to seek to understand and address issues affecting the mental health and well-being of frontline staff.

Mr Allen asked the Minister for Communities to detail the number of incidences of sick leave in the Housing Executive, in each of the last five years.

(AQW 10542/17-22)

Ms Ní Chuilín: The Housing Executive has advised the Department of the following:

The table below details the instances of sickness absence from 2015 to 2020.

Year (1st Jan-31st Dec)	Instances of sickness absence
2015	4556
2016	4241
2017	4398
2018	4742
2019	4692
2020 to date*	2091

*Based on absence figures to 31 October 2020.

Please note: on average each year (over the last 5 years) 64% of employees have had no absences or have had 1 instance of absence. These figures do not include agency workers.

Mr Easton asked the Minister for Communities what plans her Department will put in place to hold the NI Housing Executive to account for poor insulation in their properties.

(AQW 10572/17-22)

Ms Ní Chuilín: Under my Department's oversight, the Housing Executive made the decision in August 2017 to commission an independent report on the condition of Cavity Wall Insulation and the impact that it is having in terms of thermal efficiency and associated technical defects across a representative sample of its housing stock and a selection of private home properties.

The Housing Executive has embarked on a multi-million pound investment programme to improve the energy performance of almost 2,700 of its homes. The programme will see improvements to the thermal efficiency of these homes include cladding, new double glazing and insulation. The Energy Efficiency in Social Housing project has been made possible by funding of €22.951 million secured from the European Regional Development Fund (ERDF) through its Investment for Growth and Jobs Programme 2014-2020 with a further €22 million being invested by the Housing Executive. As intermediary we facilitate quarterly and annual reporting to the EU whilst also having regular monitoring meetings with the Housing Executive.

Through oversight arrangements that are currently in place we will continue to monitor Housing Executive maintenance programmes to ensure they continue to deliver for their tenants.

Mr Easton asked the Minister for Communities to detail the number of claims that have been made against the NI Housing Executive for damp in tenants' properties, over the last ten years.

(AQW 10573/17-22)

Ms Ní Chuilín: Since November 2010 the Housing Executive has registered 869 claims relating to damp in tenants' properties.

Mr Easton asked the Minister for Communities how many of the NI Housing Executive 87,000 properties have no cavity wall insulation.

(AQW 10574/17-22)

Ms Ní Chuilín: The Housing Executive has a significant number of dwellings (approximately 15 000) that are not of cavity wall construction and, therefore, do not have cavity wall insulation.

With regards to properties of cavity wall construction, the Housing Executive began installing cavity wall insulation as part of the construction of new dwellings in the 1980s, and carried out an extensive retrofit programme in the mid/late 1980s to install cavity wall insulation in those older cavity wall properties that had not had it installed during construction. However, due to the lack of available data the Housing Executive is unable to confirm how many cavity wall constructed properties do not have cavity wall insulation.

The Housing Executive published a research report May 2019 on the condition of cavity wall insulation in its properties, and is currently finalising an action plan in response to the report's findings and recommendations. It will be issued for public consultation in the coming months.

Mr Easton asked the Minister for Communities how many of the NI Housing Executive's 87,000 properties have been recorded as having a poor standard of cavity wall insulation.

(AQW 10575/17-22)

Ms Ní Chuilín: In 2019 the Housing Executive published a research report on Cavity Wall Insulation (CWI) in Northern Ireland. The findings for the Housing Executive's stock were based on a sample survey of 825 properties. 63% of these properties had cavity wall insulation installations that were non-compliant with modern industry standards because there were found to be voids or debris in the cavity.

Although the Housing Executive's data on the construction of all of its stock is not comprehensive, it estimates that if this 63% is extrapolated it would represent some 44,600 of their likely cavity wall constructed properties.

The Housing Executive is currently finalising a CWI Action Plan for its stock in response to recommendations. It will be issued for public consultation in the coming months.

Mr Easton asked the Minister for Communities how many damp and condensation issues have been recorded in NI Housing Executive homes in North Down, over the last five years.

(AQW 10576/17-22)

Ms Ní Chuilín: There have been 3405 reports of dampness and condensation relating to 1686 properties recorded over the last five years in Housing Executive homes in North Down. These figures relate to repairs as reported by tenants only and the figures do not relate to jobs issued to address a report of dampness and/or condensation.

Mr Carroll asked the Minister for Communities to detail her plans to address private rented sector properties with inadequate or a low standard of housing.

(AQW 10581/17-22)

Ms Ní Chuilín: I will amend the Landlord Registration regulations to incorporate a fitness declaration at the point of registration. In time this will then be underpinned by a change to the fitness standard to improve the standard of these properties.

Legislation will also be brought forward in this mandate which will make it a mandatory requirement for private landlords to provide smoke and carbon monoxide detectors and to carry out periodic electrical checks.

Provisions in this Bill will also make an enabling power in primary legislation to take forward work so that any rented property has to have a minimum EPC rating. This work could commence with the potential to develop further detail later in secondary legislation.

Mr Carroll asked the Minister for Communities how many landlords (i) have complied; and (ii) have not complied with the Landlord Registration Scheme.

(AQW 10582/17-22)

Ms Ní Chuilín: Over 45,000 landlords have registered over 80,000 properties with the Landlord Registration Scheme. According to the last House Condition Survey carried out there are approximately 136,000 households living in the Private Rented Sector.

The Landlord Registration Scheme Regulations 2014 makes compulsory for all private Landlords to register their details as part of the Landlord Registration Scheme. The Rent Order 1978 and the Private Tenancies Order 2006 sets out the law on the current regulation of the private rented sector and provides councils with powers to enforce the legislation.

Mr Carroll asked the Minister for Communities whether she has considered extending the remit of the Landlord Registration Scheme into a landlord licensing scheme.

(AQW 10583/17-22)

Ms Ní Chuilín: The issue of a landlord licensing scheme was considered as part of the Private Rented Sector - Proposals for Change Consultation Document in 2017.

In looking at this issue, I have decided to amend the Landlord Registration regulations to incorporate a fitness declaration at the point of registration. In time this will then be underpinned by a change to the fitness standard to improve the standard of these properties.

This is an important element of the work which will ultimately see the transfer of Landlord Registration to councils.

Ms Armstrong asked the Minister for Communities to detail (i) the number of people refused the Discretionary Support Self Isolation Grant between 25 March 2020 and 31 October 2020; and (ii) a breakdown of the reasons why people were refused. **(AQW 10592/17-22)**

Ms Ní Chuilín: Applications are made to the Discretionary Support Scheme for help in response to immediate financial need with those needs then assessed and awards made accordingly – including needs associated with self-isolation due to Covid – 19.

Since the introduction of the self-isolation grant on 25 March 2020 my Department has processed 19,313 applications where self-isolation was found to be the underlying cause of the financial need, of which 15,570 Discretionary Support Self-Isolation awards were made totalling £2.1m.

Reasons why applications may not be successful will vary according to individual circumstances set against the eligibility criteria for the scheme.

There will also be duplicate applications and those that failed because contact with the applicant was not established.

Miss McIlveen asked the Minister for Communities how many social housing dwellings were completed in the Strangford constituency in each of the last five years, broken down by (i) one bedroom; (ii) two bedroom; (iii) three bedrooms; and (iv) more than three bedrooms.

(AQW 10594/17-22)

Ms Ní Chuilín: A total of 450 new social homes have been completed in the Strangford Constituency from 01 April 2015 to 31 October 2021. For ease of reference, I have provided the table below outlining the number of completions in each year, broken down by bedroom type, as per your request.

Year	Total New Social Housing Completions	1 Bed	2 Bed	3 Bed	3 Bed +
2015/16	46	12	25	9	-
2016/17	44	6	23	15	-
2017/18	156	18	111	20	7
2018/19	126	14	86	25	1
2019/20	24	-	10	13	1
2020/21 (Apr-Oct)	54	-	25	25	4
Total	450	50	280	107	13

Please note that this includes all Scheme Types. Details of Scheme Types can be found at <https://www.communities-ni.gov.uk/scheme-types>.

Ms Sugden asked the Minister for Communities to detail (i) any discussions she has had with LGBT+ groups or organisation in relation to (a) a potential sexual health strategy for Northern Ireland; and (b) sex education in Northern Ireland's schools; and (ii) any issues raised during these conversations.

(AQW 10597/17-22)

Ms Ní Chuilín: While it would not be appropriate for me to comment on policy matters that fall to the Minister of Health and the Minister of Education, I am leading on the development of the Executive's Sexual Orientation Strategy under New Decade, New Approach. This Strategy will cut across Ministerial and Departmental remits and I have appointed an independent Expert Advisory Panel to make recommendations on the themes that the Strategy should address.

It is likely that the Panel will make recommendations relating to Health and Education; however, I am not in a position to make further comment on those recommendations until the Panel completes their work.

Mr Durkan asked the Minister for Communities how many Discretionary Support grants were issued by her Department between 22 March 2019 and 31 October 2019.

(AQW 10607/17-22)

Ms Ní Chuilín: Data for the 2018/19 year period is set out in the 2018/2019 Annual Report and can be found online at <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-annual-report-welfare-supplementary->

payments-2018-2019.pdf.pdf. Data for the period 1 April 2019 to 31 October 2019 will be included in the 2019/2020 Annual Report which has not yet been published.

However, management information for the period requested shows that my Department paid 13,944 Discretionary Support grants between 22 March 2019 and 31 October 2019, totalling almost £5.8 million.

Mrs Cameron asked the Minister for Communities whether her Department will consider opening a uniforms grant for marching bands in the 2021/22 financial year.

(AQW 10609/17-22)

Ms Ní Chuilín: My Department's funding in support of the arts is disbursed through the Arts Council. They provide funding to bands through the Musical Instruments Scheme and the Small Grants Programme, which provides grants to cover tuition costs.

These schemes do not provide funding to assist with the costs of band uniforms. Given the objectives of the Arts Council and its remit to support the creation and development of art, there are no current plans to introduce a programme to provide grants for marching band uniforms.

Mr Frew asked the Minister for Communities what additional support will be given to carers during this lockdown and winter.

(AQW 10624/17-22)

Ms Ní Chuilín: As you will already be aware, in April 2020, my Department introduced two important temporary measures to help unpaid carers through the current COVID-19 emergency, to ensure people most in need get the help and support they require:

- Unpaid carers are able to continue to claim Carer's Allowance if they have a temporary break in caring, because either they or the person they care for becomes infected with coronavirus or has to self-isolate because of it.
- Providing "emotional support" to a severely disabled person will also count towards the Carer's Allowance threshold of 35 hours of care a week.

My officials continuing to look at how best to support people during this unprecedented time. As such, we have extended the temporary easements in Carer's Allowance until 12 May 2021. This is aimed at those unpaid carers who need some extra flexibility in the way they provide care during the current emergency, so as to continue to protect themselves and the people they are caring for.

Those carers who are on low incomes can continue to access additional financial support through income-related benefits and their associated carer premiums/additions. Carers in receipt of Universal Credit will also be able to benefit from the increase in the standard allowance put in place in response to the COVID-19 pandemic.

In addition, those in receipt of Carer's Allowance here may, depending on their circumstances, be eligible to access the range of other emergency financial support that my Department is providing during the COVID-19 crisis, including Discretionary Support.

These measures have included the introduction of a specific Self-Isolation grant through Discretionary Support to financially support those who are impacted by having to self-isolate. Payments can also be made to people who live in the same household as a person showing symptoms of COVID-19.

I have also recently introduced further enhancements to the Self-isolation grant that should ensure that people receive more appropriate financial support during a time of crisis. There is also no limit on the number of Self-isolation grants that can be awarded.

Mr Frew asked the Minister for Communities to confirm whether Northern Ireland pensioners will receive the Warm Homes Discount Scheme payment.

(AQW 10625/17-22)

Ms Ní Chuilín: The Warm Homes Discount Scheme does not apply here. There are a range of schemes available here to support qualifying consumers in reducing their energy bills. These include the Sustainable Energy Programme and the Affordable Warmth and Boiler Replacement Schemes. These are in addition to the availability of cold weather payments and the annual winter fuel payment which are issued by this Department.

Whilst not a measure specifically for pensioners a Covid-19 Heating Payment will be issued as a one-off payment to provide financial support to people in receipt of Pension Credit as well as those receiving the highest rates of Attendance Allowance, Personal Independence Payment and Disability Living Allowance, including children.

This payment is in addition to any other payments. There is no application process; the payment will be made automatically via existing payment channels.

Mr Clarke asked the Minister for Communities how many claims have been made to the Discretionary Support Self Isolation Grant since 25 March 2020.

(AQW 10630/17-22)

Ms Ní Chuilín: Applications are made to the Discretionary Support Scheme for help in response to immediate financial need with those needs then assessed and awards made accordingly – including needs associated with self-isolation due to Covid-19.

Since the introduction of the self-isolation grant on 25 March 2020 my Department has processed 19,313 applications where self-isolation was found to be the underlying cause of the financial need, of which 14,800 Discretionary Support Self-Isolation awards were paid totalling £2.1m.

Mr Clarke asked the Minister for Communities how many Discretionary Support Self Isolation Grant payments have been issued since 25 March 2020.

(AQW 10631/17-22)

Ms Ní Chuilín: My Department paid 14,800 Discretionary Support Self- Isolation grants between 25 March 2020 and 31 October 2020, totalling £2.1 million.

Mr Clarke asked the Minister for Communities how many staff are currently working in the Discretionary Support Self Isolation Grant processing team.

(AQW 10632/17-22)

Ms Ní Chuilín: The Discretionary Support system receives applications due to a range of reasons, from help with living expenses to the need for household items. Staff in this business area collectively deal with all areas of Discretionary Support including Discretionary Support Self-Isolation grants. Therefore it is not possible to provide the number of staff working on Discretionary Support Self-Isolation grants alone.

However, I can advise that there is a total of 234 staff currently working to deliver the Department's Discretionary Support scheme.

Mr Clarke asked the Minister for Communities how many staff in the Discretionary Support Self Isolation Grant processing team are currently (i) working full-time in the office; (ii) working full-time from home; (iii) working part-time in the office; and (iv) part-time from home.

(AQW 10633/17-22)

Ms Ní Chuilín: In line with Executive guidance, all staff delivering Discretionary Support that can work from home, are doing so.

The Discretionary Support system receives applications due to a range of reasons, from help with living expenses to the need for household items. Staff working in Discretionary Support collectively deal with all areas of Discretionary Support including Discretionary Support Self-Isolation grants. Therefore it is not possible to provide the number of staff working on Discretionary Support Self-Isolation grants alone.

However, I can advise that there is a total of 234 staff currently working to deliver the Department's Discretionary Support scheme. 127 staff are working in the office, with 101 working remotely and six staff are currently in training.

We are continuing to increase our capacity to work remotely and have made significant progress since the start of the pandemic by securing additional IT to increase our ability to deliver more services remotely. However, due to the nature of the business in some DfC areas, especially those administering benefits, staff are unable to work remotely and are therefore required to work in the office.

DfC remains committed to delivering essential services to the most vulnerable in our society and our staff have demonstrated tremendous resilience throughout this pandemic in their continued commitment to provide this necessary support to the people who need it most.

Mr Easton asked the Minister for Communities what plans she has to close the loophole in the bedroom tax, which is not covered by the Welfare Migration Scheme, when a tenant moves from one Housing Executive property to another but still has an under occupancy.

(AQW 10655/17-22)

Ms Ní Chuilín: I will be bringing forward new legislation to extend and improve the existing welfare mitigation schemes. The legislation will include a proposed amendment to the so called "bedroom tax" mitigation scheme to remove an anomaly in the current regulations that acts to end entitlement when a person moves home without Management Transfer Status and continues to under-occupy by at least the same number of bedrooms.

This will ensure that in future all tenants affected by the "bedroom tax" will receive full mitigation for the associated loss of benefit. As the legislation is draft affirmative this proposed change will not come into operation until after it has been approved by the Assembly.

Mr Givan asked the Minister for Communities what consideration has been given to allowing elite pathway athletes to train during the COVID-19 restrictions.

(AQW 10660/17-22)

Ms Ní Chuilín: Athletes on an 'elite development pathway' are permitted to continue to train during the current COVID-19 restrictions.

For further information and guidance on the current regulations including a comprehensive definition of an 'elite athlete' please visit the following link on the Sport NI website:

FAQ-Guidance-for-sports-for-new-regulations-19-Oct-2020.pdf (sportni.net)

Ms S Bradley asked the Minister for Communities what financial support will be made available to individuals and households who have an annual income over £20,405 and who lose their income during a period of self-isolation required under COVID-19 guidance.

(AQW 10677/17-22)

Ms Ní Chuilín: My Department is committed to supporting people at this difficult time and a series of changes have been put in place to ensure that the social security system is more flexible, to relieve hardship and to ensure people most in need get the help and support they require.

For anyone who sees their income reduced, is on a low income or unemployed can make a claim to Universal Credit. Details on making a claim for Universal Credit, including the eligibility criteria, can be found at <https://www.nidirect.gov.uk/articles/you-claim-universal-credit>.

Immediate financial support is available for anyone struggling financially while waiting for their first payment of Universal Credit by applying for a repayable advance payment of up to 100% of their estimated entitlement. This can be done through their online Universal Credit account, also known as their journal.

From 6 April 2020, the Universal Credit standard allowance and Working Tax Credit basic element increased by £86.67 per month for one year. This measure applies to all new and existing Universal Credit claims and is in addition to the planned annual uprating in benefits.

It is important for anyone currently receiving Tax Credit that they refer to the www.gov.uk/tax-credits-calculator before making a claim to Universal Credit.

If a person satisfies the National Insurance Contributions (NICs) criteria, they may also be able to apply for New Style Jobseeker's Allowance or, if they are sick, New Style Employment and Support Allowance. Further information is available at:

<https://www.nidirect.gov.uk/articles/jobseekers-allowance>

<https://www.nidirect.gov.uk/articles/employment-and-support-allowance>

A person considering making a claim for benefit can access the 'entitled to' benefit calculator to get an estimate of how much benefits including Universal Credit they may be entitled to at <https://www.nidirect.gov.uk/articles/benefits-adviser>

The Department's Make the Call service also provides advice to people to help identify all the money, support and services they are entitled to and can be contacted through the Freephone service on 0800 232 1271.

The Department for Communities website and NIdirect provide important information on all new measures available in response to COVID 19, and are regularly updated to ensure people know what help is available. Information can be found at:

<https://www.communities-ni.gov.uk/landing-pages/covid-19-service-updates>.

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-and-benefits>

Depending on a person's terms and conditions of employment, they may be eligible for Statutory Sick Pay (SSP). This is paid at a flat rate of £95.85 per week for up to 28 weeks.

The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982 have been amended in response to the coronavirus pandemic to ensure that SSP is available to those who have been advised, by a relevant notification, to self-isolate. Further information about SSP is available at: <https://www.nidirect.gov.uk/articles/statutory-sick-pay>

Mr McCrossan asked the Minister for Communities how her Department is supporting initiatives in West Tyrone aimed at tackling loneliness, especially over the festive break.

(AQW 10688/17-22)

Ms Ní Chuilín: My Department has put in place a range of supporting initiatives in West Tyrone aimed at tackling loneliness including:

Housing

Housing support services, delivered through the Housing Executive's Supporting People (SP) Programme, can promote confidence and independence, and where someone is isolated more practical interventions can also be used for example, access to local transport. Positive relationships can also be supported in order to maintain links with friends and family, befriending and support given to practical solutions like internet connectivity to maintain contact online. Housing support services often signpost service users at risk of being lonely and/or socially isolated to other sources of support such as groups, clubs and activities etc.

Being aware of the impact COVID-19 restrictions have had on loneliness and isolation, SP service providers have used non face to face activities such as virtual classes, distant socialising, newsletters, befriending schemes and referrals to community support to help service users.

There are 10 SP funded Floating Support Services (4 Disability, 4 Homeless, 1 Older People and 1 Younger People) in the Fermanagh and Omagh council area which covers the West Tyrone constituency area. NIHE does not currently hold information based on constituency areas.

Through their Community Cohesion and Involvement funding streams they are supporting a number of initiatives in West Tyrone to tackle the loneliness that may be experienced over the festive break. Activities will assist in building relationships, promoting inclusion and celebrating community spirit. Information in the table below details recipient groups:

Community Cohesion to combat isolation and loneliness	The Drummond Centre Killeter and District Development Trust
Community Involvement to combat isolation and loneliness	Melmount and Eastbank Community Forum Fountain Street Community Development Association, Churchtown Community Development Association and Culmore & Okane Residents Association

Neighbourhood Renewal

Voluntary and Community Organisations funded through People and Place have been providing the following responses: good morning services for the elderly; telephone/online support to those most vulnerable within communities; food provision/delivery; childcare for key workers and youth interventions.

Neighbourhood Renewal Groups have worked to address the impact of COVID-19 in relation to: finance; food; and connectivity. The Neighbourhood Renewal Investment Programme initiatives that are in place, or are planned to be delivered to address loneliness over the festive period, include:

- **Strabane Community Project:** delivering the Good Morning Service; Meals on Wheels; and a Community Help Line Hub for individuals/families in the Strabane Town and Derg and Sperrin District Electoral Areas. Strabane Community project was allocated £29,790 in Neighbourhood Renewal funding in 20/21;
- **The Koram Centre:** In partnership with Strabane Health Improvement Project, it plans to deliver additional services for children & young people and adults including meditation/mindfulness/yoga and other programmes such as befriending and listening ear services, and 1:1 counselling/ psychotherapy. The Koram Centre was allocated £70,858 in Neighbourhood Renewal funding in 2020/21; and
- **Lisnafin/Ardnalee/Trust Community Development Association** plan to provide local residents aged 60 and over with a festive meal and gifts in partnership with Strabane Community Project's Meals & Wheels, who will also help with delivery across the area. Lisnafin/Ardnalee/Trust Community Development Association was allocated £29,560 in Neighbourhood Renewal funding in 2020/21.

Voluntary, Community & Social Enterprise (VCSE) Sectors COVID-19 Recovery Fund

£800,000 has been allocated to provide IT and digital devices to VCSE groups to improve connectivity and to move services to an online platform.

Voluntary & Community Division awarded £80,887 of funding in 2019/2020 and £80,887 in 2020/2021 to the West Tyrone area through various community based programmes:

Organisation	Funding Stream	2019/2020	2020/2021
FOCUS	Community Investment Fund	£47,514	£47,514
Omagh Volunteer Centre	Volunteering Infrastructure Support	£ 33,370	£ 33,370

Community Investment Fund (CIF)

CIF supports community development activity with an emphasis on building more cohesive and sustainable communities. It includes support for core costs of local community development groups, particularly where this leads to improved services to local communities.

Volunteering Infrastructure Support Programme (VISP)

This Programme provides the necessary support for volunteering involving organisations, volunteers and those wishing to become involved in volunteering.

Regional Programmes

My Department supports regional programmes delivered by strategic business partners and local government that have a direct impact on those affected by loneliness.

- **Warm Well Connected Fund:** I have allocated extra funding to help bolster existing programmes of work and new interventions to support those in most acute need over the winter 2020/21. While support provided will have both an urban and rural spread, I'm particularly aware of the issues of loneliness and isolation being felt across rural communities and the programme of work will seek to help lessen this. The programme will launch in the coming weeks with support on the ground before Christmas.
- **COVID-19 Community Support Fund:** To date £3.25m has been allocated among the 11 councils to deliver funding to communities and grassroots organisations in their area.
- **Independent Advice Sector:** £6.4million has been allocated for the provision of independent community based advice services to citizens, through a network of front line advice organisations. This provides support and reassurance to people right across our communities, including those experiencing loneliness and social isolation.
- **Regional Support for Women in Disadvantaged and Rural Areas (W-RISP):** In February 2012 and following a review of Regional Infrastructure funding, alongside the Department for Agriculture, Environment and Rural Affairs we published the Joint Policy Statement on "Regional Support for Women in Disadvantaged and Rural Areas". In response, 7 established women's sector organisations came together in September 2013 and formed the 'Women's Regional Consortium for Women in Disadvantaged and Rural Areas'. The annual W-RISP budget is £305,000.

Mr M Bradley asked the Minister for Communities whether there are exceptions in place for people receiving benefit payments who do not have a bank account and are having difficulty opening one as a result of the Post Office contract coming to an end.

(AQW 10702/17-22)

Ms Ní Chuilín: The Post Office card account contract is due to end in November 2021. Following contract end, people who have not already switched to an alternative mainstream account will be migrated onto a new payment exception service (pes) and their Post Office card account will be closed.

Letters to customers of all ages encouraging them to switch payment into a mainstream account ahead of the POca contract ending are being issued. In doing this, DfC is giving advance notice so that customers who are able to move to a mainstream account have time to make that change. For those unable to access or manage a mainstream account my Department will offer a replacement payment exception service (pes). Support is available to help people choose a product that is right for their circumstances, which may include a payment exception service.

Ms Armstrong asked the Minister for Communities whether the one-off heating payment announced is on top of, or in place of, the annual heating payment; and whether the payment will be dependent on weather conditions or will be made automatically.

(AQW 10743/17-22)

Ms Ní Chuilín: The Covid-19 Heating Payment is a one-off payment to provide financial support to people in receipt of Pension Credit as well as those receiving the highest rates of Attendance Allowance, Personal Independence Payment and Disability Living Allowance, including children.

This payment is in addition to any other payments, including the annual Winter Fuel Payment.

There is no application process; the payment will be made automatically via existing payment channels and is not dependent on weather conditions.

Ms Armstrong asked the Minister for Communities whether she will make a bid for additional financial award for carers who have had no uplift in carers allowance throughout the pandemic.

(AQW 10744/17-22)

Ms Ní Chuilín: As you may be aware, the rate of Carer's Allowance was increased to £67.25 a week from April 2020 as part of the annual benefits up-rating exercise.

A number of temporary easements were introduced from April 2020:

- unpaid carers are able to continue to claim Carer's Allowance if they have a temporary break in caring, because either they or the person they care for becomes infected with coronavirus or has to self-isolate because of it; and
- providing "emotional support" to a severely disabled person is also counted towards the Carer's Allowance threshold of 35 hours of care a week.

With the continuing impact of the coronavirus pandemic, these temporary easements in Carer's Allowance have been extended until 12 May 2021.

In terms of providing longer term additional financial support for carers here, it is anticipated that this will be considered as part of the upcoming welfare mitigations review and, until the review is finalised, my Department will continue to examine how we can best support carers throughout this COVID-19 pandemic.

Mr Allister asked the Minister for Communities, pursuant to AQW 10092/17-22, to place a copy of the letter of offer in the Assembly library.

(AQW 10777/17-22)

Ms Ní Chuilín: The administration of the Covid-19 Culture, Languages, Arts and Heritage Support Programme 2020/2021 involves the issue of multiple letters of offer. It would therefore be inappropriate to single out one organisation's letter of offer for placement in the Assembly Library. Letters of offer are standard contracts between the Department and a grant recipient outlining the terms and conditions of the grant funding. I have attached a sample letter of offer template for information purposes.

Annex A

Name
Address Line 1
Address Line 2
Address Line 3
Postcode

Date

Dear xxxxx

Project Title:	
Project Amount:	
Period of Grant:	

I am pleased to inform you that the Department for Communities Business Case in relation to project name has been approved. The Department for Communities (DfC) has agreed to offer a grant of up to a maximum of £xxxx to Organisation Name ("the grant recipient") for the project as outlined in this Letter of Offer.

DfC will pay the grant in one full instalment upon receipt of your returned Acceptance and BACS forms.

The funding may not be repurposed and any potential underspend must be notified to DfC immediately so that appropriate action can be taken. A Memorandum of Understanding and Data Sharing Agreement are to be agreed between DfC and Organisation Name in relation to this funding.

This funding is covered by an overarching Business Case prepared by the Department in relation to Covid-19 Culture, Languages, Arts and Heritage funding, and the Department does not require further business cases to support applications. However, it remains for Organisation Name to ensure that each applicant demonstrates a need for funding and has specific targets in place. DfC reserves the right to complete a test check on a random selection of both successful and unsuccessful applications to the fund.

You must provide regular updates to the Department on progress as and when requested. These will take the form of regular meetings with officials and written reports may also be requested.

Funding will be subject to:

- 1 Budget availability for grant awards.
- 2 Terms and conditions included in this letter being met in full by the grant recipient (Appendix A).
- 3 Confirmation that the grant recipient is properly constituted by means of a Memorandum and Articles of Association. DfC will require copies of the aforementioned documents.
- 4 Confirmation that the grant recipient is financially viable and solvent. DfC will require copies of the last two years financial statements to determine viability and solvency.
- 5 Confirmation that the grant recipient has appropriate financial controls and monitoring arrangements in place to ensure effective financial management of this project. DfC will require a copy of all internal financial control policies and procedures.
- 6 Confirmation of the grant recipient's VAT status i.e. whether or not the grant recipient is registered with HMRC and can/cannot reclaim VAT on expenditure relating to this project.
- 7 Confirmation that the grant recipient will agree all marketing and publicity for the project with DfC in advance of undertaking any media activity.

Please read this offer carefully and if you wish to accept it on the terms and conditions stated in this letter and in the terms and conditions attached at Appendix A, please return one copy of the enclosed "Form of Acceptance", signed and dated by two duly authorised officials on behalf of Organisation Name. You should retain the other copy, which together with this letter, Appendix A and Annexes 1 – 5 will constitute the legally binding contract/agreement between DfC and Organisation Name. Failure to observe these terms and conditions may result in the funding being withdrawn.

This letter is issued electronically in recognition of remote working arrangement during the pandemic. If you are prepared to accept the offer on the Terms and Conditions stated including the attached Annexes, you should sign and return a copy of the acceptance letter to DfC by email to Eamon.Gregory@communities-ni.gov.uk within 7 days of this letter, otherwise the Offer will lapse.

Revisions to this letter of offer may be made by a "letter of variance" at the discretion of DfC.

Definitions of terminology used in this contract are given at **Annex 1**.

Please note the period of grant is up to 31st March 2021 and therefore your project must be completed prior to this date.

If you have any queries, or if you would like to meet to discuss this letter further, please do not hesitate to contact me on 028 9051 5238.

Yours sincerely

Name of official

APPENDIX A

SPECIFIC & GENERAL CONDITIONS OF GRANT FUNDING

Specific Conditions

Conditions of Award

- 1 DfC shall not be obliged to make any payment before you have:
 - a returned a signed copy of the **Form of Acceptance** to DfC;
 - b agreed a Memorandum of Understanding and Data Sharing Agreement with DfC in relation to this funding
 - c returned a signed **Funders Passport Declaration** (attached at **Annex 2**), including supporting documentation as requested by DfC;
 - d returned a signed **DfC Policy/Procedures Declaration** (attached at **Annex 3**), including copies of all relevant policies/procedures as requested by DfC;
 - e followed procurement procedures as outlined in **Annex 4**.
 - f returned a completed **Nominated Bank Account Details Form** (attached at **Annex 5**) confirming the bank account is in the name of the organisation and under the control of a committee or board (with a minimum of 2 signatories);
 - g provided written confirmation of your VAT status i.e. whether or not the grant recipient is registered with HMRC and can/cannot reclaim VAT on expenditure relating to this project.

Payment Conditions of Award

- 2 Unless DfC otherwise agrees, DfC shall not be under any obligation to make payments in respect of grant to the grant recipient at any time when:
 - an event of default has occurred and is continuing; or
 - making the payment would cause the total amount of grant paid by DfC to the grant recipient to exceed the maximum amount of grant; or
 - there are any compliance matters in relation to previous or existing claims for payment of grant, which have not been resolved to the satisfaction of DfC.
- 3 **Value Added Tax (VAT) recoverable by the grant recipient will be deducted from project costs in calculating the final allowable expenditure for grant purposes.**
- 4 **The grant is up to the amount detailed in this Letter of Offer. Should all the money not be spent on agreed eligible costs and activities the unspent balance will not be available to the project.**
- 5 **The overall amount of grant will not exceed the maximum amount of grant.**
- 6 **If funding becomes available from other sources in respect of the project at any time during the control period, DfC must be notified without delay and (following prior consultation with the grant recipient) DfC reserves the right to reduce the maximum award amount of grant by a sum equivalent to such third party funding. Where the maximum amount of grant is reduced below the level of funds paid by DfC at the date of notification, DfC shall be entitled to be repaid on demand any funds paid by it above that level.**
- 7 Payment will only be made for expenditure on the activities/costs agreed with the Department. Any changes to the allocation of costs as agreed with the Department should be communicated immediately to DfC and any proposed variances must be agreed in advance with DfC.
- 8 Payments will be made by Bank Automated Clearance System (BACS) to the nominated bank account by DfC.

9. The grant recipient must submit original nominated bank account statements to DfC to confirm the full payment (including the VAT element) of the invoices/claim documentation relating to their previous claim for grant. No further payments of grant will be made until confirmation has been received of full payment of the previous claim for grant.
10. The grant recipient shall, unless DfC agrees otherwise, repay to DfC any grant paid to it as a result of an administrative error (by DfC, the grant recipient or any person) as soon as the grant recipient becomes aware of such occurrence.
11. The grant recipient shall not submit a claim form for any sum that is in dispute. Where invoices include disputed sums, there shall be no obligation on DfC to pay the disputed amounts.
12. The accounting of expenditure for the project is on an accruals basis (i.e. accounting for expenditure is in the period that the expenditure occurs, not when it is paid). Claims for grant must be submitted throughout the financial year. For expenditure incurred in the last month of the financial year, a claim must be submitted within three months following the end of the financial year.
13. The grant recipient must return to DfC an appropriate share of any under-spend on the project. The share of the under-spend to be returned to DfC shall be in direct proportion to the actual share of the allowable costs originally met from DfC's funds, as determined from the Letter of Offer.

Monitoring & Evaluation

14. **Organisation Name** is responsible for the overall direction and management of the project.
15. Any failure to meet targets/objectives could result in a reduction in the grant paid.
16. A list detailing the budget allocations for the approved projects should be forwarded to the Department as soon as this is confirmed. Updates on progress must be provided to the Department on request.
17. The grant recipient shall provide DfC, upon demand, with such evidence as DfC shall require, to demonstrate successful completion, delivery and operation of the project in compliance with the approved business case.
18. In the event of failure to demonstrate successful completion, delivery and operation of the project, the grant recipient shall take such steps as shall be acceptable to DfC to demonstrate recovery of the project and the objectives of the business case and benefits realisation plan.
19. Progress reports should be provided on a regular basis. The grant recipient is required to submit a Post Project Evaluation by 31 December 2021. (see Annex 6 for more information). Officials will be in contact with you to arrange the first progress update.

General Conditions

20. The grant recipient shall:
 - a. apply the funding solely for the purposes of carrying out and implementing the Project as detailed in the business case, this Letter of Offer and the Memorandum of Understanding;
 - b. notify DfC as soon as possible if there is likely to be an underspend by the end of the funding period;
 - c. not without the prior written consent of DfC, transfer any of its rights or obligations under this Letter of Offer;
 - d. be sufficiently served by any letter, notice or demand by DfC if it is delivered by hand, left at the last known address, or sent by post addressed to its registered office address as listed in Companies House;
 - e. in the case of any dispute arising on the interpretation of the conditions contained within this Letter of Offer or any Letter of Variance, accept that the decision of DfC shall be final and binding;
 - f. conduct a final self-evaluation on completion of the Project. This should review the progress of the Project and identify and document any remedial action that was required.
 - g. immediately inform DfC of any circumstances which will or may affect the ability of the grant recipient to carry out the Project;
 - h. not vary or alter the Project without the prior written consent of DfC (other than discretion to manage salaries depending on funding allocation);
 - i. not alter or vary its governance documents without the prior written consent of DfC;
 - j. not seek, make any application for, or accept any financial assistance from any other Government Department, public body or agency in respect of the expenditure for which the funding is or may be payable under the terms of this Letter of Offer, without the prior written consent of DfC;
 - k. maintain proper and effective accounting records which identify individual financial transactions relating to the Project, including the retention of original invoices and receipts;
 - l. make payment for expenditure incurred by cheque or BACS (no cash can be paid). Invoices and receipts for payment should be retained for all expenditure.
 - m. provide any information concerning the progress, administration, monitoring and evaluation of the project as requested by DfC;

- n permit DfC, the Department's Agents and the Comptroller and Auditor General to enter upon any facilities owned or occupied by the applicant for the purpose of inspecting the Project or any asset or accounting record relating to the Project;
- o ensure that all records and information relating to the Project, including those held by third parties and consultants, are held for a minimum period of not less than 7 years (10 for tender documents). Specifically, all tender documentation including any amendments with explanatory notes, and all tender evaluation documentation should be retained for this period;
- p ensure that DfC's contribution of funding to the project under this Letter of Offer is appropriately recognised through a variety of mediums. This includes press releases, speeches, publications, banners, signage, advertisements and media interviews. Northern Ireland Executive / DfC branding must be prominently displayed. Electronic branding and logos are available by contacting the DfC Communications Office by email to Press.Office@communities-ni.gov.uk;
- q keep DfC regularly informed of marketing, press and PR activity including the planning and delivery of public statements, announcements and promotional activity concerning the project;
- r repay to the Department any overpayment forthwith on first demand or on becoming aware that the funding has been overpaid, whichever first occurs;
- s ensure that the funding shall not be used for the purpose of or in any way connected with the promoting of any religious or political viewpoint or use for a purpose that could be perceived as discriminatory on grounds of religion, sexual orientation, colour, race, gender or disability;
- t ensure that it has obtained all relevant licences and permissions where applicable to the Project;
- u ensure that all actions undertaken in relation to this Project comply with the relevant statutory legislation in existence during the lifetime of the Project;
- v comply with the requirements of all relevant/current EC Directives and legislation from time to time in force relating to working conditions, health and safety at work, etc. and the requirements of the Sex Discrimination (NI) Orders 1976 and 1988, the Fair Employment & Treatment (NI) Order 1998, the Disability Discrimination Act 1995, The Race Relations (NI) Order, the Human Rights Act 1988, the Health & Safety at Work (Northern Ireland) Order 1978, the Children's Act 1989, Section 75 of the Northern Ireland Act 1998 and all Employment Equality Legislation and any enactments amending, extending or replacing them;
- w acknowledge that DfC accepts no liability to the grant applicant, other than as expressly provided for in this Letter of Offer and subject to the terms and conditions stated;
- x acknowledge that the Department accepts no responsibility or liability for staff employed in relation to the Project. The applicant shall be the employer of all staff it employs for the project and shall be responsible for all matters in connection with that employment including any legal or tax obligations;
- y ensure any items of an insurable nature which have been obtained with the benefit of the grant funding to the full replacement value thereof and furnish DfC with copies of all relevant policies of insurance on demand by the Department.
- z ensure in the name of the grant recipient all buildings or facilities which are now or may in the future be erected on the Property against loss or damage by fire or theft, for a sum equal to the cost of their reinstatement or replacement and keep the same so insured;
- aa. if the buildings or facilities so insured are in any part thereof destroyed or damaged, expend without delay the monies received under such insurance in rebuilding, reinstating or replacing the same; and
- bb. maintain in good condition all property, equipment, machinery, furniture, fixtures, fittings and assets which DfC has funded or part funded.

Claims & Payments

21. Claims for goods and services will not be paid unless supported by the documentation detailed in 7 above.
22. Claims for assistance towards the cost of individuals who are employed in the project will not be paid unless supported by the documentation detailed in paragraph 7 above.
23. No payment will be awarded for any expenditure incurred outside the award period specified.
24. There shall be no obligation on DfC to make payment in respect of claims which are received more than 3 months after the end date of the Funding Period.

Bank Account

25. A nominated current account must be maintained for the disbursement of all expenditure related to the project. Details of the account must be provided on the form provided with this letter. The Grant will be paid directly into this bank account. **No cash payments may be made for expenditure incurred.**
26. Any proposed changes to bank account details must be notified to DfC immediately.

27. Organisations involved in the delivery of multiple projects may already have a financial system using cost centres rather than multiple bank accounts. Such organisations may wish to negotiate with DfC to retain this system for the purposes of managing the project. These negotiations will require the grant recipient to demonstrate to the DfC's satisfaction that the systems in place guarantee a clear audit trail with regard to all aspects of the project finances. Should subsequent systems checks reveal that DfC's requirements are not being met in this respect then the use of a dedicated bank account will become mandatory.
28. DfC will make every effort to pay claims promptly but accepts no liability in respect of loss attributable to delay in the payment of claims or to any suspension, reduction or cancellation of grant.

Fixed Assets

29. Should DfC funding be used to purchase or build a fixed asset/s, the applicant must maintain a fixed assets register. The assets must be retained by the applicant for periods which reflect their economic life. The grant recipient shall not sell, transfer or otherwise dispose of any asset without the prior written authorisation of DfC. If any asset obtained with the benefit of grant is sold, transferred or otherwise disposed of within 10 years from the Completion Date the grant recipient shall, on demand, repay to DfC so much of the grant as DfC considers is reasonable.

Clawback

30. If the equipment is sold, transferred or otherwise disposed of without the Department's consent or DfC concludes that the project has been abandoned DfC shall be under no obligation to make any further payment of the Grant and the full amount of the Grant already paid shall be repaid by the grant recipient on demand by DfC.

Procurement

31. In the event of the procurement of goods and services connected to the Project, the grant recipient is required to have procurement procedures which demonstrate value for money, are in line with NI Public Procurement Policy and comply with relevant Procurement Guidance Notes (PGNs). PGN's can be accessed on CPDs website - http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content_-_cpd_-_policy_-_procurement_guidance_notes.htm. At all times, due consideration should be given to ensure best value for money and open, fair and transparent competition. The grant recipient must keep records which support its decisions and be able to provide DfC with evidence of the competitive process if requested by DfC. (Annex 4 refers)
32. The grant recipient shall ensure that no conflict of interest shall arise in the appointment of any person to provide any goods, services or works which may be wholly or partly funded by DfC, and shall upon request provide DfC with written confirmation that no such conflict arises. A written declaration of interest must be provided where any member of the grant recipient organisation has any association or connection with any person who bids to provide work, goods or services to the grant recipient.
33. The grant recipient must provide DfC with a copy of any approved tender evaluation report, and supporting documentation.
34. The grant recipient shall not enter into any contract for the provision of works, goods or services wholly or partly funded from the award, and the works, supplies or services must not commence until permission to proceed is obtained from DfC.
35. The grant recipient will ensure that any agreements it enters into with contractors contain reasonable and adequate terms and conditions to safeguard the monies paid by DfC and all obligations of the grant recipient hereunder. The grant recipient shall comply with and pay all sums due and owing to contractors in accordance with any agreement it enters into with such persons in connection with the project.

Project Officials

36. Two duly authorised and empowered officials must accept this offer on behalf of the grant recipient. DfC must be informed of any change in project officials. At least one project official shall sign all subsequent communications to DfC including claims for payments (Chairperson and another authorised person e.g. Treasurer).

Indemnity

37. The grant recipient shall indemnify and keep indemnified DfC against all actions, proceedings, costs, claims, demands, and liabilities arising out of, in respect of, or in connection with this Letter of Offer from all or any of the activities associated with the Project.

Fraud

38. The grant recipient is responsible for ensuring effective procedures and controls are developed and maintained to mitigate the risk of fraud occurring and to ensure any instances of fraud are detected promptly – this includes the requirement to have a whistle-blowing policy and fraud policy / response plan in place. In the event of suspected / actual fraud DfC must be informed immediately.
39. If an investigation is deemed appropriate, DfC and its agents will have access to facilities, the right to view / obtain any records or documents or to interview any employee as necessary to enable DfC to determine whether any condition subject to which the financial assistance is given is satisfied or is being complied with or whether the financial assistance has become repayable in whole or in part in accordance with any such condition.

40. The grant recipient (and/or its representatives) may be prosecuted if it knowingly or recklessly makes any statement or produces any document which is false in a material particular.
41. Following a DfC investigation all instances of suspected fraud will be reported to the Police and criminal proceedings may be instigated if deemed appropriate.
42. This letter may be made available to other Departments / Agencies and other funding bodies for the purposes of preventing or detecting fraud.
43. **Conflicts of interest** – declare any actual or potential Conflicts of Interest which could exist as a direct consequence of the grant recipient's use of the funding to be provided by DfC and record same in a Register of conflicts
44. Charity law - ensure that the grant recipient operates within, and meets its obligations under charity law in Northern Ireland and further promotes, where relevant to the project, the charitable sector's obligations under the Charities (Northern Ireland) Act 2008.

Child Protection and Safeguarding Vulnerable Adults

45. The grant recipient is responsible for ensuring effective procedures and controls are developed and maintained to ensure the protection of Children and safeguarding vulnerable adults. Useful websites include www.safeguardingni.org and www.deni.gov.uk.

VAT

46. The amount of grant awarded is exclusive of VAT unless the VAT status provided proves the grantee cannot reclaim VAT. Any changes to VAT registration status should be communicated to DfC as soon as possible.

Sharing of Information

47. All Government Departments, Agencies and other funding bodies may share information on projects to enable them to prevent and detect fraudulent applications and to coordinate the processing of complementary applications. Accordingly, information provided by the grant recipient in the approved proposal and monitoring and evaluation plan and any other information provided may be stored on computer and may be made available to other Departments / Agencies for the purpose of ensuring the accuracy of information and preventing or detecting crime. Such information may also be placed in the public domain.
48. Subject to the requirements of the Data Protection Act 1998, information regarding the approved business case and the project may also be placed in the public domain by DfC.

Freedom of Information

49. The grant recipient acknowledges that DfC is subject to the information disclosure requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and shall assist and co-operate with DfC (at the grant recipient's expense) to enable DfC to comply with these information disclosure requirements

Default

50. A default will be deemed to have occurred if;
 - a any information provided by the grant recipient or any representative in connection with, or for the purposes of, this contract and whether before or after the date of this Letter of Offer, is misleading or incorrect in any material respect; or
 - b the grant recipient is in breach of any obligation on its part contained in this Letter of Offer, and such breach is incapable of remedy, or if capable of remedy remains unresolved for a period of 30 days after written notice by DfC; or
 - c an order is made or an effective resolution is passed for the winding up of the grant recipient's organisation or a Receiver is appointed over the undertaking or a material part of the undertaking of the organisation; or
 - d the grant recipient is unable to pay its debts within the meaning of Article 104 of the Insolvency (NI) Order 1989; or
 - e an administration order is made in respect of the organisation.
51. In the event that a default occurs, DfC may suspend or terminate the contract between DfC and the grant recipient constituted by this Letter of Offer and the grant recipient shall, on written demand by the DfC, repay the whole of the amount of the funding paid under this Letter of Offer or such lesser amount as DfC may at its sole discretion so determine.
52. Furthermore, in the event of the applicant defaulting under paragraph 38 above, criminal proceedings may be instigated against the grant recipient as DfC may at its sole discretion so determine.
53. DfC reserves the right to suspend, defer, withhold or claw back any or all of the payments and / or require to repay part or all of the financial assistance if:
 - a the conditions of this offer are not met; or

- b any information given to DfC in connection with the application or claims for financial assistance is found to be false or misleading or there had been failure to disclose any material fact which would have had a bearing on the initial consideration of the application; or
 - c there is a substantial or material change in the nature, scale or timing of the Project; if the Project is used for purposes other than those specified in the application; or
 - d the applicant receives duplicate funding from any other source for the same project; or
 - e the operation of DfC or any legislation or DfC funding is changed to the detriment of the funding made available for this project; or
 - f if the project has in any other way not been implemented in accordance with these conditions of offer.
54. In the event of the identification of any administration errors in grant claims, acts of fraud and/or any circumstance that has caused or is likely to cause a loss or misuse of funding, this should be reported to DfC immediately.

Notice

55. Any letter, notice or demand by DfC shall be sufficiently served on the applicant if it is delivered by hand or sent by post to the grant recipient's registered Office address as listed in Companies House.

TO:

Letter of Offer: Name of organisation and project name**Form of Acceptance**

We refer to your letter of date in which you offered Organisation Name an award of up to a maximum of £xxxx for the purposes set out in the approved business case.

We accept DfC's offer of such an award on the terms and conditions stated in the letter of offer. The undersigned are duly authorised and empowered to sign this acceptance.

Yours faithfully

OFFICIAL 1 - Name	OFFICIAL 2 - Name
Capacity	Capacity
Date	Date

ANNEX 1**Definitions of Terminology**

Terminology	Meaning
"Letter of Offer"	The letter to which these terms and conditions are attached, setting out the details of the Project for which funding is available from DfC.
"DfC"	Department for Communities
"Department"	Department for Communities
Grant Recipient"	Organisation Name and address
"Grant /Funding"	Financial assistance paid to the applicant for successfully delivering the Outputs identified in the Letter of Offer.
"The Project"	Project Title
"Irregularity"	Any departure from the operation of any agreement between the applicant and DfC. These include errors with material consequences as well as use of finance or other resources in a way not provided in such an agreement, any malpractice or omission in the management or supervision of a project and any illegal or fraudulent action in connection with the Project.

Terminology	Meaning
"Outputs / Outcomes"	The targets established in the Letter of Offer. These form the basis of any payments to the grant recipient.
"Financing Period"	The period of time agreed between the grant recipient and DfC, during which it is eligible to receive funding from DfC for the Outputs identified in the Letter of Offer. This has been agreed as the period between start date and end date.
"Officials"	Two representatives to be nominated by the grant recipient to sign this Letter of Offer, subsequent communications with DfC and payment claims (usually Chairperson and Treasurer)

ANNEX 2**Funders Passport Declaration**

Project Applicant	
Project Title	

I hereby declare that the following documents:

Copy of constitution/memorandum of association	Y / N
List of Office Bearers or Board of Governors	Y / N
Organisational Chart	Y / N
Copy of Audited Accounts or Financial Statement for last two years	Y / N
Rental Agreement/lease or evidence of ownership	Y / N
Copy of VAT Registration	Y / N

are:

- (i) held on the Government Funding Database are the most up to date and fit for purpose for this application period (within last 12 months);
- (ii) held on the Government Funding Database are not up to date and fit for purpose for this application period but are now provided with this application;
- (iii) not held on the Government Funding Database but have been provided in hard copy to DfC and are up to date and fit for purpose.

(please delete two of the above as appropriate)

I agree these documents may be made available to other public sector funders via the Government Funding Database.

I also accept that this information may be published by the Department for Communities (DfC)

	Official 1	Official 2
Signature of Officials		
Name (in BLOCK CAPITALS)		
Position Held		
Date		

ANNEX 3

DfC Policy/Procedures Declaration

Project Applicant	
Project Title	

I as Chairperson of _____ declare that the policies and procedures listed below have been formally adopted, are regularly reviewed and are deemed fit for purpose by my organisation at the time of this application for funding:

POLICY/PROCEDURE	IN PLACE Yes / No / N/A	Date Formally Adopted by Board / Committee	Date Training Provided to Staff, Committee Members etc
Strategic/Operational Plan			
Procurement/Tendering Procedures			
Statutory requirements i.e. <ul style="list-style-type: none"> ■ Equal Opportunities ■ Fair Employment ■ Disability Discrimination ■ Age Discrimination 			
Fraud Policy			
Whistleblowing Policy (Raising Concerns)			
Health and Safety Policy			
Employer and Public Liability Insurance			
Mobile Phone Policy			
Child Protection Policy – with appropriate staff and volunteers being registered with Access NI			
Data Protection Policy			
Information Asset Policy			
Internet Policy			
Document Retention Policy			
Conflict of Interest Register/Policy			
Travel Policy			
Volunteering Policy			
Recruitment Policy			
Staff Induction Policy			
Reserves Policy			
Staff Appraisal System			
Assets Register or Inventory			

I agree that this information may be made available to other public sector funders including other Government Departments, Non Departmental Public Bodies and Agencies.

I also accept that this information may be published by DfC.

I understand that DfC can at any time ask to see any supporting evidence in support of this declaration.

	Official 1	Official 2
Signature of Officials		
Name (in BLOCK CAPITALS)		

	Official 1	Official 2
Position Held		
Date		

ANNEX 4

Procurement of Goods and Services

All grant recipients will be required to observe the current procurement threshold requirements for purchasing goods and services, as outlined in CPD Procurement Guidance Note 04/12.

The CPD guidance note goes into detail on the requirements for purchasing however in summary the following thresholds should be observed:

Estimated Value of Order (excluding VAT)	No. of Quotations Required
UP TO £5,000	Demonstrate that value for money has been secured *
£5,001 to £30,000	A minimum of 2 tenders received
£30,000 to EU Thresholds	Publicly advertised Tender Competition
EU Thresholds	Advertisement in European Journal

** Purchases under £5,000 will be classified as procurement expenditure but they are not subject to the full range of procurement rules. However Project Promoters must ensure that all purchases below £5,000 are subject to normal value for money considerations and are in compliance with Managing Public Money Northern Ireland.*

Organisations should carry out a price check (including internet checks) with at least two suppliers to ensure value for money has been achieved. Price checks should be documented and retained on file for audit purposes.

Contracts above current EC Thresholds are required to be advertised in the Official Journal (OJ) of the European Union. Details of relevant EC Thresholds can be viewed at the following Government UK website: <https://www.gov.uk/government/publications/procurement-policy-note-1013-new-threshold-levels-for-2014>

These contracts must be procured in adherence to the Public Contracts Regulations 2006 (as amended). The regulations can be found at <http://www.opsi.gov.uk/si/si2006/20060005.htm>

Competitions for contracts not subject to the Public Contracts Regulations should be carried out in accordance with the European Treaty principles in relation to transparency, non discrimination and proportionality where they are of cross border interest.

ANNEX 5

BACS Nominated Bank Account Details Forms

Project Applicant	
Project Title	

Please complete bank details below. You should ensure that the bank account you have nominated meets the conditions in relation to bank account as detailed in Conditions of Grant paragraphs 25 to 28. Please note that these details will be used in processing payments to your project.

Name of Bank: _____

Bank Sort Code _____

Account Name _____

Account Number: _____

Ref/Roe Number
(In the case of a Building Society only) _____

Account Signatories
(a minimum of two required) (1) _____

(2) _____

To be completed by Bank
<i>Bank's Stamp & Initials of Authorised Signatory</i>

We confirm that the above details are correct and relate to our organisation's nominated bank account into which all award instalments shall be paid and from which all disbursements relating to the above project shall be made. We also confirm that no cash payments will be made to contractors/suppliers relating to this project.

	Official 1	Official 2
Signature of Officials		
Name (in BLOCK CAPITALS)		
Position Held		
Date		

ANNEX 6

Covid-19 Culture, Languages Arts & Heritage Support Programme 2020/2021

Outcomes Report Card for Stability and Renewal Schemes

The Covid-19 Culture, Languages, Arts and Heritage Support Programme 2020/2021 fund aims to provide much needed financial funding to encourage creative people to remain with the sectors to drive recovery and growth. It will also support organisations and venues to stabilise to preserve a representative sector. The Programme also seeks to embed an ethos of social inclusion within all publicly funded organisations so that they can become a catalyst for social change.

How much did we do?**Stability Funding**

- Number of funding applications received - by type (individuals or organisations/organisation size/location/sector (culture, languages, arts & heritage)/main purpose
- Number of applications supported - by type (individuals or organisations/ organisation size/location/sector (culture, languages, arts & heritage)/main purpose
- Overall amount of funding awarded by type (individuals or organisations/ organisation size(if applicable)/location/sector (culture, languages, arts & heritage)/main purpose
- Average funding awarded by type (individuals or organisations/organisation size(if applicable) /location/sector (culture, languages, arts & heritage)/main purpose

Renewal Funding

- Number of applications size/location/sector/amount for funding which contain initial renewal project costs;
- Number of applications from community led organisations (Challenge Fund) put forward a proposal to increase access, participation and capacity for people and communities most disadvantaged and socially excluded in society.
- Number of proposals to increase access, participation and capacity for people with disabilities that were recommended by Expert Advisory Panel.

How well did we do it?**Stability Funding**

- % of applications supported - by type (individuals and organisations/location/sector (culture, languages, arts & heritage)/main purpose.
- % of funding awarded to supported individuals/organisations of the total amount applied for.
- Percentage of grant payments issued within 10 working days of acceptance of offer.
- % of individuals/organisations who applied for funding reporting that they were satisfied with the administration process.
- % of individuals/organisations who received support reporting that the financial report received was timely.
- % of individuals/organisations who received support reporting that the funding received would help them continue trading and protect skills/job% of individuals/organisations who received support reporting that the funding received would help them adapt and grow.

Renewal Funding

- % of award organisations who received funding for renewal projects (organisations/location/sector (culture, languages, arts & heritage)/main purpose.
- % of awarded applications that included proposals to increase access, participation and capacity for people and communities most disadvantaged and socially excluded in society.
- % of successful applications that included increased access, participation and capacity for people with disabilities.

Is anyone better off? N and %**Stability Funding**

- Number and % of supported organisations who are still trading at 01/04/21 by type (organisation/location/sector (culture, languages, arts & heritage)/main purpose
- Number and % of supported individuals still working in the sector at 01/04/21 by location/sub-sector
- Number and % of employee jobs protected in supported organisations
- Number and % of funded organisations/individuals who are undertaking approved projects to increase access, participation and capacity for people (including people with disabilities) and communities most disadvantaged and socially excluded in society at 31/03/21

Renewal Funding

- Number and % of funded organisations/individuals who have approved funding plans to increase access, participation and capacity for people and communities most disadvantaged and socially excluded in society from 10/04/21
- Number and % of people with disabilities directly benefiting through approved projects to increased access, participation and capacity at 31 March 2021.

Project Evaluation

Please set out the arrangements for post project evaluation (PPE):	
When will the PPE be completed?	
Who is responsible for completing the PPE (ideally should be someone independent of project being evaluated).	
What factors are to be evaluated?	
Outline the procedures for disseminating any lessons learnt.	

Mr Newton asked the Minister for Communities what is the anticipated cost to the public purse of her decision to allow the Northern Ireland Housing Executive to again build houses.

(AQW 10787/17-22)

Ms Ní Chuilín: In my recent Housing Policy Statement to the Assembly, I set out my plans to deal with the very significant investment challenge facing the Housing Executive. It is vital that we invest in our current stock as well as building more social homes.

The cost of revitalising the Housing Executive so that it may borrow and invest in its existing homes has yet to be established. It will however be insignificant in comparison to the costs that the public purse will face if the Housing Executive were to meet its investment requirement in its current form.

The changes that I will bring will ensure that the Housing Executive can build more homes where they are needed and provide essential maintenance to the 85,000 homes they currently manage. I want to provide security for current tenants and homes for future generations.

I intend to bring a recommendation to the Executive before the end of this mandate which will set out further details of how to address the investment Challenge facing the Housing Executive.

Ms Hunter asked the Minister for Communities what support her Department provides to charities offering animal assisted therapy.

(AQW 10810/17-22)

Ms Ní Chuilín: You will appreciate that animal assisted therapy is a health related matter and is outside the remit of my Department. However, on behalf of the Executive, my Department has taken the lead in distributing emergency funding to charities impacted by Covid-19. Although the funding scheme closed on 21 August 2020, I am aware of the ongoing financial challenges faced by charities and I therefore plan to launch a further phase of funding in December. I would encourage as many charities as possible to apply.

Mr Carroll asked the Minister for Communities how much will membership of the new mutual replacing the Housing Executive cost.

(AQW 10833/17-22)

Ms Ní Chuilín: I set out my plans to the Assembly in my Housing Policy Statement, to revitalise the Housing Executive and in particular to change the Landlord side of the Housing Executive from its current form, so that it has the freedom to borrow and invest in its homes.

I have noted my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants

I intend to bring a recommendation to the Executive before the end of this mandate which will include details of the timescales and budget for implementation of the new proposed structures.

Mr Carroll asked the Minister for Communities whether current tenants of the Housing Executive will automatically become tenants of the new mutual replacing the Housing Executive.

(AQW 10834/17-22)

Ms Ní Chuilín: Following my November 3 statement, my officials have started work to assess options to take forward reclassification for the Housing Executive landlord. I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants.

I am committed to a co-design approach in developing these options and engaging with tenants. These plans are in their early stages but a principle will be that tenants of the Housing Executive will continue to be tenants after the change.

I intend to bring a recommendation to the Executive before the end of this mandate.

Mr Carroll asked the Minister for Communities whether employees will be members of the new landlord body for the Housing Executive.

(AQW 10835/17-22)

Ms Ní Chuilín: My revitalisation plans are at an early stage, but I want to reassure staff that I am committed to a co-design approach in developing these options, and engagement with staff and their Trade Unions will be central to this process.

My officials will shortly be commencing work to assess options to effect this change and I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants. This work will include considerations of governance arrangements, with this preference in mind.

I intend to bring a recommendation to the Executive before the end of this mandate.

Mr Carroll asked the Minister for Communities what is the intended management and governance structure for the new landlord body of the Housing Executive.

(AQW 10836/17-22)

Ms Ní Chuilín: My officials have started work to develop and assess options to achieve reclassification of the Housing Executive and deliver the much-needed investment in its homes. This work will explore all changes that reclassification will require including the governance structure of the reclassified organisation. I have been clear that my preference is for a co-operative or mutual model or one which enhances the role/ownership of tenants. I intend to bring a recommendation to the Executive before the end of this mandate which will include details for implementation of the new proposed structures.

Mr McNulty asked the Minister for Communities to detail any COVID-19-related payments made to individual sports organisations and clubs since March 2020 by her Department or Sport NI.

(AQW 10839/17-22)

Ms Ní Chuilín: Due to the volume of detail required to answer the question, I have arranged for these details to be placed in the Assembly Library.

Mr McCrossan asked the Minister for Communities how local councils will be supported as part of the £10 million allocation announced by the Minister of Finance.

(AQW 10869/17-22)

Ms Ní Chuilín: On 23 November 2020, the Executive allocated a further £10m to my Department to support local councils for the period from mid-March 2020 to March 2021. This was in addition to £75.3m that was previously allocated for councils for this financial year of which £40.3m has been paid to date as set out in the table below.

Councils have faced significant financial challenges as a result of the COVID-19 pandemic and continued financial support from the Executive to alleviate these losses is critical to ensuring councils can positively contribute to local economic, social and environmental recovery. In addition councils will be appointing COVID-19 ambassadors/champions to ensure the regulations are widely known and understood and will also be providing assistance with the revitalisation of town centres.

My Department will continue to carry out analysis of the figures to be provided by each council reflecting their projected financial losses and COVID-19 costs for this financial year taking into account updated estimates and actual spend.

Once my Department has carried out due diligence exercises on further information provided by councils, the figures will be signed off by individual Council Chief Executives. Final consultation with Association of Local Government Finance Officers and Society of Local Authority Chief Executives will also take place.

This will provide a basis for allocation that will be consistent with the original bid for support as approved by the Executive. Allocations for the remaining £45m funding will be confirmed once information has been provided by councils and due diligence exercises have been completed.

COVID-19 Quarter 1 and Quarter 2 Allocations

Council	COVID-19 Q1 Allocation	COVID-19 Q2 Allocation
Antrim & Newtownabbey	£1,949,158	£472,679
Ards & North Down	£1,415,734	£1,811,688
Armagh, Banbridge, Craigavon	£2,052,238	£1,483,788
Belfast	£4,042,083	£5,568,533
Causeway Coast & Glens	£1,965,989	£1,601,625

Council	COVID-19 Q1 Allocation	COVID-19 Q2 Allocation
Derry & Strabane	£1,291,091	£1,824,842
Fermanagh & Omagh	£1,793,465	£307,599
Lisburn & Castlereagh	£2,016,401	£982,304
Mid & East Antrim	£934,149	£3,040,393
Mid Ulster	£1,298,985	£2,259,197
Newry Mourne & Down	£1,540,707	£647,352
Total	£20,300,000	£20,000,000

Mr Allister asked the Minister for Communities, pursuant to AQW 10092/17-22, to specify the accountability measures which are in place.

(AQW 10890/17-22)

Ms Ní Chuilín: As is standard practice for grant recipients Conradh na Gaeilge is subject to the usual requirements for award of public funds which are set out in a letter of offer including, providing to the Department upon demand such evidence as the Department shall require to demonstrate successful completion, delivery and operation of the project. The letter of offer outlines the conditions for award of the grant and the responsibilities of the grant recipient. A post project evaluation must be carried out on completion of the project. Grant recipients must also inform the Department as soon as possible of any changes to the terms of the letter of offer.

Mr Storey asked the Minister for Communities whether she will bring forward additional funding support for sports organisations, including elite football clubs, affected by the prohibition of spectators from 27 November 2020.

(AQW 10895/17-22)

Ms Ní Chuilín: I have secured £25m for a Sports Sustainability Fund, this is on top of the £2m I secured in the June monitoring round for the Sports Hardship Fund.

The £25m of funding will be used to support the sector, and that will include providing financial support for sports, including elite football, who have been impacted by the restrictions on spectators being present at fixtures.

The scheme which is currently being developed by the department in partnership with Sport NI, will be open to Governing Bodies, their affiliated sports clubs and other sporting organisations and will open shortly for applications.

Finally, I can also confirm that the Sports Hardship Fund, which has provided essential support to smaller clubs and sporting organisations, will continue to be available as part of this wider Covid support package.

Mr Easton asked the Minister for Communities when the £44.3 million for one-off heating payments of £200 for disabled people on higher rate Disability Living Allowance or Personal Independence Payment, and older people in receipt of pension credit, will be rolled out.

(AQW 10927/17-22)

Ms Ní Chuilín: This question has been transferred to me, as Minister for Communities, to respond as the issue falls within my area of responsibility.

My Department plans to make the Covid-19 Heating Payment at the end of January 2021.

Mr Boylan asked the Minister for Communities what assurances she can give that the financial assistance provided to taxi drivers in the taxi drivers financial assistance scheme will not disqualify recipients from benefit payments, such as housing benefit.

(AQW 10931/17-22)

Ms Ní Chuilín: The Taxi Driver Financial Assistance Scheme provides a one off payment to eligible taxi drivers to assist with directly incurred overhead costs and expenses. As the payment is related to an individual's business it will not impact on entitlement to a relevant income-based benefit. This means there will be no requirement to report details of any payments made under this scheme to the Department for Communities or the Housing Executive if an individual taxi driver is in receipt of one of the following benefits: Employment and Support Allowance, Housing Benefit, Income Support, Jobseeker's Allowance and Universal Credit.

Mr Carroll asked the Minister for Communities whether the Housing Executive will remain under ministerial control when it becomes a housing mutual; and how she will ensure ring-fenced funding for new builds will be spent on housing.

(AQW 10944/17-22)

Ms Ní Chuilín: The objective set out in my statement is to change the landlord part of the Housing Executive so that it may borrow, invest and provide a sustainable future for its homes. I am clear that I want to maintain the maximum degree of public accountability consistent with that objective. Hence my preference for a mutual or co-operative model.

I intend to bring a recommendation to the Executive before the end of this mandate which will include details for implementation of the new proposed structures and processes.

Mr Beattie asked the Minister for Communities when AQW 7521/17-22 will be answered.
(AQW 10967/17-22)

Ms Ní Chuilín: AQW 7521 17-22 was answered on 30 November 2020.

Mr Durkan asked the Minister for Communities whether telephone assessments for personal independence payments are recorded; and to detail the rationale for this decision.
(AQW 10994/17-22)

Ms Ní Chuilín: The audio recording of face to face assessments was a recommendation by Walter Rader in the first independent review of PIP. The introduction of recording was viewed as improving transparency in the assessment process. Following this recommendation, the Department introduced the facility to record all clinic-based PIP Assessments on 18 November 2019 and all arrangements were in place to also record home-based assessments.

Due to COVID-19, and in line with public health guidance, I suspended face-to-face Personal Independence Payment (PIP) assessments from 23 March 2020.

To ensure continuity of service for new applicants for PIP, telephone assessments were introduced. Whilst telephone assessments are not currently recorded, Officials in DfC are working with the contracted Assessment Provider, Capita, to develop and implement an audio recording service from Spring 2021.

Mr Allen asked the Minister for Communities to detail all capital disregards when calculating social security entitlement.
(AQW 11004/17-22)

Ms Ní Chuilín: For social security purposes, all capital is taken into account as capital unless it can be treated as unearned income or disregarded. Capital disregards are amounts that the claimant has, but is not taken into account when calculating entitlement. Generally speaking, a person who has more than £16,000 in capital will not be entitled to a social security benefit.

A person has to provide all necessary evidence to show that any capital they have can be disregarded. If there is no evidence to show capital can be disregarded, it may be included as unearned income when working out entitlement to social security benefits.

The rules governing social security legislation are complex; each social security benefit has its entitlement rules embedded within the legislation governing. It may be more helpful to outline categories of capital which may be disregarded when calculating entitlement to social security benefits.

Firstly, capital can be disregarded:

- indefinitely;
- for a period of up to 12 months;
- for a period of up to 6 months; or
- for more than 6 months if it is reasonable.

Capital disregarded indefinitely includes:

- Business Assets;
- Personal Injury Compensation Payments;
- Premises occupied as the home;
- Life insurance policies still in force;
- Any occupational or pension fund (does not include money drawn out);
- Premises occupied by a former partner, under certain circumstances;
- Special compensation schemes; and
- A funeral plan contract.

Capital disregarded for up to 12 month includes:

- Arrears of benefit / compensation for late payment;
- A personal injury payment (in certain circumstances);
- Social fund;
- Bereavement Support Payment;

Capital disregarded for up to 6 months includes:

- Premises intended to be occupied (in certain circumstances);
- Premises no longer occupied, for example after separation;
- Business assets where a person has stopped involvement in that business within the last 6 months;
- Amount from an insurance policy where it is connected with the loss of premises and personal possessions; and
- Amounts for repairs or alterations.

Capital disregarded for more than 6 months, if reasonable includes:

- Amount to be used to purchase premises;
- Amount from an insurance policy where repairs or replacement of personal possessions will take longer than 6 months; and
- Amounts for repairs and alterations for premises occupied or intended to be occupied as a person's home.

Mr Middleton asked the Minister for Communities for an update on the Sub-Regional Stadia Programme for Soccer funding. (AQW 11006/17-22)

Ms Ní Chuilín: The Sub Regional Stadia Programme for Soccer is one of the commitments in the "New Decade, New Approach" Deal and as such my Department has been working to refresh and re-engage with the programme to provide a robust evidence base on the challenges, strategic priorities and needs of soccer at all levels.

A range of primary and secondary research tools have been adopted to inform the evidence base. This work has utilised a club survey along with discussions with key stakeholders including governing bodies of football, Sport NI, councils and Disability Sport NI. The analysis stage has begun and will inform the shape and scope of the programme going forward.

Mr McNulty asked the Minister for Communities whether she will raise the £21,400 household income threshold for the COVID-19 Self Isolation Grant (AQW 11038/17-22)

Ms Ní Chuilín: To be eligible for a Discretionary Support Self-isolation grant a household's annual income must be no higher than £20,405. This income threshold was increased in response to the pandemic and means that more people in low paid employment can access Discretionary Support.

The Self-isolation grant is designed to assist with short term living expenses where a person, or any member of their immediate family, is diagnosed with COVID-19 or has been advised to self-isolate in accordance with the latest guidance from the Public Health Agency. Importantly, there is no limit on the number of Self-Isolation grants that can be awarded.

I announced enhancements to the Self-isolation grant on 17 November 2020 and I am continuing to review the Discretionary Support scheme to ensure that it delivers financial support to those most in need during the pandemic.

Ms McLaughlin asked the Minister for Communities (i) for an update on discussions on the necessary remediation work on Creggan reservoirs; and (ii) whether her Department will meet the costs in order to make progress on developments at Fort George and others that fall within the responsibility of her Department. (AQW 11085/17-22)

Ms Ní Chuilín: Following a meeting between Department for Infrastructure, Derry City and Strabane District Council and my officials, it has been agreed that, subject to elected members' approval, Council will submit a funding proposal to central government for costs needed to carry out the necessary remediation work on Creggan Reservoirs as well as future inspection and maintenance costs. Discussions are still ongoing as to how these works will be funded.

Department of Education

Ms Bradshaw asked the Minister of Education what resources have been allocated to the provision of remote learning in the event of further disruption and remote learning becoming necessary over the next few months. (AQW 9704/17-22)

Mr Weir (The Minister of Education): My Department has asked schools to have contingency plans in place for the delivery of remote learning in the event of a school closure, or that a class or group of pupils need to self-isolate.

Practical advice and support is available to schools on remote learning from their COVID-19 Link Officer and from both the Education and Training Inspectorate and Education Authority more generally.

In addition, my Department has provided guidance for schools on both Remote Learning and Curriculum Planning and Blended Learning for 2020/21. Further resources, guidance materials and case studies have also been produced by my Department's Continuity of Learning Project.

EA has developed a website to host resources and to provide access to a range of online Teacher Professional Learning sessions on issues pertinent to the COVID-19 context. New resources are being added on a regular basis over coming weeks and months.

We are fortunate in Northern Ireland that schools have access to a centrally provided IT system - C2K. This has supported online access to school services from the beginning of the COVID-19 school closures. Additional funding has been provided to EA to continue to improve the services available, including a number of additional learning applications and upgrading the bandwidth in specific areas.

My Department's scheme to provide IT devices and WiFi access (vouchers or MiFi devices) to our educationally disadvantaged and vulnerable learners to support access to remote learning has distributed over 8,500 devices and remains open.

Mr Beattie asked the Minister of Education, pursuant to AQW 9077/17-22, when a child is deregistered from a school with not known given as the reason, whether his Department investigates this to make sure it is a legal move made by the parents or guardians.

(AQW 9777/17-22)

Mr Weir: The Education Authority (EA) advises any parents/carers wishing to deregister their child to ensure that the reason is stated within their letter to the school.

Should the parent/carer wish to home educate their child, this will be recorded on the SA1 form, filled in by parents who wish to home educate their child, and will then be recorded by the school on the SIMS system. Home education is not the only reason for deregistration and guiding codes are used in the SIMS system to confirm the reason.

Schools will also record on the SIMS system when a young person has moved to another school within Northern Ireland and this can be confirmed by the Education Welfare Service.

In addition, schools will refer matters to Education Welfare Services for tracing of pupils who have reportedly left the jurisdiction. The EA Education Welfare Service is a member of the Children Missing in Education UK database and can track pupils as to their new school for confirmation of enrolment.

Schools will also notify Intercultural Education Service regarding Roma/Traveller pupils who have left the school register and the service will follow up as required.

An SA1 form submitted with no reason will prompt a call to the school from the EA to gain clarity on the situation and inform any necessary action.

Mr Lyttle asked the Minister of Education whether he will review the decision to change the commencement of education of sick children at the Children's Hospital from five days after admission to 28 days.

(AQW 9783/17-22)

Mr Weir: Belfast Hospital School is part of the Education Authority's Exceptional Teaching Arrangements (ETA) service which assists schools in delivering education to pupils who are temporarily unable to attend school for a period of time lasting more than 20 school days. The Education Authority has advised that it has decided that education will commence when a pupil has been in hospital for at least 20 school days, this is to keep the provision in hospital in line with that in the community. The rationale is to concentrate resources on those pupils who need it most, in the case of the hospital this would include children with long-term or recurring illnesses and was agreed by the Hospital School's Board of Governors and relevant medical professionals.

Ms Mullan asked the Minister of Education what progress has been made in respect of extending eligibility criteria for laptops, chromebooks and wifi vouchers in order to expand access to these supports.

(AQW 10031/17-22)

Mr Weir: The current scheme for lending devices aims to ensure that resources are targeted where there is greatest need.

The Scheme is open for schools to make requests for eligible pupils who do not have sufficient access to a device to support their learning and priority has been given to pupils in Year 12,14,7 and 4. In November the eligibility was expanded to include pupils currently in Year 11 and 13 and devices continue to be allocated across these 6 year groups.

As of 27 November over ten thousand devices have been allocated to support pupils to engage with their learning.

WiFi is available for eligible pupils across all year groups and the EA continues to work with schools to allocate WiFi to those pupils who require it.

The form to request both digital devices and wifi access remains open on the C2k exchange and the EA is continuing to process requests as a matter of urgency. The need for additional devices to meet further demand is being kept under review.

Mr Givan asked the Minister of Education to detail how many primary schools fall into each financial category ranging from 1a – 5.

(AQW 10196/17-22)

Mr Weir: The Education Authority's assessment of the financial categories of Controlled and Maintained primary schools, based on those schools' financial plans for the 2019-20 financial year, is provided in the table below.

Funding Authority Financial Category

1a	1b	2	3	4	5	Total
88	164	130	57	242	98	779

Note: The table includes schools that opened and closed in the 2019-20 financial year.

As different financing arrangements apply to Grant Maintained Integrated (GMI) schools, GMI primary schools are not categorised in the same way, and are therefore not included in the above table.

Ms Armstrong asked the Minister of Education to provide (i) a health and safety report on whether it is reasonably practicable for school children, who travel with an Education Authority (EA) issued boat pass on the Strangford ferry, where there is not enough shelter from inclement weather, to spend full days in school in wet, cold uniforms; and (ii) what actions his Department is taking to protect the health and wellbeing of those children who are under the responsibility of the EA Transport department while travelling from home to school.

(AQW 10210/17-22)

Mr Weir: My Department and the Education Authority consider the health and safety of all pupils to be a key priority and a range of actions has been taken to protect pupils when using the home to school transport service during COVID-19. I recognise that many pupils will find themselves having to manage difficult weather conditions on their journey to school. This includes examples such as when they are travelling to/from, or waiting at, their bus pick up point and when using the Strangford Lough Ferry Service. It is not possible for all pupils to be sheltered on all such aspects of their journey to school and it is therefore important, as it is in any year, for all pupils to be prepared for such conditions by having suitable clothing with them. There is no additional health and safety assessment in respect of this.

My officials have worked closely with those from the Department for Infrastructure, the Education Authority and Translink in recent months to enable pupils to use the Strangford Lough Ferry Service for their journey to school. As a result of this there are now two additional ferry sailings to facilitate those using the home to school transport service and bus services have been scheduled to ensure a seamless transition. Social distancing requirements on the ferry do not allow all pupils to use the passenger cabin. Alternatives have been explored and it is considered that while some pupils are likely to be without shelter for the seven minute journey on the ferry, on balance this is preferable to the alternative of bus transport around the lough which is likely to add considerably to the duration of pupils' journeys.

Mr McCrossan asked the Minister of Education (i) why unit one of GCSE English Literature was removed when all schools had already studied this; (ii) for his assessment of whether this will reduce the burden on pupils given that many pupils, parents and teachers are reporting the opposite; and (iii) whether there are any other options for omission if unit one is reintroduced.

(AQW 10217/17-22)

Mr Weir: Not all schools teach the specification in the same order, therefore omitting a different unit would impact on other schools. There is no perfect solution. While the assessment of unit one of GCSE English Literature may be omitted in Summer 2021, the unit has not been removed from the specification. This decision directly reduces the assessment burden on students by reducing the number of exams they need to sit to complete a qualification.

I would note that the unit one exam will still be available for any candidates wishing to be assessed in all units.

Ms S Bradley asked the Minister of Education what additional support will be given to schools to help prepare them for a period of remote learning ahead of the Christmas period or in the remaining academic year.

(AQW 10285/17-22)

Mr Weir: There are no plans for a general move to remote learning prior to the Christmas period.

More generally, my Department has asked schools to have contingency plans in place for the delivery of remote learning in the event of a school closure, or that a class or group of pupils need to self-isolate.

Practical advice and support is available to schools on remote learning from their COVID-19 Link Officer and from both the Education and Training Inspectorate and Education Authority more generally.

In addition, my Department has provided guidance for schools on both Remote Learning and Curriculum Planning and Blended Learning for 2020/21. Further resources, guidance materials and case studies have also been produced by my Department's Continuity of Learning Project.

EA has developed a website to host resources and to provide access to a range of online Teacher Professional Learning sessions on issues pertinent to the COVID-19 context. New resources are being added on a regular basis over coming weeks and months.

We are fortunate in Northern Ireland that schools have access to a centrally provided IT system - C2K. This has supported online access to school services from the beginning of the COVID-19 school closures. Additional funding has been provided to EA to continue to improve the services available, including a number of additional learning applications and upgrading the bandwidth in specific areas.

My Department's scheme to provide IT devices and WIFI access (vouchers or MiFi devices) to our educationally disadvantaged and vulnerable learners to support access to remote learning has distributed over 8,500 devices and remains open.

Ms Sugden asked the Minister of Education to detail (i) who is responsible for assessing the effectiveness of COVID-19 mitigation strategies in schools; (ii) how the effectiveness of these measures is assessed; and (iii) his level of confidence of the rule compliance and mitigation strategies in force in schools.

(AQW 10293/17-22)

Mr Weir: The Department's approach to planning for the re-opening of schools has been focussed on restricting opportunities for the virus to enter a school and limiting the risk of transmission.

To make sure that schools remain safe for our children, young people and staff, a number of risk mitigations have been put in place.

Principals and school staff have been working tirelessly implementing these measures to keep schools safe for pupils and, their efforts have ensured the level of transmission in schools remains low.

In regards to assessing the effectiveness of mitigations Education Inspectorate Team (ETI) have been working with the Minister and Department of Education, and has remained committed to supporting school staff, parents and pupils offering bespoke advice, guidance and assistance. This has allowed ETI to identify challenges and many examples of creative practice associated with remote learning during school closure.

The PHA is publishing weekly and monthly bulletins on the COVID-19 pandemic in Northern Ireland. This information includes information in relation to schools. The latest PHA stats indicate that up to the end of week 46 (ending 15 November 2020) 1,656 confirmed COVID-19 cases in pupils had been reported by schools to the PHA School Team. This equates to 0.48% of school aged children in Northern Ireland which would confirm the risk mitigations are working and school remains a safe place.

Each school has a dedicated link officer who work closely with schools to provide guidance on best practice.

I hope this provides you with the information you require.

Mr McCrossan asked the Minister of Education why his Department has never used the volunteers recruited under the Department of Education Volunteering Scheme, despite the fact that thousands of vulnerable children continue to miss out on learning experiences every day due to the COVID-19 pandemic.

(AQW 10301/17-22)

Mr Weir: Following the closure of schools in late March 2020, the Department of Education initiated a volunteers list, which was formed in case there was a need to supplement the staffing for the key workers' scheme, which ran from March until the end of June. In the event, there was no need to call from this list and a letter went to all volunteers at that time.

Presently there are no plans to reinstate the list for school operations under restart, as the NISTR list (substitute teachers register) would be utilised before there would be a need to go further. The Department does appreciate the willingness of volunteers to become involved, and should the situation change, we would re-visit the issue.

Mr McCrossan asked the Minister of Education, even though children have had their full legal entitlement to special educational needs support restored in August 2020 when the Temporary Modification Notices were discontinued, to detail why (i) Education Authority direct peripatetic literacy support remains restricted; (ii) direct autism intervention is suspended; and (iii) there is no direct language and communication service.

(AQW 10302/17-22)

Mr Weir: The services referred to (i) direct peripatetic literacy support (ii) direct autism intervention and (iii) direct language and communication service are provided under the banner of the Education Authority (EA) Special Educational Needs (SEN) Pupil Support Services. The EA advise that these services have continued during the Covid-19 period and remain fully operational at this time.

A blended approach is being taken and support is being provided in a range of ways depending on the needs of children and young people and the individual circumstances. In keeping with Public Health Agency advice and guidance, some meetings with staff and some advisory supports are being provided remotely. Intervention continues to be provided face to face with pupils in schools, where it is safe and appropriate to do so. Where there are unavoidable restrictions, remote support is being offered as part of the blended offer.

In addition to the on-going training, advisory and intervention work of services, an extensive suite of resources, contact details and signposts remain available on the EA Website: <https://www.eani.org.uk/services/pupil-support-services>

This resource suite was developed during the school closure period to provide remote support to parents and schools. It continues to be developed and now contains training for both professionals and parents as services move their training programmes to online platforms.

Middletown Centre for Autism (MCA) resumed their Learning Support & Assessment Services from 1 September 2020, with all training moving online for the foreseeable future.

Mr Lyttle asked the Minister of Education what guidance and support his Department is providing to promote live stream classes for pupils unable to attend school due to a COVID-19-related absence.

(AQW 10306/17-22)

Mr Weir: The Department has asked schools to have contingency plans in place for the delivery of remote learning in the event of a school closure, or that a class or large group of pupils need to self-isolate.

My Department has provided guidance for schools on both Remote Learning and Curriculum Planning and Blended Learning for 2020/21. Further resources, guidance materials and case studies have also been produced by my Department's Continuity of Learning Project.

When developing and delivering their remote learning programme, it is a matter for individual schools in conjunction with their staff to determine whether livestreaming represents an appropriate learning approach for their school community and to ensure that all child protection and safeguarding procedures are appropriately followed.

Live-streaming allows for a level of personal interaction and belonging to the school community, as well as allowing pupils direct access to teaching. However, there is no compelling evidence to indicate that synchronous online learning is more effective at improving pupil outcomes than asynchronous approaches through for example pre-recorded lessons.

Mr Lyttle asked the Minister of Education for his assessment of the Queen's University Belfast and Centre for Children's Rights report on Understanding Life in Lockdown for Autistic Young People.

(AQW 10307/17-22)

Mr Weir: The emotional wellbeing and mental health of our children and young people, are extremely important to me and I welcome the issues raised in the report in relation to the impacts of lockdown on children and young people with Autism.

I recently launched the Wellbeing Restart Fund, providing £5m in 2020/21 direct to all schools (nursery, primary, post primary, special), as well as EOTAS and Youth Settings, to help address concerns around children and young people's emotional wellbeing and mental health, arising as a result of Covid-19.

Alongside this, officials are working with the Education Authority and representatives of the Special Schools Leadership Group to develop a programme of support, similar to Engage, which will help address the impact of school closures on the learning of children and young people with complex needs in Special Schools.

Mr McGrath asked the Minister of Education what provisions are being put in place for students during the winter months that may need to carry out remote learning due to additional medical needs.

(AQW 10417/17-22)

Mr Weir: A small number of children will be advised by their clinical team not to attend school. Where a child has been medically advised by a consultant not to attend school during 2020/21, parents should consult with their school Principal and the Education Authority regarding education provision for these pupils.

Mr Lyttle asked the Minister of Education (i) what work his Department has undertaken to deliver a new special school in Belfast, the need for which was identified by an Education and Library Board report in 2012; and (ii) what capital budget he has allocated for this project.

(AQW 10521/17-22)

Mr Weir: The Education and Library Boards submitted strategic area plans for special education to the Department of Education in 2012. On receipt, the then Minister for Education decided that a co-ordinated regional assessment of future need for special schools was required, and commissioned a review to facilitate the development of a framework for a regional area plan.

The Education Authority (EA) is currently consulting on two Strategic Frameworks (one for Special Schools and one for Specialist Provision in Mainstream Schools). The consultation period for both consultations has been extended until 11 February 2020.

Planning provision for special education services in mainstream and special school settings is a matter for the EA.

Any significant changes to statutory education provision, including Special Schools, are subject to a statutory process. This is mainly set out in Article 14 of the Education and Libraries (NI) Order 1986 (as amended) and requires the publication of a Development Proposal (DP). No DP's have been published in relation to the establishment of a new special school and the Department's role has therefore not been engaged.

Mr Lyttle asked the Minister of Education whether he plans to fully delegate budgets to special schools.
(AQW 10522/17-22)

Mr Weir: There are no immediate plans to fully delegate budgets to Special Schools, but I will keep under review the opportunity for more financial delegation to the sector.

Mr Lyttle asked the Minister of Education to detail (i) why the Education Authority is operating a reduced service; and (ii) why key support services such as behaviour support and the autism advisory and intervention service are working from home when schools are operational and in need of this support.

(AQW 10524/17-22)

Mr Weir: The Education Authority (EA) operates the Special Educational Needs (SEN) Pupil Support Services. The EA advise that these services have continued during the Covid-19 period and remain fully operational at this time.

A blended approach is being taken and support is being provided in a range of ways depending on the needs of children and young people and the individual circumstances. In keeping with Public Health Agency advice and guidance, some meetings with staff and some advisory supports are being provided remotely. Intervention continues to be provided face to face with pupils in schools, where it is safe and appropriate to do so. Where there are unavoidable restrictions, remote support is being offered as part of the blended offer.

In addition to the on-going training, advisory and intervention work of services, an extensive suite of resources, contact details and signposts remain available on the EA Website: <https://www.eani.org.uk/services/pupil-support-services>

This resource suite was developed during the school closure period to provide remote support to parents and schools. It continues to be developed and now contains training for both professionals and parents as services move their training programmes to online platforms.

Middletown Centre for Autism (MCA) resumed their Learning Support & Assessment Services from 1 September 2020, with all training moving online for the foreseeable future.

Mr Lyttle asked the Minister of Education whether the Education Authority Educational Psychology Service has the capacity to meet the needs of pupils in need of special educational need support.

(AQW 10525/17-22)

Mr Weir: I am aware that the significant increase in the number of children presenting with Special Educational Needs (SEN) has placed increased demands on the Educational Psychology Service (EPS).

A review of the EPS, including a capacity and demand exercise, will be progressed as part of the Education Authority's (EA) wider SEN Strategic Programme. This capacity and demand exercise will also consider interdependencies with other SEN services and schools, and will provide a clearer picture of the EPS's capacity to meet the needs of pupils with SEN.

Mr Robinson asked the Minister of Education for an update on the provision of a new classroom at Drumrane Primary School, Limavady, to facilitate increasing admission numbers.

(AQW 10544/17-22)

Mr Weir: A Development Proposal (DP) was submitted by the Education Authority (EA) in February 2020 to increase the schools admission and enrolment numbers, but the DP process was subsequently suspended due to the Covid-19 pandemic. DP activity has now resumed and I hope to be in a position to make a decision regarding this school shortly.

I would however highlight that the EA's Case for Change supporting the DP for this school noted that, should the DP be approved, an additional multipurpose resource space and toilets were required, not an additional classroom.

Mr Lyttle asked the Minister of Education why special educational needs provision was not included in the criteria for Engage Programme funding.

(AQW 10602/17-22)

Mr Weir: In recognition of the wider impact of the Covid-19 pandemic, the Engage programme provides both additional support across all primary and post primary schools, whilst also targeting schools with the greatest concentrations of children from disadvantaged backgrounds, measured by Free School Meal Entitlement (FSME).

I felt that it was right and necessary to weight the distribution of resources in this way as there is evidence to suggest that the period of school closures may have been more likely to impact on such pupils and had the potential to widen the achievement divide further between FSME pupils and their non-FSME peers.

In the context of a global pandemic, the funding methodology for Engage was designed in such a way as to ensure that it was simple and straightforward and could be allocated quickly and efficiently to schools, hence the use of FSME, a widely used indicator of socio-economic disadvantage, validated at pupil level, and which is readily available from annual school census data.

Schools have a wide range of autonomy in terms of the design, content and structure of Engage programme delivery in accordance with the particular needs of their pupils, using their professional judgement to identify those pupils who would

benefit the most from additional teaching support following the lockdown period. This may include children with Special Educational Needs attending mainstream schools.

Officials are working with the Education Authority (EA) and representatives of the Special Schools Leadership Group (SSLG) to develop options for a similar model to the Engage Programme which, subject to securing funding, will help address the impact of school closures, in terms of lost learning, on children and young people with complex needs in Special Schools.

Mr Lyttle asked the Minister of Education whether he has considered allowing greater flexibility with the six month rule for teachers employed via the Northern Ireland Substitute Teacher Register, to permit some continuity during the COVID-19 pandemic.

(AQW 10604/17-22)

Mr Weir: In Northern Ireland, teachers' terms and conditions of service are negotiated by the Teachers' Negotiating Committee (TNC). Therefore it is not an issue that lies within the control of the Department. Management Side's membership includes representatives of the main employing authorities and sectoral bodies; Department of Education (DE) is also represented. Teachers' Side, Northern Ireland Teaching Council (NITC), is made up of members of the 5 recognised teachers' unions.

The procedure for engaging substitute teachers was negotiated at TNC and can be found in the TNC document TNC 2016/1 at this link:

TNC 2016-1 Appropriate Use of NISTR

This document explains the procedure to be followed in exceptional circumstances, where short term appointment/s through NISTR may require extension beyond a 6 month period.

Mr Carroll asked the Minister of Education whether his Department's guidance for educational settings and childcare was prepared for a typical school day or for schools being used as test centres.

(AQW 10668/17-22)

Mr Weir: The Department's revised Northern Ireland Re-opening Schools Guidance - New School Day was published on 13 August 2020. The guidance has been informed by advice provided by the Chief Medical Officer and Chief Scientific Advisor and the Executive's agreement on 6 August 2020 that the stringent application of social distancing requirements between pupils will be relaxed from 17 August 2020. The guidance provides guidelines on issues including start dates, hygiene and cleaning processes and a wide range of risk mitigations.

The guidance is written with a view to providing a planning framework for the "day one" restart of schools and should be seen in that context.

It provides an overarching framework for the re-opening of schools and education settings in Northern Ireland, with the aim of ensuring broad consistency and equity across local areas, but is sufficiently flexible to allow education settings and staff to adapt and adopt approaches that best suit their needs.

In regards to Schools being used as test centres there are currently no schools being used as test centres.

Mr McNulty asked the Minister of Education to detail any joint initiatives his Department has undertaken with the Department of Health under the Children's Services Co Operation Act (Northern Ireland) 2015 since the Act received Royal Assent.

(AQW 10673/17-22)

Mr Weir: The Children's Services Co-operation Act (Northern Ireland) 2015 places a duty on named children's authorities, which include Northern Ireland departments, to co-operate with each other and with other children's service providers to improve the well-being of children and young people; and requires the Northern Ireland Executive to adopt a children and young person's strategy.

My Department has led on the development of the Executive Children and Young People's Strategy, working collaboratively with all the departments, including the Department of Health. I intend to bring the strategy to the Executive for consideration in the near future.

In accordance with the Act's requirement for children's authorities to co-operate to improve the well-being of children and young people, my Department has worked and continues to work collaboratively with the Department of Health on a range of policy, strategy and programme developments including: the draft Looked After Children Strategy: A life Deserved; the Online Safety Strategy; the Family and Parenting Support Strategy; the Childcare Strategy; the Obesity Prevention Strategy (A Fitter Future for All); Nutritional Standards for School Food; the New Strategic Direction for Alcohol and Drugs Phase 2; the Childhood Flu Vaccination and Immunisation programme; the development of proposals for a Regional Care and Justice Campus (with Health and Justice); the Sure Start programme; the Emotional Health and Well-being Framework; and implementing aspects of the new Special Educational Needs (SEN) Framework. As part of the Early Intervention Transformation Programme, the Departments of Education and Health developed and implemented the Getting Ready Suite of programmes, including Getting Ready for Toddler and Getting Ready to Learn.

Since the outbreak of the Covid-19 pandemic, my Department has worked co-operatively with Health on a number of matters including measures to support vulnerable children and families, provide support for childcare and ensure childcare

was available for children of key workers during the first lockdown. To ensure a clear understanding of the issues impacting children returning to school safely and having access to school transport and catering services, there was engagement at Ministerial level involving the Ministers of Education and Health, the Chief Medical Officer, Chief Scientific Advisor and the Public Health Agency.

The Departments of Education and Health and their arms-length bodies co-operate on an ongoing basis on a wide range of matters affecting the well-being of children and young people including child protection, educational underachievement and support for children with special educational needs.

Mr McCrossan asked the Minister of Education, given the contribution that nurture classes make to many children's education and wellbeing, whether he has any plans to expand the programme in the incoming years.
(AQW 10690/17-22)

Mr Weir: The new nurture programme, which I announced on 18 September, is being progressed within the budget I have available to ensure implementation at the earliest opportunity.

Should additional funding be made available in future years, I will consider an expansion of this programme in the context of my priorities at that time.

Mr Lyttle asked the Minister of Education what work his Department has undertaken to prepare for the implementation of Operation Encompass.
(AQW 10694/17-22)

Mr Weir: My Department is working collaboratively with DOH, DOJ, the SBNI and the PSNI to progress this work through the "Stopping Domestic and Sexual Violence and Abuse Strategy" and associated action plan. The Domestic Abuse and Family Proceedings Bill is currently at consideration stage and an amendment has been proposed to give power to make regulations to enable the initiative to be taken forward in this jurisdiction.

Once the bill is completed my Department will assist DOJ in developing supporting regulations to introduce Operation Encompass to NI. Part of this process will also be to determine and develop the support required by educational settings in implementing Operation Encompass.

Mr Lyttle asked the Minister of Education, given that the Engage Programme only applies to mainstream schools, to detail the specific work being done by Education Authority to limit any long-term adverse impact of the COVID-19 lockdown on educational standards in special schools.
(AQW 10695/17-22)

Mr Weir: Officials are working with the Education Authority and representatives of the Special Schools Leadership Group to develop options for a similar model to the Engage Programme which, subject to securing funding, will help address the impact of school closures on the learning of children and young people with complex needs in special schools following lockdown.

Ms Hunter asked the Minister of Education what training is provided to teachers in schools around racism and to raise awareness of cultural differences.
(AQW 10725/17-22)

Mr Weir: The Education Authority's (EA) Intercultural Education Service (IES) currently delivers an accredited intercultural training course to teachers and classroom assistants through the Queen's University Belfast (QUB) Open Learning programme. A condensed, unaccredited version of this training is expected to be made available by IES to all EA and school staff from April 2021.

IES is also developing intercultural content for inclusion in Bachelor of Education (BEd) and Post-Graduate Certificate in Education (PGCE) Initial Teacher Education (ITE) courses delivered by the Higher Education Institutions (HEIs) here, with the first training module being piloted in the 2021 spring term.

The training materials include specific content relating to the educational barriers and issues affecting Asylum Seeker, Refugee, Roma and Traveller children and young people.

Additionally, IES provides intercultural training to any EA service requiring awareness training around anti-racist and intercultural education practice. It also provides advice, guidance and focused support to schools, families and other educational support services in pursuit of the EA's objective of providing high quality education for every child.

Finally, whilst the Council for the Curriculum, Examinations and Assessment (CCEA) has no direct responsibility for teacher professional development, it does provide an extensive range of resources which support anti-racism and associated issues to assist teachers in the effective delivery of this important area within the NI Curriculum.

Mr Carroll asked the Minister of Education what expertise or experience risk assessors have in conducting (i) COVID-19 risk assessments regarding pupils; and (ii) health and safety occupation assessments for invigilators specific to COVID-19.
(AQW 10737/17-22)

Mr Weir: The Education Authority (EA) has advised that guidance on the completion of risk assessments accompanies every risk assessment produced. The EA employs professionally qualified Health & Safety staff, well versed in the legal requirements around risk assessments, who ensure, so far as is reasonably practicable, that EA assessments will meet the regulatory test of 'suitability and sufficiency' in controlling the risk. To assist schools in this task, the EA offered risk assessment training, at least up until March this year, free of charge to all schools.

The EA is not the legal 'duty holder' for health and safety in non-Controlled schools but does provide health and safety advice to all schools.

Mr Carroll asked the Minister of Education to confirm whether invigilators have received training and induction into procedures for the Education Restart for each individual school setting.
(AQW 10738/17-22)

Mr Weir: The Department's revised Northern Ireland Re-opening Schools Guidance - New School Day was published on 13 August 2020. The guidance has been informed by advice provided by the Chief Medical Officer and Chief Scientific Advisor and the Executive's agreement on 6 August 2020 that the stringent application of social distancing requirements between pupils will be relaxed from 17 August 2020. The guidance provides guidelines on issues including start dates, hygiene and cleaning processes and a wide range of risk mitigations.

The guidance is written with a view to providing a planning framework for the "day one" restart of schools and should be seen in that context.

It provides an overarching framework for the re-opening of schools and education settings in Northern Ireland, with the aim of ensuring broad consistency and equity across local areas, but is sufficiently flexible to allow education settings and staff to adapt and adopt approaches that best suit their needs.

In regards to training it is for the individual schools to provide any training they feel is appropriate or required.

Public Health Agency and the Department of Health

Mr Carroll asked the Minister of Education (i) whether more than 15 pupils outside of their classroom bubbles travelling to be tested for COVID-19 is in contravention of any guidance from the Public Health Agency and the Department of Health; and (ii) whether gathering for test events would be prohibited by any statutory directions or legislation related to the incidence and transmission of COVID-19.

(AQW 10739/17-22)

Mr Weir:

Under Section 5 paragraph (1) of The Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020/150, which states:

- 1 "Subject to paragraphs (2) to (7), a person shall not organise, operate or participate in an indoor or outdoor gathering which consists of more than fifteen persons". Therefore if a group of more than 15 pupils travelled to be tested for Covid-19 they would be in breach of the regulations.
- 2 "Gatherings" for test events or any outdoor/indoor event would have to comply with The Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020/150 and any restrictions imposed within them.

Mr McCrossan asked the Minister of Education to detail all pupil enrolment numbers in (i) primary; and (ii) post-primary schools, broken down in each of the last three years.

(AQW 10762/17-22)

Mr Weir: The information requested has been placed in the assembly library.

Mr Lyttle asked the Minister of Education whether he considered the introduction of a temporary continuity direction to specify guidance for remote learning as issued by the Department of Education in England.

(AQW 10765/17-22)

Mr Weir: The Temporary Continuity Direction in England requires that where a class, group of pupils, or individual pupils need to self-isolate, or there are local or national restrictions requiring pupils to remain at home, schools are expected to provide immediate access to remote education.

My Department has asked schools to have similar contingency plans in place for the delivery of remote learning in the event of a school closure, or that a class or group of pupils need to self-isolate.

Feedback indicates that these plans are in place. I do not, therefore, consider it necessary at present to introduce a mandatory or legal temporary continuity direction to require remote learning.

Out key priority is to support and empower schools to deliver high quality remote learning and to share innovative practice. Departmental guidance has, therefore, been provided for schools on both Remote Learning and Curriculum Planning and Blended Learning for 2020/21. Further resources, guidance materials and case studies have also been produced by the Department's Continuity of Learning Project.

Mrs Cameron asked the Minister of Education, pursuant to AQW 6494/17-22, what stage the drafting of proposals for the introduction of mandatory autism training for teachers is presently at.

(AQW 10766/17-22)

Mr Weir: Work has been ongoing to develop and finalise proposals for an enhanced training framework. I intend to make an announcement shortly in relation to this.

Ms Mullan asked the Minister of Education to detail (i) the number of post-primary pupil absences by year group since schools returned following the extended mid-term break; (ii) the figures in relation to post-primary teacher absences for the same period; and (iii) these figures on a constituency basis.

(AQW 10796/17-22)

Mr Weir:

- (i) The figures in the tables below refer to the time period covering the weeks commencing 2nd November to the 16th November.

Pupil attendance is recorded by schools in units of half day sessions therefore if a pupil missed all three weeks of school through sickness for example this would count as 30 units (15 days x 2) within the figures presented in the table.

These figures do not include those pupils self-isolating due to COVID-19 or those learning remotely from home as these pupils will be marked as undertaking an approved educational activity which contributes to the overall Present figure. In recent years pre COVID-19 post primary absence has been 6.7%.

The first table shows the number of half day sessions recorded as absence while the second table shows these absences as a proportion of total possible attendance which will allow for greater comparability across constituencies.

Number of total possible attendance recorded as absent 2 November to 20 November 2020 by year group and constituency of post primary school location

	8	9	10	11	12	13	14	Total
Belfast East	1,264	2,118	2,144	2,326	2,256	1,008	1,105	12,221
Belfast North	2,663	3,795	3,821	3,866	4,721	1,867	2,259	22,992
Belfast South	1,968	2,746	3,113	2,814	3,107	1,574	2,012	17,334
Belfast West	3,085	3,970	4,089	4,191	4,274	2,421	2,548	24,578
East Antrim	1,714	2,022	2,779	2,533	2,590	1,045	1,010	13,693
East Londonderry	1,469	2,026	2,287	2,211	2,644	920	874	12,431
Fermanagh & South Tyrone	2,183	2,509	2,482	2,936	2,980	1,423	1,892	16,405
Foyle	2,328	3,374	3,166	3,747	3,973	1,807	1,980	20,375
Lagan Valley	1,400	1,791	2,308	2,191	2,610	737	828	11,865
Mid Ulster	1,775	2,689	2,769	2,735	3,787	1,463	1,737	16,955
Newry and Armagh	2,291	3,068	3,737	3,280	3,824	1,638	2,095	19,933
North Antrim	1,895	3,179	2,867	2,918	3,782	1,457	1,401	17,499
North Down	1,158	1,886	1,824	1,741	2,140	1,032	1,190	10,971
South Antrim	927	1,547	1,691	1,605	1,996	587	543	8,896
South Down	2,331	2,701	3,125	3,182	4,062	1,871	1,972	19,244
Strangford	1,672	2,560	2,703	2,678	2,937	1,196	1,452	15,198
Upper Bann	2,566	3,831	4,123	4,174	4,266	1,178	1,268	21,406
West Tyrone	2,127	2,356	2,776	2,775	2,959	1,342	1,466	15,801
Total	34,816	48,168	51,804	51,903	58,908	24,566	27,632	297,797

Source: SIMS

Percentage of total possible attendance recorded as absent from 2 November to 20 November 2020 by year group and constituency of post primary school location

	8	9	10	11	12	13	14	Total
Belfast East	3.7	6.2	6.5	7.4	7.0	4.2	5.2	5.8
Belfast North	5.1	7.2	8.0	8.4	10.6	5.5	7.8	7.5
Belfast South	4.5	6.2	7.2	6.8	7.6	4.4	6.0	6.1
Belfast West	8.4	10.8	12.0	12.6	13.1	9.2	11.3	11.1
East Antrim	5.4	6.3	8.8	7.8	8.4	6.1	6.3	7.1
East Londonderry	4.3	5.7	6.8	6.9	8.8	5.7	5.6	6.3
Fermanagh & South Tyrone	4.4	5.1	5.1	6.1	6.5	4.8	6.4	5.5
Foyle	5.2	7.6	7.4	9.2	9.9	6.0	7.2	7.5
Lagan Valley	4.6	5.7	7.9	7.9	9.7	4.3	5.7	6.7
Mid Ulster	3.6	5.7	6.3	6.4	8.6	5.1	6.9	6.0
Newry and Armagh	4.1	5.6	7.1	6.8	7.8	5.6	7.7	6.3
North Antrim	4.1	6.7	6.4	6.6	8.2	5.0	5.7	6.2
North Down	4.2	6.6	6.7	6.7	8.5	5.4	7.0	6.4
South Antrim	3.8	6.4	7.4	7.4	9.5	5.0	5.9	6.6
South Down	5.0	5.9	7.0	7.9	10.0	6.7	7.5	7.1
Strangford	4.3	6.3	7.8	8.2	8.8	6.5	8.8	7.1
Upper Bann	4.8	6.9	7.7	7.7	8.9	4.6	5.8	6.9
West Tyrone	5.5	6.5	7.5	7.8	8.4	6.0	6.8	7.0
Total	4.7	6.5	7.4	7.6	8.8	5.6	6.9	6.8

Source: SIMS

- (ii) As part of a survey currently being undertaken each Tuesday, educational settings are being asked to report teacher attendance information. The information reported for post-primary schools is presented in the table below. It should be noted that the information relates only to the day of the survey. The survey has a typical response rate of approximately 63% for post-primary schools (i.e. around 120 schools). The data is not sufficiently robust to provide on a constituency basis.

Post-primary	Teaching staff on site	Teaching staff not on site - working remotely	Teaching staff not on site - other
03 Nov 2020	93.2%	2.4%	4.4%
10 Nov 2020	91.6%	3.4%	4.9%
17 Nov 2020	90.3%	4.9%	4.8%
24 Nov 2020	92.1%	2.8%	5.1%

Mr Dunne asked the Minister of Education for an update on the new build programme for Priory Integrated College, Holywood.

(AQW 10830/17-22)

Mr Weir: Priory Integrated College has been selected for a major capital investment project to improve or replace its existing accommodation. The project will cater for the school's current approved enrolment of 600 pupils.

In February 2020 the EA successfully completed the appointment of an Integrated Consultant Team to carry out the design of the proposed Priory Integrated College. The business case was approved by the Department of Finance (DoF) in August 2020. This identified the preferred option as a new build school at a site on Redburn Road in Holywood.

The Integrated Consultant Team is now working on the early stages of the design process.

Mr Carroll asked the Minister of Education whether all children will be attending familiarisation days at their allocated test centres prior to test dates as in previous years.

(AQW 10832/17-22)

Mr Weir: Arrangements for familiarisation days are the responsibility of the test providers and host schools. I understand that all children sitting the tests are normally invited to a familiarisation day at the test centre where they are sitting the tests. Whether or not pupils attend this day is matter of individual choice. I have been advised that this year some schools are offering virtual familiarisation days.

Mr Lyttle asked the Minister of Education for an update on the Red Box project free sanitary products in school pilot.

(AQW 10873/17-22)

Mr Weir: DE officials have been working with the Education Authority on the issue of “period poverty” since June 2019 when it piloted a small voluntary scheme in North Belfast. Since then, work has developed on a range of options to provide free sanitary products in schools.

I await imminent advice for my consideration on the way forward. This is likely to lead to an Executive paper in the coming weeks if there is scope for it to be considered by the NI Executive. I intend to update the Education Committee at the same time.

Pursuant to AQW 689/17-22, the scheme would, if approved, be funded by the NI Executive and would not rely on charitable donations.

Mr Lyttle asked the Minister of Education for an update on the provision of free sanitary products in all schools.

(AQW 10874/17-22)

Mr Weir: DE officials have been working with the Education Authority on the issue of “period poverty” since June 2019 when it piloted a small voluntary scheme in North Belfast. Since then, work has developed on a range of options to provide free sanitary products in schools.

I await imminent advice for my consideration on the way forward. This is likely to lead to an Executive paper in the coming weeks if there is scope for it to be considered by the NI Executive. I intend to update the Education Committee at the same time.

Pursuant to AQW 689/17-22, the scheme would, if approved, be funded by the NI Executive and would not rely on charitable donations.

Mr Lyttle asked the Minister of Education, pursuant to AQW 1405/17-22, for an update on advice on potential options in respect of the provision of free sanitary products in schools that he was scheduled to receive by the end of March 2020.

(AQW 10875/17-22)

Mr Weir: DE officials have been working with the Education Authority on the issue of “period poverty” since June 2019 when it piloted a small voluntary scheme in North Belfast. Since then, work has developed on a range of options to provide free sanitary products in schools.

I await imminent advice for my consideration on the way forward. This is likely to lead to an Executive paper in the coming weeks if there is scope for it to be considered by the NI Executive. I intend to update the Education Committee at the same time.

Pursuant to AQW 689/17-22, the scheme would, if approved, be funded by the NI Executive and would not rely on charitable donations.

Mr Clarke asked the Minister of Education how his Department plans to deal with the need for an increase in nursery school place provision in the Ballyclare area.

(AQW 10907/17-22)

Mr Weir: The Education Authority (EA) is responsible for managing the Pre-School Education Programme (PSEP) and the EA Pre-School Education Group (PEG) has responsibility for securing sufficient PSEP provision in local areas to meet levels of demand for pre-school education provision for children in their immediate pre-school year.

The EA has advised that there is currently sufficient pre-school education provision in the Ballyclare area to meet both current and projected demand for funded pre-school education provision in the area.

There are no proposed actions in the Strategic Area Plan for School Provision - Action Plan 2019-21 relating to nursery provision in Ballyclare.

Any school seeking to expand its nursery provision is required to bring forward a development proposal (DP).

Mr Carroll asked the Minister of Education whether the Chief Medical Officer and Chief Scientific Officer contributed to and agreed to the application of the public exam guidelines that will be used for the post-primary transfer test.

(AQW 10945/17-22)

Mr Weir: The public exam guidelines are based on the main DE Coronavirus guidance and draw on guidance recently issued in England. It is intended as a guide to how to apply Covid-19 measures to an exam setting.

Mr Carroll asked the Minister of Education, in light of primary school children aged 10 and 11 having to travel to secondary schools to sit each test, unlike the majority of children taking public exams who sit the tests in their own schools in their existing bubbles, whether the guidelines for public exams were conceived with the specific logistics of the post-primary transfer tests in mind.

(AQW 10946/17-22)

Mr Weir: The post-primary tests are not overseen by the Department and are the result of a private arrangement between the test providers and schools. My Department plays no role in their operation or administration this includes the timing and location of the tests.

There is currently no bar on primary schools hosting the tests; however schools have a significant degree of autonomy to make decisions that reflect their ethos. Some primary schools may have indicated an openness to host tests but many have indicated they are not content. Representatives from the five teachers unions have indicated that they would be opposed to the use of local primary schools for the purpose of testing.

The health and safety of young people sitting the transfer tests is of paramount importance. I have therefore written to the test providers asking to be kept informed of the safety measures being put in place to reduce the risk of COVID 19 in line with guidance from the Department and the wider medical and public health requirements.

This would include, but not be limited to, ensuring staggered arrival and leaving times based on primary school bubbles, social distancing in classrooms and appropriate sanitising arrangements within the host school. I understand that the test providers, together with host schools, are already developing their approach to managing the practical arrangements needed for the test days. I have asked the providers to ensure I am kept informed of their plan

Mr Carroll asked the Minister of Education to detail any correspondence that has taken place between the Education Authority or Department of Education to schools in relation to following the Education Restart public health guidance to support public examinations in the context of the post-primary transfer tests.

(AQW 10947/17-22)

Mr Weir: To date I have not had any direct contact with schools in relation to the published public health guidance to support public examinations in the context of the post-primary transfer tests. However, I wrote to the test providers on 30 October to advise that the guidance was being prepared and outlined my expectation that the test providers and those schools hosting the transfer tests would have regard to it when published. I have also agreed to share it with the providers and this is being followed up.

Mr McCrossan asked the Minister of Education for an update on payments due to members of the senior exam team employed by CCEA who were unable to perform their duties due to the COVID-19 pandemic.

(AQW 10981/17-22)

Mr Weir: Some examiners had already delivered preparatory work in relation to the cancelled examinations and all these individuals have been paid for this in accordance with the terms of their contracts. These payments amounted to almost £1million in the period April 2020 to August 2020. No further payments are due under these contracts.

Any compensatory payment in relation to work that could not take place due to the cancellation of exams would be considered a non-contractual payment. The Department was unable to reconcile the approval of a compensatory payment to examiners with Managing Public Money considerations and the potential repercussive effects of making a non-contractual payment.

Mr McCrossan asked the Minister of Education why CCEA senior examiners in Northern Ireland did not receive any furlough payments, given that their counterparts in other parts of the United Kingdom did.

(AQW 10982/17-22)

Mr Weir: There was no central directive on the treatment of contractors in the examinations market and awarding organisations have made varying arrangements with their contractors depending on their specific contractual arrangements and organisational constitution.

Examiners in Northern Ireland were engaged by CCEA on a contract for services basis, whereby payment is conditional on the completion of work. As they are not employees of CCEA, they were not eligible for the Government furlough scheme.

Mr McCrossan asked the Minister of Education for an update on refunds given to students who were unable to take resit exams in 2020.

(AQW 10983/17-22)

Mr Weir: As already indicated in my answer to AQW 7282/17-22 and AQW 7900/17-22, CCEA has now submitted a proposal to the Department in relation to charges for summer 2020. This includes proposals in relation to private candidates and resit candidates who were awarded a grade.

Specific details pertaining to refunds and fees will be finalised following my consideration of CCEA's proposal.

Mr McCrossan asked the Minister of Education or his assessment of the hardship caused to CCEA examiners who were unable to perform their duties due to the COVID-19 pandemic.

(AQW 10984/17-22)

Mr Weir: The Department is aware that the cancellation of the summer exams series will have affected examiners to varying degrees depending on the level of anticipated income and their personal circumstances. However, it was important that any decision on this matter treated all exam contractors consistently. In that context, a compensatory payment could not be reconciled with Managing Public Money considerations and the potential repercussive effects of making a non-contractual payment.

Mr Lyttle asked the Minister of Education why no progress has been made on a new Special School in Belfast, the need for which was identified in 2012.

(AQW 10985/17-22)

Mr Weir: As I have said in my response to AQW 10521/17-22, any significant changes to statutory education provision, including Special Schools, are subject to a statutory process. This is mainly set out in Article 14 of the Education and Libraries (NI) Order 1986 (as amended) and requires the publication of a Development Proposal (DP). No DP's have been published in relation to the establishment of a new special school and the Department's role has therefore not been engaged.

Mr Lyttle asked the Minister of Education for his assessment of the Welsh Government's proposals for examinations in 2021.

(AQW 10986/17-22)

Mr Weir: I am disappointed that the Welsh Education Minister has acted unilaterally, moving away from the three-country arrangement for GCSEs and A Levels. The Welsh Minister outlined her intention to introduce a process involving externally set and marked assessments, which would appear to be exams without the security and controls of an exam situation to ensure fairness for all.

There is considerable uncertainty about the details of the process that will replace examinations in Wales and this is likely to increase anxiety amongst learners as they wait to hear how their qualifications will be awarded. The lack of familiarity with new assessment instruments, developed and rolled out at short notice could also increase anxiety levels. There is also no certainty about how universities will view the Welsh qualifications awarded using this untested new process.

CCEA has sought urgent clarification from WJEC on how they will award their qualifications outside Wales, including in Northern Ireland.

Mr Lyttle asked the Minister of Education whether he will publish full, open, transparent and accurate data regards all COVID-19-related pupil and staff absences by (i) school; and (ii) school year for this academic year.

(AQW 10987/17-22)

Mr Weir: All pupil and staff absence data collected by the Department are published in a weekly bulletin on my Department's website (www.education-ni.gov.uk/publications/management-information-attendance-pupils-and-workforce-schools).

Publication of Covid-19 related pupil absence at school and school year group level is not possible at present. It is not currently possible to identify all Covid-19 related pupil absences as there are no dedicated Covid-19 attendance codes available. Existing attendance codes are being used not only to capture Self Isolation and Remote learning but also for their original purpose of Approved Educational Activity and Intensive Support Learning Unit. There is also no specific code for illness relating to Covid-19. Work is ongoing to establish the viability of additional pupil attendance codes specific to Covid-19.

All pupil attendance data is held within schools and the information received by the Department each week from C2K is at a school level. School year group analysis requires a bespoke request to C2K, which places significant pressure on School Information Management systems and creates an administrative burden to validate.

A snapshot of staff attendance is currently being collected on each Tuesday through a temporary survey. This voluntary survey, which has a response rate of around 65% and therefore does not include all schools, was established to enable overall trends to be monitored for planning and reporting purposes. It is collected as management information and is not validated to the usual standard of Official Statistics, so there may be discrepancies for individual schools. Data from this survey will therefore not be released at a school level.

Teacher absence data is also available from the Teachers' Payroll System. The number of working days lost per teacher due to sickness for each financial year is published at the end of June each year. However, this data will not include Covid-19 related absences as they are not sickness absences. This data is also not published at school level as a high proportion of schools will have only a small number of teachers who have taken a sickness absence and publishing this would risk identifying individuals.

Schools are also able to record staff absences on the Schools Information Management System (SIMS) and the possibility of using this system to collect data on Covid-19 related absences from schools is currently being investigated.

Mr Lyttle asked the Minister of Education for his assessment of what level of pupil absence would make it necessary to cancel examinations this year.

(AQW 10988/17-22)

Mr Weir: It is my priority that exams should go ahead if at all possible. Officials are working with CCEA on a range of contingencies to support this objective.

In these uncertain times, the familiarity of the exam system provides greater certainty as learners know what they are working towards and how it will be awarded.

Mr Lyttle asked the Minister of Education whether the Education Authority Educational Psychology Service is adequately resourced to meet demand.

(AQW 10989/17-22)

Mr Weir: I am aware that the significant increase in the number of children presenting with Special Educational Needs (SEN) has placed increased demands on the Educational Psychology Service (EPS).

A review of the EPS, including a capacity and demand exercise, will be progressed as part of the Education Authority's (EA) wider SEN Strategic Programme. This capacity and demand exercise will also consider interdependencies with other SEN services and schools, and will provide a clearer picture of the EPS's capacity to meet the needs of pupils with SEN.

Mr Middleton asked the Minister of Education whether there are any plans for a further School Enhancement Scheme.

(AQW 11008/17-22)

Mr Weir: There are currently 74 schools being progressed under the second call to the School Enhancement Programme (SEP).

I will review the progress of these projects and subject to satisfactory progress and available budget, I will consider if there should be a third call for applications to SEP, as part of the overall capital investment strategy.

Ms S Bradley asked the Minister of Education, pursuant to the answer provided to my supplementary question to AQO 1039/17-22, in relation to the stakeholder group referred to, to detail (i) the membership of the group; (ii) the frequency and dates of meetings held with his Department during COVID-19; and (iii) any advice relating to COVID-19 offered to his Department by the group.

(AQW 11041/17-22)

Mr Weir: Since the inception of Education Restart the Department has used a practitioners group made up of a balanced and diverse group of school principals and officials to consider and co-design Department of Education guidance.

The Practitioners group met twice weekly during May and June until the first version of the guidance was issued and then monthly since with last meeting on 11 November.

The Department is well aware it cannot deliver on its Educational objectives without the support and confidence of the education workforce. Therefore the Department will continue to work alongside stakeholders through both the Practitioners Group and the established consultative fora to ensure safe and effective operation of schools for the benefit of our children and young people

The advice offered by the practitioner group was used to co-design the revised New School Day guidance relating to practical arrangements for re-opening schools which was published on 13 August 2020. The guidance provides guidelines on issues including start dates, attendance patterns, cleaning processes and risk mitigations.

Mr Beattie asked the Minister of Education whether schools are set a quota of how many children can be referred for Special Educational Needs services in each educational year.

(AQW 11050/17-22)

Mr Weir: This question has been interpreted as referrals to the Education Authority's (EA) Educational Psychology Service for assessment at Stage 3 of the Special Educational Needs (SEN) Code of Practice.

Whilst there are no limits imposed on the number of children that may be referred to an Educational Psychologist for assessment at Stage 3, the EA operates a time allocation model for Educational Psychology Services where children are prioritised for assessment. There is a finite amount of Educational Psychology time available and this process helps ensure that it is apportioned in a transparent and equitable manner and that those in greatest need are prioritised.

If information is presented to the Educational Psychologist during consultation which indicates that a pupil has exceptional circumstances and the school has exhausted its time allocation, such referrals, while not guaranteed, will continue to be prioritised and an allocation of time is held centrally for this purpose.

The EA stresses that it applies the time allocation system in as flexible a manner as possible. Time available for case work within the whole service is collated annually, and this is used to determine the amount of time each school receives.

The time allocation model does not apply to statutory SEN assessments at Stage 4 of the Code of Practice.

Ms Sugden asked the Minister of Education, given that many students have had to self-isolate for 14 days or more and thereby missing valuable teaching time, (i) for his assessment of the fairness of this school year's assessment procedures; and (ii) whether he is considering alternative grading processes, potentially similar to the last school year.

(AQW 11055/17-22)

Mr Weir: My priority is that exams should proceed as planned in 2021 as they remain the fairest method of assessing and awarding qualifications. However I recognise the need to take account of the ongoing disruption to face to face teaching experienced by many learners.

My officials have been working closely with CCEA to develop a range of options for contingencies to respond to the fluid public health situation. In considering these options I want to ensure that NI students are not disadvantaged in comparison to their peers in other jurisdictions.

I hope to be in a position to make an announcement very soon.

Mr Carroll asked the Minister of Education what contingencies are in place for children who miss (i) two or more AQE tests; or (ii) both GL tests.

(AQW 11100/17-22)

Mr Weir: In setting their admissions criteria, Boards of Governors of schools that will make use of a test to prioritise children for admission in 2021 will need to set out how they will rank order children who cannot provide a score because they were unable to attend tests. The approach taken will be a matter for individual Boards of Governors to determine.

Ms S Bradley asked the Minister of Education (i) for an update on work within his Department to help with the prevention of loneliness; and (ii) whether his Department would be supportive of the development of a preventing loneliness strategy.

(AQW 11115/17-22)

Mr Weir:

(i) My Department has no specific measures in place to address loneliness in children and young people in schools.

DE is however working collaboratively with the Department of Health, the Public Health Agency the Health and Social Care Board, other government departments and the Education Authority, to develop an Emotional Health and Wellbeing in Education Framework, which will build on DE's existing iMatter Programme, to promote emotional wellbeing within schools. This will further support schools to develop a "whole school wellbeing" culture and ethos, including a sense of connectedness and belonging for all pupils.

(ii) My Department would be content in principle to be supportive of a new NI Loneliness Strategy and would anticipate that the ongoing work on Emotional Health and Wellbeing would contribute to its development and implementation.

Mr Lyttle asked the Minister of Education what action his Department has taken to progress the Independent Review of Integrated Education recommendation that he bring forward legislation to place a duty on the Department of Education and the Education Authority, and a power on all other arms'-length bodies, to encourage, facilitate and promote integrated education.

(AQW 11129/17-22)

Mr Weir: There is already a statutory duty on my Department to encourage and facilitate the development of integrated education which I take very seriously. All of my Department's Arm's Length Bodies are already required to assist in delivering this statutory duty. Additionally my Department does not promote one sector over another.

My Department also funds the Northern Ireland Council for Integrated Education (NICIE) to promote and encourage integrated education and provide sector specific support. This is the reason I have categorised this recommendation as sitting within NICIE's remit.

I have not therefore brought forward any legislation in respect of this recommendation, which was set out in the report I published for information only in 2017.

Mr Lyttle asked the Minister of Education what action has he taken to progress the Independent Review of Integrated Education recommendation that his Department commission comparative research to assess the evidence for pupil outcomes in terms of tolerance and reconciliation across the different school sectors in Northern Ireland to include the outcomes for pupils in shared education.

(AQW 11130/17-22)

Mr Weir: There are already a range of surveys undertaken about the experiences of children and young people.

My Department obtains information on the impact of Shared Education from a range of sources including regularly scheduled surveys such as Young Life & Times (YLT), Kids Life & Times (KLT) and the Education and Training Inspectorate (ETI) Chief Inspector's biennial report. A summary of the results from the latest KLT and YLT surveys (2018) are included in the second Advancing Shared Education Report to the Assembly published in June 2020, which is available on my Department's website. That Report was also informed by a number of ad hoc evaluations and research papers linked to Shared Education funded programmes.

The YLT contains questions across various modules that are relevant to tolerance and reconciliation. In the module specific to Education the "Community Relations Equality and Diversity Education" section provides a useful set of attitudinal information.

I remain to be convinced of the need for a further survey when information from e.g. YLT is able to be analysed by school type so information about the outcomes from pupils attending integrated schools can be ascertained, subject to any restrictions in relation to small numbers. That is why I have categorised this recommendation as not to be taken forward.

Mr Lyttle asked the Minister of Education (i) what action he has taken to progress the Independent Review of Integrated Education recommendation that the Department of Education urgently consider (a) support services to grant-maintained integrated schools; (b) the demand and need for centralised support to be available to these schools; and (ii) how best to provide such centralised support.

(AQW 11132/17-22)

Mr Weir: In looking at this recommendation Departmental officials consulted with all 38 GMI schools in November 2018, to ascertain the potential level of demand and need for such support and how this may be secured.

While only 11 schools responded, the findings of the consultation were reported to Integrated Education Stakeholders including the Northern Ireland Council for Integrated Education (NICIE), and the Association of Integrated Principals in Integrated Schools (APTIS).

Additionally my Department has encouraged and facilitated engagement between NICIE and the Education Authority (EA) which has expertise in these areas. This has resulted in the advertisement of vacancies for integrated schools via the EA website and APTIS (representing the GMI schools) agreeing to explore a potential solution with the EA in relation to support services. This is the

appropriate forum to progress this and the reason I have categorised this recommendation as sitting within NICIE's remit, as the Arm's Length Body funded to promote and encourage integrated education and provide sector specific support, to move forward. My officials will continue to work with NICIE and the EA in support of achieving this.

Mr Lyttle asked the Minister of Education what action his Department has taken to progress the Independent Review of Integrated Education recommendations 11, 13 and 14.

(AQW 11133/17-22)

Mr Weir: The report containing these recommendations was published for information only in 2017, and Area Planning - as well as much of my Department's day-to-day work - was paused by the Covid-19 pandemic from March 2020 until recently. Therefore the particulars of recommendations 11 and 13 have largely not been taken forward.

In relation to recommendation 14 it is relevant to note that the length of time during which schools that transform to integrated status can access funding support has been extended from 3 to 5 years following transformation. My Department has provided updated guidance in terms of transformation to integrated status. It had already provided guidance for any school considering establishing a Jointly Managed school prior to the publication of the Independent Report on the Review of Integrated Education. Anything beyond this is interlinked with recommendations 11 and 13.

In addition, as my officials advised on 25 November 2020, I have agreed that the types of changes in approach proposed through these particular recommendations will be among those to be considered as part of the wider Review of Education. This provides a wholly appropriate forum for the out workings of this type of change to be discussed.

Ms Bradshaw asked the Minister of Education for an update on Fresh Start funding for Forge Integrated Primary School.
(AQW 11139/17-22)

Mr Weir: The Fresh Start Agreement (FSA) set out a commitment by the UK Government to release up to £500m over ten years of new capital funding to support shared and integrated education, subject to individual projects being agreed between the Executive and the UK Government.

A major capital project for Forge Integrated Primary School to be funded from the Fresh Start Agreement was announced by the Secretary of State in March 2016.

This project will provide a new 14 class school building and associated facilities. The business case for the project was approved by the Department of Finance (DoF) in February 2018. In December 2019 the Education Authority (EA) successfully completed the appointment of an Integrated Consultant Team to carry out the design of the proposed Forge Integrated Primary School. The Integrated Consultant Team is now working on the early stages of the design process.

Ms Bradshaw asked the Minister of Education to detail the correct attendance code for a chronically ill pupil who only attends school part-time and comes in mid-morning.

(AQW 11230/17-22)

Mr Weir: DE Circular 2020/08 sets out guidance to schools on how attendance should be recorded. The appropriate absence code for a school to use for a particular pupil is likely to depend on the specific circumstances of that pupil.

Departmental officials would be happy to provide advice to any school regarding this issue. The relevant team can be contacted either by email at: attendance@education-ni.gov.uk or by telephone on 02891 279328.

Mr Newton asked the Minister of Education to detail (i) when work on the replacement building for Elmgrove Primary school will continue; and (ii) the timescale within which the project will be completed.

(AQW 11340/17-22)

Mr Weir: The tender process for the appointment of a contractor to build a new 21 class primary school, double unit nursery and two learning support units for Elmgrove Primary School on the site of the former Avoniel Primary School has recently been completed and the Department has given its approval to the award of the tender.

The Education Authority in line with government procurement guidelines is currently engaging with the successful and unsuccessful contractors. It is anticipated work will commence on site in March 2021 with an overall contract duration of 30 months.

The initial phase of works would see the contractor put in place modular classrooms, kitchen and dining facilities on the Beersbridge Road site to facilitate all Elmgrove Primary School children in the one location. It is anticipated that this initial phase of works will take 5-6 months permitting all children to be located on the Beersbridge Road site for the new academic year beginning September 2021.

Ms Mullan asked the Minister of Education how special considerations will be provided for in the awarding of qualifications in 2021, following the public exam series to account for the significant levels of disruption to education due to COVID-19.

(AQW 11350/17-22)

Mr Weir: A range of potential measures to take account of the challenging circumstances and disruption to learning are currently under consideration and I will make details available once decisions have been finalised.

Ms Armstrong asked the Minister of Education why preschool and primary school have 22 days to apply for a post primary place, but post-primary only have 15 days with the process opening 5 days before the AQE/GL results, giving only 10 application days for children applying for a place.

(AQW 11391/17-22)

Mr Weir: Pre-school and primary school online applications open at noon on 7 January 2021 and close at noon on 29 January 2021. Post-primary online applications open at noon on 1 March 2021 and close at 4pm on 16 March 2021.

Applications are not considered on a 'first come first served' basis and provided applications are submitted by the deadline, they will be considered as punctual.

With applications for post-primary opening in March, parents will have longer to consider their preferred options; to consult the information available on the transfer procedure from schools, the Education Authority and my Department; and to discuss preferences with their children, prior to the nomination of schools. The move to online applications will provide a similar window for parents of children applying to post-primary school to consider options after the issue of entrance test results as was the case with hard-copy applications.

Department of Finance

Ms Armstrong asked the Minister of Finance, following the Public Health England report that identified the COVID-19 death rate for adults with learning disabilities was 3.1 times the rates for adults without, whether his Department will review and produce the death rate in Northern Ireland for people with learning disabilities compared with adults without; and whether priority access to a future vaccine will be provided to this group.

(AQW 10288/17-22)

Mr Murphy (The Minister of Finance): England's COVID-19 Patient Notification System (CPNS) was set up in March 2020 to capture COVID-19 related deaths in hospitals in England. In a recent publication, Public Health England (PHE), using data sourced from CPNS, reported that the death rate for adults with learning disabilities with COVID-19 up to 5 June 2020 was 3.1 times the rate for adults without learning disabilities. COVID-19: deaths of people with learning disabilities - GOV.UK (www.gov.uk). There is no equivalent CPNS data collection system here.

Learning Disability is not captured as part of the death registration process upon which the Northern Ireland Statistics and Research Agency (NISRA) produces death statistics.

NISRA, through the Administrative Data Research-Northern Ireland, is currently developing a research project, to link death registration information to Census 2011. This research, which will commence in early 2021, will provide a greater understanding of the impact of COVID-19 on specific, vulnerable groups. The granularity of this analysis will be limited by anticipated small numbers in certain groups. The work is at the development stage but, depending on the quality of the linkage, is anticipated to report findings by mid-2021.

Responsibility for access to a future vaccine is the responsibility of the Department of Health.

Mr Easton asked the Minister of Finance whether he intends to recruit more staff to help deal with applications for the Local Restrictions Support Scheme.

(AQW 10475/17-22)

Mr Murphy: A good working knowledge of the rating system is required to review and process applications received under the Localised Restrictions Support Scheme. To recruit additional staff would have the effect of slowing down progress while the experienced staff were diverted to train the new recruits.

Ms Armstrong asked the Minister of Finance whether his Department has considered amending the building regulations to require all new builds to include space for secure off-street storage of bins to help keep public footpaths clear for pedestrians.

(AQW 10589/17-22)

Mr Murphy: Regulation 62 (Solid waste storage) of Part J (Solid waste in buildings) of the Building Regulations requires that adequate provision is made for the hygienic storage of waste from a building, as well as access to the place of storage and from the place of storage to the waste collection point.

Regulation 62 applies to new buildings, alterations or extensions and certain cases of material change of use, including where a greater or lesser number of dwellings is created.

The Department's Technical Booklet J (Solid waste in buildings) provides guidance by referral to the Local Government Waste Storage Guide for Northern Ireland. This covers requirements for the size, siting and design considerations of waste storage areas and notes that "The waste collection point should be such that waste can be presented without blocking vehicular or pedestrian access."

The Department is of the view that Part J is adequate.

Ms S Bradley asked the Minister of Finance for his assessment on the number of businesses and individuals who have yet to receive any financial assistance during the COVID-19 pandemic; and whether he plans to work with Executive colleagues to ensure all these businesses and individuals receive urgent financial support.

(AQW 10678/17-22)

Mr Murphy: Huge effort has gone into protecting our local businesses and workers throughout the course of the pandemic. The Executive had already provided over £2.3 billion for the COVID-19 response through a variety of measures and support schemes. This was on top of the Treasury wage support and loan schemes.

However, I have been aware that gaps remained in support for some, and that is why I called on my Executive colleagues to urgently bring forward proposals to address those. Following that, I announced further funding allocations on 23 November of over £338 million across Departments so that we as an Executive can continue to respond to the pandemic (link).

This is a rapidly evolving situation and Executive colleagues and I will continue to monitor and respond to the needs of those sectors, businesses and groups we have responsibility for.

Mr Muir asked the Minister of Finance whether there is dedicated telephone number or email address for elected representatives to contact with queries regarding the status of current grant scheme applications.

(AQW 10716/17-22)

Mr Murphy: Elected representative queries are being directed to the following e-mail:

revenueandbenefitscomplaints@finance-ni.gov.uk

As all available staff are currently engaged on processing applications, LPS has advised it is more efficient to deal with queries via e-mail.

Mr Allister asked the Minister of Finance to detail the outside organisations which are involved in unconscious bias training in the Civil Service.

(AQW 10775/17-22)

Mr Murphy: There are currently no outside organisations involved in unconscious bias training in the Civil Service.

Mr Allister asked the Minister of Finance how much has been spent on unconscious bias training for Civil Service staff in each year since 2016.

(AQW 10776/17-22)

Mr Murphy: Classroom based Unconscious Bias training was delivered to members of the NICS SCS between November 2016 and September 2017.

The breakdown of spend is as below:

Year	Total (£)
2016	Nil
2017	23,725.12
2018	4,979.20
2019	Nil
2020	Nil
Total	28,704.32

Mr Blair asked the Minister of Finance what support will be available to the Belfast International Airport to bridge the gap to a COVID-19 recovery.

(AQW 10798/17-22)

Mr Murphy: I secured Executive agreement to a range of measures to support our airports and airlines over recent months, including the 100% rates relief package I announced in May. This specific support provides rates relief for Belfast International Airport (BIA) until 31 March 2021 and is worth £1.7m to BIA alone.

My Department is continuing to engage with the airports, and indeed the Economy and Infrastructure Departments, who are each responsible for various aspects of aviation. In that regard, I announced in the Assembly last week my intention to bring forward proposals to provide further support to our airports in the coming days.

Mr Muir asked the Minister of Finance whether the rates support package announced on the 23 November 2020 will be by means of a refund on 2020/21 rate payments.

(AQW 10802/17-22)

Mr Murphy: As part of my announcement I advised that £20 million has been allocated to extend this financial year's 12 month rates holiday to manufacturing businesses. Land & Property Services is currently putting in place the arrangements for awarding this additional relief to those business ratepayers in receipt of industrial derating. Some of the ratepayers who benefit from this additional relief will have already paid some or all of their rates liability for this year. LPS will write to those ratepayers to advise on the refund procedures.

Mr Stalford asked the Minister of Finance for an update on the review of arm's-length bodies, as committed to in New Decade, New Approach.

(AQO 1190/17-22)

Mr Murphy: The Executive agreed the Terms of Reference for the review on the 18 June 2020. It is a two-stage review.

The first stage is about gathering background information from Departments, and is complete.

The second stage is desk based within DoF and involves involve looking at the rationale for the arm's-length body and considering whether the functions that it carries out can be delivered in the Department itself. That work is almost complete and will be brought to the Executive when finalised. It will include proposals for the rationalisation, efficiency and effectiveness of arm's-length bodies considered in the review.

Mr Givan asked the Minister of Finance to detail the impact on the projected regional rate of the decrease in rates income due to COVID-19.

(AQW 10821/17-22)

Mr Murphy: Land & Property Services has not seen any decrease in the value of the gross rate assessments as a result of the ongoing pandemic. However, you will be aware of the package that I put in place and announced during the summer giving a four month rate holiday to all non-domestic ratepayers, and a full exemption for businesses in the retail, tourism and hospitality sectors. This package, which is estimated to cost up to £317 million, will reduce the net income collected.

Ms Ennis asked the Minister of Finance to detail the business cases that his Department has received relating to paediatric pathology services since 2016.

(AQW 10826/17-22)

Mr Murphy: Business cases are submitted to the Department of Finance (DoF) where they breach a department's delegated authority. These delegations are set out in DoF guidance, DAO (DFP) 06/12.

Since 2016 my Department has not received any business cases related to paediatric pathology services.

Ms Armstrong asked the Minister of Finance when building regulations will be reviewed, updated, and published to ensure all new builds will meet zero carbon targets.

(AQW 10846/17-22)

Mr Murphy: My Department is monitoring proposals currently under consideration in England and Wales for uplifts toward a new 'Future Homes' standard. This is expected to apply carbon performance improvements of some 75-80% to new buildings from 2025, or possibly sooner. Similar proposals for buildings other than dwellings are anticipated in the coming months. These processes would be expected to provide updated software, policy assessments and support necessary to progress such measures here and we will move on their outcome to assess the implications locally, once the position becomes clearer.

In the meantime, my officials are also exploring detailed options with the Department's Building Regulations Advisory Committee (NIBRAC) and other departments to independently improve local energy efficiency standards for new buildings as quickly as possible.

Mr Hilditch asked the Minister of Finance how many applicants, from East Antrim, to the Localised Restrictions Support Scheme have received their payment.

(AQW 10937/17-22)

Mr Murphy: Statistics are not available by parliamentary constituency so I have provided figures for Mid and East Antrim Council area.

Applications Received	764
Applications approved and paid	415
Applications rejected	112
Applications to be processed	237

These figures are the position at 26th November 2020.

Mr Frew asked the Minister of Finance what support or assistance can be provided by Departments when applicants have difficulty using online applications for business grants.

(AQW 11003/17-22)

Mr Murphy: Applicants facing difficulty making an online application can contact the main NI Direct contact number 0300 200 7801. They will transfer them to a team in LPS who will take the applicants' details and complete the online application for them while on the phone.

Mr Durkan asked the Minister of Finance to detail (i) the reasons for the delay in processing applications for the Localised Restrictions Support Scheme; and (ii) what steps his Department has introduced to speed this process up.

(AQW 11062/17-22)

Mr Murphy: LPS is a rates collection agency which has repurposed itself as a grant agency to assist businesses during the pandemic. Information on what businesses would be forced to close were received from the Department for Health shortly before those restrictions were introduced. This meant there was a very short lead in time for a lead Department to be identified and for a support scheme to be set up. Although the Department for the Economy is the lead Department of business support, LPS volunteered to set up a scheme and took on new powers to perform this role.

The various overlapping restrictions which have come into effect during the period the scheme has been open, and the consequent changes, often at short notice, in the eligibility for support and the amounts payable to eligible businesses, has made the new scheme considerably more complex than the previous £10,000 Small Business Grant Scheme administered by LPS.

In addition, many applicants have submitted multiple applications or applications with incomplete or inaccurate information. This has impacted on progress in processing applications.

A number of cases are also awaiting a response from businesses who have been contacted for more information. There are also a number of applications on hold while clarification is needed because it is unclear whether the legislation required the business to close, which is the precursor to eligibility.

Delivering the financial support to businesses affected by the restrictions has been a major undertaking. Land & Property Services is devoting all possible resources to the administration of this Scheme to ensure payments are made to eligible businesses as quickly as possible.

Mr Allen asked the Minister of Finance (i) why some applicants have not received their first Localised Restrictions Support Scheme payment; and (ii) to detail what action he has taken to process the backlog of applications.

(AQW 11071/17-22)

Mr Murphy: To date LPS has received almost 14,000 applications to the Localised Restrictions Support Scheme (LRSS). The various overlapping restrictions which have come into effect during the period the scheme has been open, and the consequent changes in the eligibility for support and the amounts payable to eligible businesses, has made the new scheme considerably more complex than the previous £10,000 Small Business Grant Scheme administered by LPS.

In addition, many applicants have submitted multiple applications or applications with incomplete or inaccurate information. This has impacted on progress in processing applications.

To date, LPS has approved and paid 6,123 payments and rejected 2,981 applications. Of the remaining 4,984 outstanding at present, 781 relate to new applications from non-essential businesses which have been required to close since Friday 27 November. Some are multiple applications and some are new applications from applicants who have reapplied after being rejected because of an error in their original submission. A number of cases are also awaiting a response from businesses who have been contacted for more information. There are also a number of applications on hold while clarification is needed because it is unclear whether the legislation required the business to close, which is the precursor to eligibility.

Delivering the financial support to businesses affected by the restrictions has been a major undertaking. Land & Property Services is devoting all possible resources to the administration of this Scheme to ensure payments are made to eligible businesses as quickly as possible.

Ms Bailey asked the Minister of Finance whether retailers who may technically fall under the guise of homeware, but that consider themselves as non-essential, will be entitled to financial support under the Localised Restrictions Support Scheme.
(AQW 11077/17-22)

Mr Murphy: The Localised Restrictions Support Scheme can only provide financial support to those businesses specified in the Health Protection Regulations which have been required to close or have had the business service provided at their premises directly curtailed. It cannot support those businesses which are not required to close by the Health Regulations but nevertheless decide to close.

Mr Easton asked the Minister of Finance for his assessment of his Department's preparation to deal with the number of applications for Covid Business Restrictions Support Scheme.
(AQW 11092/17-22)

Mr Murphy: As at Friday 27 November, 12,798 applications had been received to the Department of Finance's Localised Restriction Support Scheme. 70% of these applications have been processed with £22.6 million having issued to over 6,000 businesses.

Mr McGrath asked the Minister of Finance whether IT errors in the delivery of the Localised Coronavirus Business Support Scheme have resulted in businesses being incorrectly deemed ineligible for assistance in (i) the BT33 postcode area; and (ii) other postcode areas.
(AQW 11138/17-22)

Mr Murphy: LPS is not aware of any IT errors with the application process for the Localised Restrictions Support Scheme that resulted in businesses being incorrectly deemed ineligible for assistance in BT33 or any other postcode area.

Mr McNulty asked the Minister of Finance (i) to detail the financial impact of the collapse of retailers Debenhams and Arcadia on the rates base to Land and Property Services in each of the impacted locations; (ii) what incentives he can put in place to help attract new tenants to these locations; and (iii) what support he, in partnership with the Minister for the Economy and the Minister for Communities, are providing to employees impacted what support he is providing to the employees impacted.
(AQW 11297/17-22)

Mr Murphy:

- (i) Debenhams and the Arcadia group occupy properties here with a total potential rates revenue in 2020/21 of £2.4 million. However, as these properties have been eligible for the 12 month rates holiday this year, there is no immediate impact to the rates base. The table below provides a breakdown of the total rates assessment by district council.

District Council	Total Assessment
Antrim and Newtownabbey	£60,773
Armagh City, Banbridge and Craigavon	£460,549
Belfast	£787,295
Causeway Coast and Glens	£27,646

District Council	Total Assessment
Derry City and Strabane	£445,837
Fermanagh and Omagh	£25,906
Mid and East Antrim	£130,224
Newry, Mourne and Down	£488,470
Grand Total	£2,426,700

- (ii) As I recently announced I have set aside £150 million for further rates support in 2021/22 and this is currently under active consideration. In particular, I will also consider the restoration of business rate relief for the reoccupation of vacant retail premises.
- (iii) As an Executive we will continue to seek to provide the best possible support to businesses and all employees impacted at this difficult time.

Mr Muir asked the Minister of Finance whether Local Restrictions Support Scheme applications that are rejected due to errors are prioritised once re-submitted.

(AQW 11358/17-22)

Mr Murphy: Applicants who have received a rejection e-mail because they have mistakenly advised they were closed prior to restrictions taking effect, or that they had not complied with a prohibition notice, are being advised to submit a new application. They have also been advised to forward the reference for their new application to a dedicated e-mail address so these can be picked up and expedited.

Department of Health

Ms Bradshaw asked the Minister of Health what steps he will take to implement the recommendations in the Regulation and Quality Improvement Authority review of Specialist Sexual Health Services in Northern Ireland, which was published in October 2013.

(AQW 3168/17-22)

Mr Swann (The Minister of Health): The Public Health Agency and Health and Social Care Board had established regional groups involving Health Trust Specialist Sexual Health Services and commissioners to consider how specific recommendations in the RQIA report can be implemented within the context of the long term vision for the service.

Progress has been reported by some, but not all, of the Trusts in implementing a number of recommendations at local level, including staff training, partner notification arrangements and provision of information about services.

Future sexual health service provision will as a necessity form part of the wider rebuilding of hospital services. The RQIA recommendations will, therefore, be considered as this more extensive piece of work evolves.

Ms Bradshaw asked the Minister of Health whether he will introduce COVID-19 testing on a weekly basis for all carers, regardless of whether they work in residential or domiciliary settings.

(AQW 7623/17-22)

Mr Swann: Testing in Northern Ireland continues to be a vital tool in our response to the COVID-19 pandemic. The current position is that all Health and Social Care (HSC) staff who are symptomatic (or whose household contacts are symptomatic) are eligible for testing in Northern Ireland.

This includes domiciliary care workers who, as essential health care workers, are currently able to access testing either through local HSC laboratories or via the National Testing Programme. Should there be an indication of more than one symptomatic individual among a group of care workers, an appropriate risk assessment will be undertaken by the Public Health Agency with testing of all individuals undertaken as deemed appropriate following the risk assessment.

On the 3 November 2020, I announced that regular COVID-19 testing of staff working in care homes would increase from once every two weeks to once a week.

Routine testing of asymptomatic domiciliary care workers and community health staff is kept under review. As our understanding of this new virus continues to evolve and we learn more about the impact of the virus across different settings, and as new testing technologies emerge and are evaluated for use, we may revisit our policy on routine testing health and social care staff, including the testing of domiciliary care providers.

Ms Mullan asked the Minister of Health for an update on the IVF Operational Group, it's membership and work to date.

(AQW 7649/17-22)

Mr Swann: I announced, prior to the COVID-19 pandemic, plans to establish a Project Board to take forward the welcome New Decade New Approach commitment to increase the number of publicly-funded IVF cycles.

Although membership of the Project Board has been determined, including representatives from my Department, the Health and Social Care Board, the Public Health Agency, the Belfast Trust and the Regional Fertility Centre, progress on this important issue has unfortunately been temporarily delayed due to the ongoing COVID-19 response.

This is an issue that I have informed officials I expect to see significant movement on once the immediate pressures subside.

Mr McCrossan asked the Minister of Health for his assessment of the need to locate a mobile COVID-19 testing centre in Castlederg town.

(AQW 8421/17-22)

Mr Swann: The location of testing facilities across Northern Ireland, including Mobile Testing Units (MTUs), is kept under constant review and deployed in response to local need. Further information is available at:

<https://www.publichealth.hscni.net/covid-19-coronavirus/testing-and-tracing-covid-19/testing-covid-19>

Mr Gildernew asked the Minister of Health how many contacts were traced to date, via the Public Health Agency's COVID-19 Contact Tracing Service who were primarily resident (i) cross-border on the island of Ireland; (ii) on the Island of Britain; (iii) from within the European Union, excluding the south of Ireland; and (iv) outside the European Union.

(AQW 8440/17-22)

Mr Swann: The Public Health Agency (PHA) has advised that they do not hold the information in the format requested.

Mr Gildernew asked the Minister of Health whether the Public Health Agency's text alert service for close contacts can send texts to (i) southern numbers; (ii) European Union numbers excluding Ireland; and (iii) outside the European Union.

(AQW 8441/17-22)

Mr Swann: The Public Health Agency (PHA) has confirmed that the text alert service for close contacts can issue texts to all of these locations.

Ms Sheerin asked the Minister of Health what measures have been put in place to ensure the trans community are not left without access to appropriate support and care while the review of the Regional Gender Identity Service pathway is undertaken.

(AQW 9334/17-22)

Mr Swann: My Department, through the review of the Regional Gender Identity Services Pathway, is actively working with the Health and Social Care Board and the Belfast Trust to address the issues of waiting times, resources, and to develop a model of care for gender identity services.

Anyone in need of support should in the first instance speak to their GP. In addition, there are a number of voluntary and community groups who are a useful source of support for many individuals transitioning, including their families, and for those waiting to access services.

Ms Sheerin asked the Minister of Health what financial or other support is or will be made available to trans individuals forced to access private care overseas, for instance surgical procedures in Britain, Poland and elsewhere.

(AQW 9336/17-22)

Mr Swann: Applications for funding specialist gender reassignment surgery are currently considered for individual patients through the Health and Social Care Board's Extra Contractual Referral (ECR) process, having due regard to the commissioning policies in place elsewhere in the UK. Where an application is approved, patients are referred to a mix of state and private providers elsewhere in the UK.

Where the HSC Board approves the treatment costs through its ECR process, the patient will also be reimbursed for travel related costs.

Ms Sheerin asked the Minister of Health what support will be given to community organisations which have been carrying out vital work in supporting and providing services to the trans community over the past two and a half years, in the absence of functioning gender affirming services.

(AQW 9337/17-22)

Mr Swann: The support provided by voluntary and community sector organisations to those undergoing assessment and treatment at the Brackenburn clinic and to those waiting for those services is invaluable.

My Department, working with the Health and Social Care Board, is currently taking forward a review of the gender identity service pathway and a report including findings and recommendations, will be submitted to my Department by summer 2021. The supporting role of those voluntary and community sector organisations and their ongoing contribution to the transgender community will be considered as part of the ongoing review.

Mr McNulty asked the Minister of Health to detail the number of residential respite places provided by each Health and Social Care Trust in each of the last 12 months, broken down by location.

(AQW 9374/17-22)

Mr Swann: The Department does not hold this information centrally and was requested from Health and Social Care (HSC) Trusts.

A breakdown of residential respite places in the last 12 months was provided by South Eastern and Southern HSC Trusts, and partially provided by Belfast HSC Trust for children's and learning disability client groups.

Belfast HSC Trust could not provide the number of residential respite places for older people and physical disability client groups by month. Breakdown of these figures by quarter is provided instead.

Northern and Western HSC Trusts advised that the number of residential respite places could not be provided. The number of clients receiving residential respite care by month has been provided instead.

Information by location is not available and could only be obtained at by a manual trawl at disproportionate cost. However, summary information by HSC Trust is provided.

Please find information detailed below.

Table 1. Number of residential respite places provided by month October 2019 to September 2020, by HSC Trust

Month	Belfast HSC Trust (Children's and Learning Disability Client groups)	South HSC Eastern Trust	Southern HSC Trust
Oct-19	328	181	289
Nov-19	329	173	298
Dec-19	252	175	266
Jan-20	307	177	313
Feb-20	292	187	275
Mar-20	203	131	209
Apr-20	37	33	76
May-20	32	23	83
Jun-20	32	23	100
Jul-20	128	63	122
Aug-20	142	77	122
Sep-20	131	83	88

Source: Health and Social Care Trusts

Table 2. Number of residential respite places provided by quarter September 2019 to June 2020, in Belfast HSC Trust

Quarter ending	Belfast HSC Trust (Older people and Physical Disability Client groups)
Sept-19	28
Dec-19	37
Mar-20	14
Jun-20	18

Source: Health and Social Care Trusts

Table 3. Number of clients receiving residential respite care by month October 2019 to September 2020, by HSC Trust

Month	Northern HSC Trust (Clients)	Western HSC Trust (Clients)
Oct-19	199	41
Nov-19	195	36
Dec-19	178	32

Month	Northern HSC Trust (Clients)	Western HSC Trust (Clients)
Jan-20	192	27
Feb-20	190	39
Mar-20	149	36
Apr-20	36	14
May-20	29	7
Jun-20	34	6
Jul-20	73	17
Aug-20	85	20
Sep-20	86	13

Source: Health and Social Care Trusts

Ms Bradshaw asked the Minister of Health whether people aged over 65 will be affected by the pause of the flu vaccination programme; and what communication he has had with GPs to ensure bookings already made are carried out.

(AQW 9502/17-22)

Mr Swann: There was no pause in vaccinating those aged 65 and over. GPs who had not received their full allocation of vaccine were still able to order capped amounts from central stores whereas GPs that had received their full allocations were asked to continue vaccinating patients in this age group from their unused stock.

Further vaccine has been secured for this age group and this will be sufficient to vaccinate 90% of those aged 65 and over.

Ms Rogan asked the Minister of Health for his assessment of the challenges posed by COVID -19 to domiciliary care (i) service users; and (ii) staff.

(AQW 9524/17-22)

Mr Swann: Domiciliary care service users are often amongst the vulnerable in society and are often therefore be at greater risk of covid-19. It was for this reason that many service users and their families temporarily suspended their domiciliary care packages at the onset of the pandemic, although most of these packages have now restarted.

Domiciliary care staff have had to adopt new ways of working, including the more extensive use of PPE as they deliver care.

My Department issued guidance on 9 April 2020 for domiciliary care workers including the proper use of PPE and infection control. It also put in place measures to ensure the financial stability of Domiciliary Care Providers contracted to HSC Trusts and measures to boost sick pay for domiciliary care workers. Throughout the pandemic we have also made sure that domiciliary care providers have access to PPE where they need it, with HSC Trusts continuing to provide millions of items free of charge. I have also recently approved a £5 Million fund against which domiciliary care providers may claim reasonable expenses incurred as a result of the pandemic.

Mrs Cameron asked the Minister of Health to detail his plans to raise awareness of blood cancer.

(AQW 9610/17-22)

Mr Swann: Last year coproduction work began on the development of a new 10 year Cancer Strategy for Northern Ireland, with policy makers, health representatives, those with lived experience and charities actively working on its development. This cancer strategy will consider ways to improve support for patients along the whole cancer pathway, including improving awareness of the signs and symptoms of various types of cancer. Work to finalise the strategy has been fully resumed following a pause in development due to the impact of COVID-19.

In the meantime, the Public Health Agency's 'Be Cancer Aware' website, www.becancerawareni.info, which launched in 2015, provides information about cancer signs and symptoms, explains what to do if you are concerned, and signposts individuals to recommended sources of support or further information. This includes specific information on the signs and symptoms of some of the specific blood cancers including Hodgkin's and non-Hodgkin's lymphoma.

In September this year I took part in the launch of Leukaemia & Lymphoma NI's Blood Cancer Awareness Month campaign launch. As with all cancers, it is vitally important that anyone experiencing signs and symptoms should seek early medical advice and treatment.

Ms Mullan asked the Minister of Health when AQW 7649/17-22 will be answered.

(AQW 9638/17-22)

Mr Swann: I announced, prior to the COVID-19 pandemic, plans to establish a Project Board to take forward the welcome New Decade New Approach commitment to increase the number of publicly-funded IVF cycles.

Although membership of the Project Board has been determined, including representatives from my Department, the Health and Social Care Board, the Public Health Agency, the Belfast Trust and the Regional Fertility Centre, progress on this important issue has unfortunately been temporarily delayed due to the ongoing COVID-19 response.

This is an issue that I have informed officials I expect to see significant movement on once the immediate pressures subside.

Mr Carroll asked the Minister of Health whether he has considered introducing training programmes for trans practitioners within the Health Service.

(AQW 9754/17-22)

Mr Swann: My Department currently is working with the Health and Social Care Board in taking forward a review of gender identity services. I anticipate that proposals for a new service model will also identify training needs for staff as part of any plan to put in place resilient and sustainable services in the health service for transgender people.

Mr Carroll asked the Minister of Health what engagement he has had with his counterpart in Dublin over the dying with dignity legislation passing through the Dáil.

(AQW 9835/17-22)

Mr Swann: I am aware of the Dying with Dignity Bill passing through the Dáil. I have had no engagement with the Minister for Health on this.

Mr McNulty asked the Minister of Health to detail the number of winter flu vaccines administered to (i) Health Care staff; and (ii) patients, by GP surgeries up to and including 31 October 2020.

(AQW 9844/17-22)

Mr Swann:

- i Apart from their own practice staff, GPs generally do not administer flu vaccine to health care staff. This function is carried out by the Health and Social Care Trusts and by pharmacies participating in the Community Pharmacy Flu Vaccination service. Up to and including 31 October, GPs had administered flu vaccine to 3,125 practice staff, while community pharmacies had vaccinated 12,000 health and social care workers. Trusts had administered flu vaccine to 21,500 frontline health and social care workers by 31 October.
- ii. By 31 October, GPs had administered flu vaccine to 387,241 patients.

Mrs D Kelly asked the Minister of Health (i) to list the dates, since January 2017, on which the permanent GPs resigned from the Bannview medical practice (ii) to outline the reasons given for their resignation; and how much time elapsed from receipt of notice of resignation before a recruitment process was initiated.

(AQW 9936/17-22)

Mr Swann:

- (i) In the period from January 2017, 6 salaried GPs tendered their resignations on:
 - 3rd January 2019;
 - 9th January 2019;
 - 19th September 2019;
 - 20th July 2020;
 - 24th August 2020, and
 - 27th August 2020.
- (ii) The reasons given for these resignations cannot be disclosed as this constitutes the personal information of the individuals concerned.

Recruitment following the resignations in January 2019 commenced formally one month later on 9th February 2019.

No formal recruitment process was required following the September 2019 resignation as one of the remaining salaried GPs increased their sessions.

Recruitment following the resignation in July 2020 was commenced immediately with an Expression of Interest offered initially to salaried GPs within the Practice during August 2020. As there were no applicants a formal recruitment exercise commenced on 5th October 2020.

Recruitment following the resignations in August 2020 commenced formally six weeks later on 5th October 2020.

In addition, since April 2020, Bannview Medical Practice has had an open advertisement to recruit sessional GPs to a Bank so that GPs are available to work when required.

Mrs D Kelly asked the Minister of Health to outline the contractual arrangements of Bannview Medical practice based in Portadown Health Centre, including line management responsibility, budget, current number, and the status of GPs working in the practice and the number of patients registered in the practice.

(AQW 9937/17-22)

Mr Swann: The Health & Social Care Board (“the HSCB”) commissions the Southern Health and Social Care Trust (“the Trust”) to deliver General Medical Services (GMS) to patients registered with Bannview Medical Practice.

The Trust has responsibility for the management of the GMS contract in accordance with the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004 (SR 2004 No.140).

The line management of the Practice is also the responsibility of the Trust.

The Clinical Lead GP in the Practice is responsible for the clinical and operational management of the Practice. The Clinical Lead GP reports to a Head of Service and upwards to the Assistant Director of Enhanced Services and thereafter to the Director of Older People and Primary Care. Ultimate responsibility is held by the Chief Executive of the Trust.

The HSCB meets regularly with the Trust to discuss the performance of the GMS contract.

Funding is allocated to Bannview Medical Practice on a similar basis to all GP Practices in Northern Ireland and is based on the patient list size and the activity undertaken by the Practice for specific services.

The Trust currently employs a Clinical Lead GP on an interim basis, and a full time block booked GP, within the Practice. Two permanent salaried GPs are currently on maternity leave. Whilst a recruitment process continues to secure permanent GP staff, the remaining GP sessions are filled using Trust Bank GPs and GPs employed through the GP Federation.

The number of patients currently registered with the Practice is 4,945.

Ms Bradshaw asked the Minister of Health whether he plans a new strategy to address waiting lists, given the second spike in COVID-19 cases; and what is the timescales for the strategy.

(AQW 9944/17-22)

Mr Swann: Elective care waiting times were unacceptable before COVID-19 and regrettably they will be even worse after COVID-19.

The need to redirect HSC resources to respond to COVID-19 has unfortunately had an inevitable and serious impact on waiting lists.

The New Decade New Approach agreement published in January 2020 included a commitment to introduce a new action plan to address waiting times however, this has been delayed due to the need to focus our efforts on responding to the pandemic.

I am committed to the introduction of a new strategy and action plan and I hope that I will have the support of all Executive colleagues in providing the necessary resources

Mr Gildernew asked the Minister of Health for his assessment of the impact caused by the suspension of the Southern Health and Social Care Trust Learning Disability Carer Forum.

(AQW 10028/17-22)

Mr Swann: The Southern Health and Social Care Trust have confirmed that they temporarily suspended the Learning Disability Carers Forum in late October following a breakdown of relationships between staff and carers. The Trust are fully committed to involving Carers in delivery of services and decision making, therefore are in the process of commissioning an external facilitator to review the Forum with a view of recommencing meetings at the earliest possible opportunity.

Ms Armstrong asked the Minister of Health whether he will release an adult social care infection fund to provide support to all providers of domiciliary care to ensure all people being cared for at home are receiving the same level of protection, care and support as those living in residential or nursing home care.

(AQW 10149/17-22)

Mr Swann: I recently approved a £5m fund which in providing tangible support to domiciliary care providers will enable them to claim back reasonable expenses incurred as a result of the Covid-19 pandemic. These reasonable expenses can include the purchase of PPE, enhanced sick pay and additional staffing costs, such as further recruitment and training.

Mr Carroll asked the Minister of Health for a breakdown of staff members on long-term sick absence in intensive care units.

(AQW 10200/17-22)

Mr Swann: Information on the percentage of hours lost in intensive care units due to long term staff sickness between 1st October 2020 and 31st October 2020 is detailed below. This information has been provided by each Health and Social Care (HSC) Trust and excludes bank staff and staff who have been redeployed temporarily into Intensive Care Units (ICU) in response to the COVID-19 pandemic. Long-term sick absence has been defined as being 29 or more days.

Belfast HSC Trust

The Belfast HSC Trust has ICUs in the Royal Victoria Hospital, the Mater Hospital and the Belfast City Hospital. The overall percentage hours lost due to long-term sickness absence for staff within ICU across the three Trust sites is 8.12%. A breakdown by each site and staff group is detailed below:

Location	Staff Group	% Hours Lost due to Long-Term Sickness Absence
Royal Victoria Hospital (Excludes Cardiac ICU & Paediatric ICU)	Nursing & Midwifery	6.35%
	Medical & Dental	0.40%
	Support Services	0.44%
	Total	7.18%
Mater Hospital **	Nursing & Midwifery	10.46%
Belfast City Hospital **	Nursing & Midwifery	8.74%

Source: Human Resources, Payroll, Travel & Subsistence (HRPTS) system

** Staff within the Mater and Belfast City Hospitals have been recorded under their substantive location, however some staff are working across both sites in response to the Covid-19 Pandemic.

Northern HSC Trust

The Northern HSC Trust has ICUs in Antrim Area Hospital and Causeway Hospital. A breakdown of percentage hours lost due to long-term sickness absence by staff group is detailed below:

Staff Group	% Hours Lost due to Long-Term Sickness Absence
Nursing & Midwifery	2.49%
Medical & Dental	0.00%

Source: Human Resources, Payroll, Travel & Subsistence (HRPTS) system

South Eastern HSC Trust

The South Eastern HSC Trust has an ICU in the Ulster Hospital. A breakdown of percentage hours lost due to long-term sickness absence by staff group is detailed below:

Staff Group	% Hours Lost due to Long-Term Sickness Absence
Nursing & Midwifery	5.32%
Medical & Dental	2.55%

Source: Human Resources, Payroll, Travel & Subsistence (HRPTS) system

Southern HSC Trust

The Southern HSC Trust has an ICU in Craigavon Area Hospital. A breakdown of percentage hours lost due to long-term sickness absence by staff group is detailed below:

Staff Group	% Hours Lost due to Long-Term Sickness Absence
Nursing & Midwifery	7.13%
Medical & Dental	0.00%
Total	5.68%

Source: Human Resources, Payroll, Travel & Subsistence (HRPTS) system

Western HSC Trust

The Western HSC Trust has ICUs in Altnagelvin Hospital and South West Acute Hospital. A breakdown of percentage hours lost due to long-term sickness absence by location is detailed below:

Location	% Hours Lost due to Long-Term Sickness Absence
Altnagelvin Hospital	3.55%
South West Acute Hospital	10.69%

Source: Human Resources, Payroll, Travel & Subsistence (HRPTS) system

Mr Lyttle asked the Minister of Health how many childcare providers have closed down during the COVID-19 pandemic.
(AQW 10222/17-22)

Mr Swann: Health and Social Care Trusts have reported that from March 2020 to 13 November 2020, a total of 48 group childcare settings and 139 childminders have left the Register of Childcare Providers.

HSC Trusts have also advised that a total of 23 group childcare settings and 52 childminders have joined the register during the same period.

When compared to data available for 2018, there has been a slight increase in the number of group childcare settings leaving the Register (48 for the 8-month period since the beginning of the pandemic against 41 in 2018) and a decrease in the number of childminders leaving the Register (139 for the 8-month period since the pandemic began against 289 in 2018).

Mr Carroll asked the Minister of Health whether there will be a cost to recipients of a COVID-19 vaccine.
(AQW 10273/17-22)

Mr Swann: There will be no cost for those who receive the COVID-19 vaccine as part of the national vaccination programme.

Mr McCann asked the Minister of Health for his assessment of the care home visiting guidance, including the provision for care partners.
(AQW 10289/17-22)

Mr Swann: Managing the impact of the transmission of Covid-19 into care homes by placing protective restrictions on access to residents has been a key strategy in keeping them safe. Throughout the pandemic, a series of restrictions, applied in line with the current Regional Alert Level Position, have been put in place for care home visiting arrangements to prevent, or mitigate, the impact of infection. The full guidance is available here: <https://www.health-ni.gov.uk/Covid-19-visiting-guidance>.

These restrictions are necessary due to the need to maintain safety for all others, including other families, all our health and social care staff and therefore the wider population, through social distancing and ensuring appropriate Infection Control Procedures are followed across all healthcare settings.

My Department continues to seek assurances from Care Homes and HSC Trusts that all care homes have either implemented, or are progressing the implementation of, the Care Partner concept in their care home. This includes discussions with residents and families who could benefit from the concept.

My assessment to date of the introduction of the Care Partner concept is that while recognising that a number of homes have successfully introduced Care Partnering, I would call upon all homes to do the same to allow them to work with families to help protect residents' human rights and mental wellbeing.

My officials continue to engage with a range of stakeholders, including representatives of families and residents, Independent Care Home Providers, Trust staff, including those providing support to care homes and representatives of other statutory organisations involved with the independent care home sector, to listen to concerns regarding the implementation of Care Partner arrangements and to help provide support around the concept.

Ms Bradshaw asked the Minister of Health for an update on plans to address the shortages across the diagnostic workforce, notably radiologists, gastroenterologists and endoscopists.
(AQW 10321/17-22)

Mr Swann: My Department is taking forward two major initiatives which will address shortages in the diagnostic workforce. The Strategic Framework for Imaging Services in Health and Social Care (May 2018) provides the vision for the future configuration of imaging services, ensuring that Northern Ireland continues to deliver high quality health care services and stays at the forefront of technological advances in medical imaging. Of the Framework's 19 recommendations, three focus on strengthening the workforce, including radiologists and radiographers. The Department is in the process of establishing a Medical Imaging Board which will oversee the implementation of these recommendations, including a coordinated regional approach to addressing the current challenges in the radiology and radiography workforce.

In 2019, co-production work began on the development of the 10 year Northern Ireland Cancer Strategy. The Strategy is being developed with policy makers, health representatives and charities all actively working on its development. The Project Steering Group is chaired by the Chief Nursing Officer and is supported by 7 sub-groups, each sub-group is considering issues relating to different areas of cancer. Workforce issues, including the diagnostic workforce, is a key area underpinning all specific operational areas. While Covid-19 has had an unavoidable impact on this work I anticipate that the draft Strategy, including workforce proposals, will be available for consultation before the end of this year.

All of these workforce actions will align with the Health and Social Care Workforce Strategy 2026 – Delivering for Our People.

Mr Gildernew asked the Minister of Health, pursuant to AQW 6345/17-22, whether he will commit to seeking access to future EU procurement process for influenza vaccinations.
(AQW 10341/17-22)

Mr Swann: My Department does not anticipate any changes to the current procurement process for influenza vaccinations. Children's influenza vaccines are procured on behalf of my Department by Public Health England, whereas Business Service Organisation (BSO) procures adult influenza vaccines with advice from Public Health Agency (PHA) for the needs of the citizens of Northern Ireland. The BSO procurement is carried out via a tender process run under a Dynamic Purchasing System which is advertised in the supplement to the Official Journal of the European Union. We intend to continue to procure influenza vaccines for NI through these processes and we are not currently seeking access to any alternative EU procurement processes.

Mr Muir asked the Minister of Health whether any plans exist to increase sexual health (i) promotion; (ii) testing; (iii) resources generally when it proves possible to relax or remove COVID-19 public health restrictions.

(AQW 10359/17-22)

Mr Swann: The Public Health Agency is committed to promoting good sexual health. Significant progress continues including public health information campaigns, development of relationships and sexuality training programmes for schools and community organisations, new sexual health services for students in higher and further education settings.

Future sexual health service provision including testing will as a necessity form part of the wider rebuilding of hospital services and will be kept under review as this more extensive piece of work evolves. Additional resources will be bid for as and when required.

Mr Easton asked the Minister of Health how many former staff have been recruited back into the Health Service to help with the COVID-19 pandemic.

(AQW 10367/17-22)

Mr Swann: My Department initiated the Workforce Appeal back in April to assist HSC Trusts tackle the virus and we were overwhelmed by the response. There were over 11,000 applications covering a wide range of roles, including over 3,000 clinical applications. 899 people were appointed and deployed in Trusts; 515 Clinical Appointments were made across a range of professions and there were 384 Non Clinical Appointments.

With this first workforce appeal, a total of 123 doctors and 100 nurses who had left or retired from service made themselves available for employment within the health and social care sector; following assessment of the applicants and of the specific work requirements, 7 doctors and 15 nurses were appointed.

My Department has now re-opened the Workforce Appeal in an effort to try and build capacity again with particular focus on certain roles and positions across hospitals and community care. The total number of appointments made to date, as at 25th November, is 369, covering Health & Social Care (181 appointments), Clerical & Admin (188 appointments).

Mr Easton asked the Minister of Health to detail the skill sets of the former staff who have returned to work in the Health Service during the COVID-19 pandemic.

(AQW 10368/17-22)

Mr Swann: My Department initiated the Workforce Appeal back in April to assist HSC Trusts tackle the virus and we were overwhelmed by the response. There were over 11,000 applications covering a wide range of roles, including over 3,000 clinical applications. 899 people were appointed and deployed in Trusts; 515 Clinical Appointments were made across a range of professions and there were 384 Non Clinical Appointments.

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Mr Easton asked the Minister of Health how many retired nurses have been re-employed in the Health Service to help with the COVID-19 pandemic.

(AQW 10370/17-22)

Mr Swann: My Department initiated the Workforce Appeal back in April to assist HSC Trusts tackle the virus and we were overwhelmed by the response. There were over 11,000 applications covering a wide range of roles, including over 3,000 clinical applications. 899 people were appointed and deployed in Trusts; 515 Clinical Appointments were made across a range of professions and there were 384 Non Clinical Appointments.

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Mr Easton asked the Minister of Health how many former doctors have been re-employed in the Health Service to help with the COVID-19 pandemic.
(AQW 10371/17-22)

Mr Swann: My Department initiated the Workforce Appeal back in April to assist HSC Trusts tackle the virus and we were overwhelmed by the response. There were over 11,000 applications covering a wide range of roles, including over 3,000 clinical applications. 899 people were appointed and deployed in Trusts; 515 Clinical Appointments were made across a range of professions and there were 384 Non Clinical Appointments.

With this first workforce appeal, a total of 123 doctors and 100 nurses who had left or retired from service made themselves available for employment within the health and social care sector; following assessment of the applicants and of the specific work requirements, 7 doctors and 15 nurses were appointed.

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Mr Givan asked the Minister of Health for his assessment of the extended half-term break on the transmission of COVID-19 in schools.
(AQW 10380/17-22)

Mr Swann: The Scientific Advisory Group for Emergencies (SAGE) published an assessment of the effectiveness and harms of different non-pharmaceutical interventions in October 2020.

This suggested that the closure of all schools would be estimated to result in the reproduction number R falling by between 0.2 and approximately 0.5. Reactive school closures might reduce R by between 0.12 and 0.45.

It is not possible to isolate the precise actual impact of individual interventions. However, there was observed to be an increase in the rate of community transmission of Covid-19 in Northern Ireland following the recent half-term school holiday broadly consistent with the SAGE assessment.

Mrs Barton asked the Minister of Health how many primary school children in each Health and Social Care Trust area are awaiting Autism Spectrum Disorder assessments.
(AQW 10398/17-22)

Mr Swann: The current number of children of primary school age (4-11) who are awaiting an Autism assessment in each Health and Social Care (HSC) Trust is presented in Table 1.

Table 1: Number of primary school children currently waiting on an Autism assessment by HSC Trust.

HSC Trust	Current number of children awaiting an Autism assessment
Belfast	870
Northern	1,128
South Eastern	23
Southern	67
Western	675
Northern Ireland	2,763

Source: HSC Trusts

Ms Sugden asked the Minister of Health to detail the average length of stay in hospital of a person diagnosed with COVID-19 who required hospital treatment, per weekly admissions, since March 2020.
(AQW 10405/17-22)

Mr Swann: Information on the average length of stay in hospital of patients with COVID-19 by admission week, from March 2020, is detailed in the table below. Please note, patients admitted to hospital for non-COVID-19 reasons but who subsequently test positive are included.

Average (Mean) Length of Stay in Hospital for Admissions with COVID-19 12

Week (Mon-Sun)	No of Covid Admissions	Avg LOS (Days)
02 Mar - 08 Mar	5	45.2
09 Mar - 15 Mar	15	25.3
16 Mar - 22 Mar	46	11.3
23 Mar - 29 Mar	181	12.2
30 Mar - 05 Apr	276	12.9
06 Apr - 12 Apr	206	11.7
13 Apr - 19 Apr	157	13.9
20 Apr - 26 Apr	159	13.0
27 Apr - 03 May	113	13.4
04 May - 10 May	92	12.3
11 May - 17 May	89	11.5
18 May - 24 May	47	14.6
25 May - 31 May	41	12.4
01 Jun - 07 Jun	18	8.8
08 Jun - 14 Jun	22	13.5
15 Jun - 21 Jun	9	9.6
22 Jun - 28 Jun	11	10.5
29 Jun - 05 Jul	6	21.0
06 Jul - 12 Jul	6	19.8
13 Jul - 19 Jul	6	8.0
20 Jul - 26 Jul	6	23.0
27 Jul - 02 Aug	11	10.4
03 Aug - 09 Aug	17	11.4
10 Aug - 16 Aug	13	19.8
17 Aug - 23 Aug	31	23.1
24 Aug - 30 Aug	21	12.3
31 Aug - 06 Sep	19	18.2
07 Sep - 13 Sep	33	22.2
14 Sep - 20 Sep	26	17.5
21 Sep - 27 Sep	64	15.6
28 Sep - 04 Oct	100	15.8
05 Oct - 11 Oct	187	12.5
12 Oct - 18 Oct	269	11.3
19 Oct - 25 Oct	295	9.6
26 Oct - 01 Nov	276	9.5

1 Excludes admissions with a 0 day length of stay and current inpatients.

2 Please note, figures relate to admissions and not individuals, as a person may be admitted more than once.

Ms Sheerin asked the Minister of Health whether the 3409 registered social care workers registered since 2019 are new additions to the workforce, or the registration of existing social care workers.

(AQW 10450/17-22)

Mr Swann: From 23rd March 2020 to 30th September 2020, there were 3320 new applications to join the NI Social Care Council register as social care workers. These registrants were either applying to the register for the first time or had returned to the register after a period of absence.

Ms Sheerin asked the Minister of Health how changes to emergency and urgent care will affect services provided by (i) Antrim Area Hospital; (ii) Mid Ulster Hospital; and (iii) Causeway Hospital.
(AQW 10451/17-22)

Mr Swann: Through my Department's 'No More Silos' Urgent and Emergency Care Action Plan, new models of care and pathways are being developed to ensure that patients are able to access the right care, first time. These changes also seek to avoid patients having to wait in crowded ED waiting rooms with the associated risks of increased transmission of COVID-19 and other infectious diseases.

From 1 December, all patients in the Northern HSC Trust who believe they require urgent care are encouraged to use the 'Phone First' service. This is a 24-7, GP led telephone clinical assessment service for patients who are unwell and planning to travel to an Emergency Department (ED) with an injury or illness which requires urgent treatment but is not immediately life threatening. Patients using this service will speak to a health care professional who will assess their condition and make arrangements for them to receive appropriate treatment urgently, without the need to attend ED.

Mr McHugh asked the Minister of Health how the Western Health and Social Care Trust is progressing plans for 24/7 mental health liaison services in acute hospitals.
(AQW 10455/17-22)

Mr Swann: I provided information on 24/7 mental health liaison services in acute hospitals for each of the Health and Social Care Trusts in my response to AQW 8187/17-22. The position for the Western Trust remains the same.

Mrs D Kelly asked the Minister of Health what measures have been put in place to provide GP services at Bannview Medical Practice in Portadown.
(AQW 10471/17-22)

Mr Swann: The Southern Health and Social Care Trust ("the Trust") and the Health and Social Care Board are working closely to address the current situation in Bannview Medical Practice, to ensure GMS services are maintained and to put longer term arrangements in place to secure the future provision of GP led services in the Practice.

A number of measures have been put in place which include:

- the provision of 2 sessions per week of Clinical Lead cover provided by the Trust's Associate Medical Directors;
- the appointment of a Clinical Lead GP who commenced work on 4th November 2020;
- the appointment of a full time block booked GP who commenced work on 17th November 2020;
- clinical sessions from a number of other GPs including the Federation GP locum pool;
- maximising the use of remote access to facilitate additional GP sessions;
- the redeployment of a Business Manager into the Practice to assist with continuity of care and quality improvement;
- the utilisation of Trust staff to assist with providing GMS services eg flu clinic;
- the employment of prescribing pharmacists in the Practice;
- a recruitment drive for permanent and bank GPs is continuing;
- contingency arrangements are also in place to enable the Practice to avail of other Trust GPs and medical staff if required.

Mr Givan asked the Minister of Health to detail the evidence of the rate of transmission in both licensed and non-licensed hospitality settings.
(AQW 10484/17-22)

Mr Swann: The evidence on the effectiveness of different non-pharmaceutical interventions produced by the Scientific Advisory Group for Emergencies (SAGE) is available on the Department of Health website: <https://www.health-ni.gov.uk/covid-19-scientific-evidence>.

The summary assessment of SAGE is that the closure of bars, pubs, cafes and restaurants is expected to have the potential to reduce the reproduction number R by between 0.1 and 0.2, although it is highlighted that precise estimation of the impact is very difficult.

This intervention was included in the list of measures in the SAGE analysis as being expected to have the largest effect on R in the context that there may be synergistic effects from adopting multiple interventions.

Mr Givan asked the Minister of Health how many changes have been made to how the R number is calculated for Northern Ireland; and to detail these changes.
(AQW 10485/17-22)

Mr Swann: The details of the calculation of the reproduction number R for Northern Ireland are set out in the weekly R Number Paper which is available on the Department of Health website: <https://www.health-ni.gov.uk/R-Number>.

There have been no significant changes in the methodology used over time to calculate R which continues to be based on a Susceptible-Infectious Recovered (SIR) model.

Mr Dunne asked the Minister of Health what plans his Department has to treat patients suffering from long covid.
(AQW 10492/17-22)

Mr Swann: There is accumulating evidence to suggest that people who have had both mild and severe symptoms of COVID-19 can experience long-term health effects such as problems with breathing, chronic fatigue and stress.

The National Institute for Care and Health Excellence (NICE) is developing a guideline on long Covid which is due to be published by the end of the year. The guideline will address, among other things, a formal definition of the disease, how to identify on-going symptoms and a definition of best practice investigation and treatment options to support the management of the condition across diverse communities.

When published, the guideline will be fully considered alongside the wider body of emerging research to inform future policy and service decisions in Northern Ireland.

Ms Sugden asked the Minister of Health what action he has taken on foot of the Alzheimer's Society's report entitled Worst Hit: Dementia During Coronavirus.
(AQW 10515/17-22)

Mr Swann: I was recently provided with a copy of this report and also the report entitled "The Fog of Support" by the Alzheimer's Society.

It is important to learn from our experiences during the pandemic and to consider any new ways of working which have been developed. I have therefore forwarded both reports to the Chief Executives of all five Health and Social Care Trusts and have asked them to consider their contents with the view to improving our services going forward.

Ms Rogan asked the Minister of Health whether there are any differences in pay and banding of staffing between intensive care units, including between different Health and Social Care Trusts.
(AQW 10553/17-22)

Mr Swann: There is currently a skills mix of band 5 and band 6 Nurses within Intensive Care Units across the HSC.

Banding of all Agenda for Change roles, including those within nursing, is determined by the duties and responsibilities of a role assessed in partnership with Trades Unions using an agreed job evaluation scheme. Across the UK, jobs are matched to nationally evaluated profiles, based on the roles undertaken.

These profiles work on the basis that similar posts and responsibilities across the UK health services reflect the demands of the job and to ensure equality of pay. This process ensures that the level of post is dependent on the role, not the environment and as there is a difference between roles, for example between a qualified critical care specialist nurse and a nurse working in ICU, a skills mix is necessary.

Due to the global health emergency and local COVID-19 transmission rates, critical care requirements are significantly stretched across the region, resulting in increased pressures on the critical care nursing workforce.

In recognition of this, my Department is currently considering if temporary arrangements can be put in place for progression of Band 5 to Band 6 for critical care nurses who meet agreed criteria.

Ms Rogan asked the Minister of Health how many staff in the care home sector are currently off work due to previous shielding advice.
(AQW 10555/17-22)

Mr Swann: Information on how many staff in the care home sector are currently off work due to previous shielding advice is not available within the Department. This information might only be obtained through an extensive manual exercise which would incur disproportionate cost.

Mr Gildernew asked the Minister of Health for his assessment of efforts to retain and upskill intensive care unit staff.
(AQW 10556/17-22)

Mr Swann: In addition to Continuous Professional Development for Registered Nurses facilitated by the HSC Clinical Education Centre (CEC), in partnership with Trust Corporate Nursing, Critical Care Nurses in NI are supported with National Standards of learning and assessment during their career from 'Novice' to 'Expert'.

In the first instance, Registered Nurses newly appointed to Critical Care have a period of focused Clinical Supervision to enable completion of their Critical Care Induction and STEP 1 of the National Competency Framework. Subsequently, after all competencies are complete and consolidated at this level a Post-graduate commissioned programme at Queens University

Belfast is available to Critical Care Nurses in the specific area of Critical Care Nursing. Following both of these there are further Professional pathways available for Critical Care Nurses to pursue as appropriate.

Regarding the Registered Nurses who support Critical Care Areas, under the supervision of Trained Critical Care Nurses, in times of Regional Critical Care Escalation, upskilling is supported and facilitated through quality assured programmes delivered by CEC and the Educators & Lead Nurses aligned to the Critical Care Network of Northern Ireland (CCaNNI). CCaNNI link with all Critical Care designated Education Leads to standardise Critical Care programmes of learning and skill acquisition, and share all local, regional and national learning resources.

Learners are signposted to further learning resources relevant to Critical Care Nursing that have been developed and provided by organisations such as; NHS Health Education England: e-LH e-learning programmes, British Association of Critical Care Nurses (BACCN), The Health Care Library of Northern Ireland (HONNI); Queens University Belfast and the Intensive Care Society (ICS).

Mr Muir asked the Minister of Health whether intensive care nurses in the Ulster Hospital are graded as band 6 as in other intensive care units; and to detail the rationale for this decision.

(AQW 10566/17-22)

Mr Swann: There is currently a skills mix of band 5 and band 6 Nurses within Intensive Care Units in the South Eastern Trust and across the HSC.

Banding of all Agenda for Change roles, including those within nursing, is determined by the duties and responsibilities of a role assessed in partnership with Trades Unions using an agreed job evaluation scheme. Across the UK, jobs are matched to nationally evaluated profiles, based on the roles undertaken.

These profiles work on the basis that similar posts and responsibilities across the UK health services reflect the demands of the job and to ensure equality of pay. This process ensures that the level of post is dependent on the role, not the environment and as there is a difference between roles, for example between a qualified critical care specialist nurse and a nurse working in ICU, a skills mix is necessary.

Due to the global health emergency and local COVID-19 transmission rates, critical care requirements are significantly stretched across the region, resulting in increased pressures on the critical care nursing workforce.

In recognition of this, my Department is currently considering if temporary arrangements can be put in place for progression of Band 5 to Band 6 for critical care nurses who meet agreed criteria.

Ms Armstrong asked the Minister of Health whether (i) Domiciliary Care workers; (ii) people in receipt of carers allowance; (iii) foster and kinship carers; (iv) people in receipt of Personal Independence Payment or Disability Living Allowance; and (v) all people who provide childcare, including child minders, will be considered part of priority groupings when a vaccination programme is rolled out.

(AQW 10591/17-22)

Mr Swann: I refer the member to AQW 10272/17-22, answered on 26 November 2020.

Mrs Cameron asked the Minister of Health whether his Department is considering implementing a large-scale population COVID-19 testing program for Northern Ireland, as is presently underway in Liverpool.

(AQW 10610/17-22)

Mr Swann: My Department's Expert Advisory Group on Testing (EAG) is fully linked in to the National Mass Population Testing Programme, which is being led by the Department for Health and Social Care, London.

EAG is monitoring closely and availing of the learning emerging from whole town testing pilots being undertaken across the UK and beyond. This is being used to inform our planning here.

Working with a range of local partners and experts, we are also continuing with implementation of a number of New Testing Interventions (NTIs) across different settings including repeat testing of asymptomatic health care staff, testing of University students and testing in school settings.

The learning arising from these NTIs will help us better understand how these new, asymptomatic testing technologies can be implemented and extended more widely.

Ms Bradshaw asked the Minister of Health for an update on the timescale under which the Mental Health Strategy will be published.

(AQW 10617/17-22)

Mr Swann: I aim to start a public consultation on a draft strategy before the end of the year.

The full Mental Health Strategy is on course for publication in July 2021.

Ms Bradshaw asked the Minister of Health what discussions he has had with Executive colleagues with regard to the timescale for bringing forward minimum unit pricing for alcohol legislation, similar to that applying in Scotland.

(AQW 10619/17-22)

Mr Swann: The harms caused by the misuse of alcohol are a major public health issue in Northern Ireland and the introduction of legislation for Minimum Unit Pricing (MUP) for Alcohol has the potential to be a key population-level health measure to address this issue.

I have therefore recently made a commitment to have a full consultation on MUP once the new substance use strategy for Northern Ireland is launched. This new strategy is currently out for public consultation.

There is no predetermined outcome for this consultation, which will examine a range of possible options in respect of alcohol pricing, including consideration of the emerging evidence of the effectiveness of MUP following its implementation in Scotland and elsewhere.

I have already discussed the issue with the Minister for Communities and will engage further with other Departments as this work progresses. Any policies arising from the consultation will be brought to the Executive in due course.

Ms Bradshaw asked the Minister of Health to detail the timescale under which a permanent uplift from Band 5 to Band 6 will apply to intensive care unit nurses across all Health Trusts.

(AQW 10621/17-22)

Mr Swann: There is currently a skills mix of band 5 and band 6 Nurses within Intensive Care Units across the HSC.

Banding of all Agenda for Change roles, including those within nursing, is determined by the duties and responsibilities of a role assessed in partnership with Trades Unions using an agreed job evaluation scheme. Across the UK, jobs are matched to nationally evaluated profiles, based on the roles undertaken.

These profiles work on the basis that similar posts and responsibilities across the UK health services reflect the demands of the job and to ensure equality of pay. This process ensures that the level of post is dependent on the role, not the environment and as there is a difference between roles, for example between a qualified critical care specialist nurse and a nurse working in ICU, a skills mix is necessary. It is not, therefore, appropriate to simply put in place an uplift to all nursing staff working within Intensive Care Units.

Due to the global health emergency and local COVID-19 transmission rates, critical care requirements are significantly stretched across the region, resulting in increased pressures on the critical care nursing workforce.

In recognition of this, my Department is currently considering if temporary arrangements can be put in place for progression of Band 5 to Band 6 for critical care nurses who meet agreed criteria.

Mr Allister asked the Minister of Health how many residents of care homes have been transferred to hospital following a positive COVID-19 test in each week since 13 October 2020.

(AQW 10622/17-22)

Mr Swann: The information requested on the number of care home residents transferred to hospital following a positive COVID-19 test in each week since 13 October 2020 is currently not available.

Mr Easton asked the Minister of Health what percentage of the flu vaccination programme has been completed; and what is the target date for completion of the programme.

(AQW 10653/17-22)

Mr Swann:

- (i) The uptake rates of vaccine by the eligible groups are available to the end of October and are set out below:
- Trust-employed frontline health and social care workers – 42%
 - Primary school children – 29%
 - People aged 65 and over – 66%
 - People aged under 65 in at risk groups – 48%
 - Pregnant women – 48%
 - Two to four year olds – 38%
- (ii) The public seasonal flu vaccination programme runs annually from the 1st of October to the end of March. However, for the current season, the rollout of a Covid-19 vaccination programme may have an impact on the duration of some elements of the flu vaccination programme.

Mr Easton asked the Minister of Health how much were nurses, who worked at the Ulster Hospital, charged for on-site parking prior to the COVID-19 pandemic.

(AQW 10654/17-22)

Mr Swann: The rates of car parking charges for Health and Social Care staff (including nurses) located at the Ulster Hospital are based on their full-time or part-time status. Staff contracted for 32 hours and above per week pay £15 per month to avail of an allocated space. Staff contracted for fewer than 32 hours per week pay £11 per month.

Mr Givan asked the Minister of Health to detail the uptake from the latest Health and Social Care workforce appeal. (AQW 10662/17-22)

Mr Swann: My Department initiated the Workforce Appeal back in April to assist HSC Trusts tackle the virus and we were overwhelmed by the response. There were over 11,000 applications covering a wide range of roles, including over 3,000 clinical applications.

899 people were appointed and deployed in Trusts, including:

- 515 Clinical Appointments were made across a range of professions; and
- 384 Non Clinical Appointments.

The Workforce Appeal has since been reopened in an effort to try and build capacity again with particular focus on certain roles and positions across hospitals and community care. The total number of appointments made to Trusts to date, as at 25th November, is 369, covering both Health & Social Care (181 appointments) and Clerical & Admin (188 appointments).

In addition, the HSC Appeal has also recently commenced work in recruiting for the vaccination programme. To date, specifically for the vaccination programme, the Appeal has generated 406 Formal Applications from Healthcare Professionals, 11 for Support Workers and 25 for Admin.

Mr McNulty asked the Minister of Health to detail any joint initiatives his Department has undertaken with the Department of Education under the Children's Services Co Operation Act (Northern Ireland) 2015 since the act received Royal Assent. (AQW 10674/17-22)

Mr Swann: The Children's Services Co-operation Act (Northern Ireland) 2015 places a duty on children's authorities to co-operate. There are several recent examples of initiatives that have been taken forward jointly with the Department of Education in keeping with the principles of the Act. These include the recent measures to ensure that childcare continued to be available during the Covid-19 Pandemic and the Covid-19 Vulnerable Children and Young People's Plan. In addition to the Children and Young Person's Strategy provided for in the Act, my Department is working with the Department of Education in relation to a number of strategies, including the draft Looked After Children Strategy: A Life Deserved; the Childcare Strategy; the Family and Parenting Support Strategy; and the Online Safety Strategy.

The Early Intervention Transformation Programme (2014-2019) was undertaken in cooperation with the Department of Education and other government departments and is a good example of where pooled resources delivered improved outcomes for children and young people.

Work is also ongoing with Education and Justice on the development of proposals for a Regional Care and Justice Campus.

Mr Allister asked the Minister of Health, pursuant to AQW 9705/17-22, what is the average length of time a patient occupies a geriatric inpatient bed. (AQW 10699/17-22)

Mr Swann: Tabulated information on the average length of time a patient occupies a geriatric inpatient bed for the time period 2019/20 has been provided below. The information has been broken down by Health and Social Care Trust.

Average Length of Stay for Geriatric Medicine Specialty¹ in HSC Hospitals in Northern Ireland, 2019/20

Trust	Average Length of Stay (days)
Belfast	13.4
Northern	12.0
South Eastern	11.7
Southern	13.7
Western	14.5
Total	13.1

Source: Hospital Inpatient System, Hospital Information Branch, Information & Analysis Directorate, Department of Health, NI.

1 Specialty Code 430 was used to identify Geriatric Medicine admissions.

Mr Allister asked the Minister of Health, pursuant to AQW 9705/17-22, why beds now excluded from the total displayed on the departmental COVID-19 dashboard were included in the first instance; and for his assessment of the impact of public confidence in data produced by his Department to change the way it counts the number of available beds.

(AQW 10701/17-22)

Mr Swann: Information to inform the pandemic continues to evolve and the dashboard is no exception. Bed occupancy data was initially derived solely from data extracted from the Patient Administration System which included all hospitals and all types of beds. HSC Trust Chief Executives suggested that a more appropriate means of capturing the operational bed pressures faced within the main hospital sites to include the volume of patients waiting to be admitted on any given day should be developed.

The resultant change in methodology was designed to address this issue. The new methodology is now based on daily data obtained from operational control rooms within hospitals. Resource pressures do not allow this metric to be reported in a timely manner from all hospital sites. The new information is therefore based on the twelve main hospital sites, and from wards within those sites, which are most impacted by the COVID-19 pandemic.

The Code of Practice for Statistics recognises that producers of statistics may change the methodology or coverage of statistics produced in order to improve their usefulness. Sole responsibility for the production and reporting of official statistics rests with Statisticians who work to a professional code of practice and are independent of the DoH. It is important that changes are communicated openly and transparently to maintain public confidence. In this case the change was clearly and openly communicated and thus, this requirement was met.

Mr Gildernew asked the Minister of Health to detail his Department's approach and response to the impacts of loneliness on Health and Social Care Services.

(AQW 10708/17-22)

Mr Swann: I recognise the importance of loneliness and its impact not only on health and wellbeing but also on Health and Social Care Services.

My Department, the HSC Trusts and our arms length bodies, have a range of policies, programmes and initiatives already in place that should help alleviate some of the pressures that people are experiencing.

The Department is also represented on the All Party Group on Loneliness which was formed following a series of all-party roundtables and policy events at Stormont in 2019 and 2020. In addition the Department is now part of a 4-country Group in the UK and we are liaising with counterpart policy leads to learn and share best practice.

The Department are also seeking partnership with counterparts in ROI, and beyond, to learn and share from other's experiences and innovative approaches to tackle loneliness and social isolation in relation to health and wellbeing.

The Institute of Public Health in Ireland is represented on my Department's Reform Board for Adult Social Care. They have carried out research into loneliness on an all island basis. We are liaising with them to further investigate their research and specifically the research that relates to Northern Ireland.

The Department has set up monitoring of loneliness via different surveys for adults and children. This will allow us to look at loneliness in conjunction with other health information, including general health and mental health as well as health behaviours.

A scoping exercise within the Department's policy areas and across the HSC including Trusts and DOH arms length bodies, is underway, to further identify policies; strategies, programmes and initiatives in place (including funding/investment) and those that are under development that contribute to tackling loneliness and isolation that impact on health and wellbeing, aligned to my Department's priorities and outcomes for government.

One of my primary aims will be to ensure the continued delivery of high quality health and social care services, providing of course that it is safe to do so.

Mr Gildernew asked the Minister of Health what financial contributions have been set aside for care partners.

(AQW 10709/17-22)

Mr Swann: You will be aware that on the 22 October 2020 I announced an additional £27.3m funding package for the care home sector.

This financial support included £9m of funding to reflect the costs of: the rolling programme of testing for both residents and staff; the costs of overseeing safe visiting and setting up care partner arrangements; and the increased management time needed to oversee homes.

Care Homes do not need to apply for this funding as it will be paid directly to them based on the number of residents in their care, with a set amount per home to recognise some of the additional management overheads. Trusts are currently working to pay out this funding.

Mr Gildernew asked the Minister of Health to detail any work his Department has done to develop a cross-departmental loneliness strategy, including any discussions with other departments.

(AQW 10710/17-22)

Mr Swann: Loneliness is a vital theme within a number of existing and relevant policies of the Department with the overall objective of improving the health and well being of the population. Whilst the Department does not have one separate policy for loneliness, there are a range of policies; programmes and initiatives in place – that make a positive contribute to tackling loneliness - specifically related to health and wellbeing.

My officials are currently carrying out a scoping exercise to identify and co-ordinate what is currently in place both in the Department and across the wider landscape of the HSC (in our 5 Trusts and our Arm's Length bodies).

It is anticipated that the first phase of this exercise will be completed by early 2021. The findings of which will inform how we move forward from a policy perspective.

It is clear from the preliminary research that loneliness is a key issue and as such cannot be resolved by any one Department, organisation or sector working alone. Therefore a collective and collaborative approach would be beneficial.

This would support a more joined up and co-ordinated working together to rebuild approach and identifying existing policies and synergies across organisations. Going forward we need to be action orientated so as to better target resources that contribute to tackling loneliness for those who are most vulnerable, both now and in the future.

Ms Sugden asked the Minister of Health to detail the current and forthcoming rules for fathers or birthing partners to attend neonatal scans and appointments along with their pregnant partner.

(AQW 10756/17-22)

Mr Swann: My Department published updated visiting guidance for maternity services (available here: <https://www.health-ni.gov.uk/Covid-19-visiting-guidance>), which took effect from 23 September 2020.

The decision to permit visitors into a facility on a day to day basis remains with the midwife in charge, and will be based on a risk assessment of the ability to ensure safety of patients, staff and the visitor. However, the expectation as set out in the current visiting restrictions is that:

“Birth partners will be facilitated to accompany the pregnant woman to dating scan, early pregnancy clinic, anomaly scan, in the event of pregnancy loss and bereavement, Fetal Medicine Department, when admitted to individual room for active labour (to be determined by midwife) and birth and, to visit in antenatal and postnatal wards for up to one hour once a week.”

While my officials keep the guidance under review, in line with the best available scientific and medical evidence, no significant changes are currently anticipated.

Ms Bradshaw asked the Minister of Health when AQW 7623/17-22 will be answered.

(AQW 10769/17-22)

Mr Swann: Testing in Northern Ireland continues to be a vital tool in our response to the COVID-19 pandemic. The current position is that all Health and Social Care (HSC) staff who are symptomatic (or whose household contacts are symptomatic) are eligible for testing in Northern Ireland.

This includes domiciliary care workers who, as essential health care workers, are currently able to access testing either through local HSC laboratories or via the National Testing Programme. Should there be an indication of more than one symptomatic individual among a group of care workers, an appropriate risk assessment will be undertaken by the Public Health Agency with testing of all individuals undertaken as deemed appropriate following the risk assessment.

On the 3 November 2020, I announced that regular COVID-19 testing of staff working in care homes would increase from once every two weeks to once a week.

Routine testing of asymptomatic domiciliary care workers and community health staff is kept under review. As our understanding of this new virus continues to evolve and we learn more about the impact of the virus across different settings, and as new testing technologies emerge and are evaluated for use, we may revisit our policy on routine testing health and social care staff, including the testing of domiciliary care providers.

Mr Newton asked the Minister of Health to detail the number of patients in each hospital with respiratory problems; and how this figure compares with November (i) 2018; and (ii) 2019.

(AQW 10783/17-22)

Mr Swann: Information relating to reasons for 2020 admissions is not yet available due to a lag in clinical coding data.

Tabulated information on the number of patients in each Health and Social Care Trust with respiratory conditions has been provided below for the time periods November 2018 and November 2019.

The Number of Patients Admitted¹ to HSC Hospitals with a Respiratory Condition² in Northern Ireland in November 2018 and 2019

Trust	2018	2019
Belfast	228	373
Northern	180	239
South Eastern	179	222
Southern	177	254
Western	143	205
Total	907	1293

Source: Hospital Inpatient System, Hospital Information Branch, Information & Analysis Directorate, Dept. of Health, NI.

- 1 Admissions are approximated through deaths and discharges. These figures do not denote individuals.
- 2 The following ICD-10 codes have been used to identify 'respiratory conditions' in the primary diagnostic field of the Hospital Inpatient System:

Asthma	J45	Asthma
	J46	Status asthmaticus
Bronchitis	J20	Acute bronchitis
	J21	Acute bronchiolitis
	J40	Bronchitis, not specified as acute or chronic
	J41	Simple and mucopurulent chronic bronchitis
	J42	Unspecified chronic bronchitis
	J47	Bronchiectasis
Emphysema	J43	Emphysema
COPD	J44	Other chronic obstructive pulmonary disease

Codes within the primary diagnostic field will denote the main condition treated or investigated within a consultant episode; this may not always be the reason for the admission to hospital.

Mr Gildernew asked the Minister of Health to detail the total resource spend for the health and social care system in (i) 2018/19; and (ii) 2019/20.
(AQW 10795/17-22)

Mr Swann: Details on total resource Departmental Expenditure Limit (DEL) spend for the Health and Social Care system in (i) 2018/19 and (ii) 2019/20 are as follows:

2018/19	2019/20
£5,568m	£6,057m

2019/20 figures are based on Provisional Outturn.

Mr Easton asked the Minister of Health what was the maximum hospital bed capacity in each Health and Social Care Trust in 2019.

(AQW 10816/17-22)

Mr Swann: Tabulated information on bed availability for the year 2019 has been provided below. The information has been broken down by Health and Social Care Trust.

Number of Available beds in HSC Hospitals in Northern Ireland, 2019

Trust	Quarter Ending			
	Mar-19	Jun-19	Sep-19	Dec-19
Belfast	183,938	183,805	180,973	183,215
Northern	93,871	93,289	93,256	94,188

Trust	Quarter Ending			
	Mar-19	Jun-19	Sep-19	Dec-19
South Eastern	85,664	85,220	86,734	87,991
Southern	82,689	83,563	83,894	84,247
Western	81,719	82,331	82,437	83,875
Total	527,881	528,208	527,294	533,516

Source: KH03a

Mr Easton asked the Minister of Health what is the maximum hospital bed capacity in each Health and Social Care Trust. (AQW 10817/17-22)

Mr Swann: Tabulated information on bed availability for the year 2020 has been provided below. The information has been broken down by Health and Social Care Trust.

Number of Available beds in HSC Hospitals in Northern Ireland, 2020^P

Trust	Quarter Ending		
	Mar-20	Jun-20	Sep-20
Belfast	178,094	180,420	177,999
Northern	93,789	88,773	88,185
South Eastern	87,566	67,817	81,814
Southern	84,656	80,826	83,830
Western	82,431	73,968	81,737
Total	526,536	491,804	513,565

Source: KH03a

P Data is provisional and subject to change.

Mr Buckley asked the Minister of Health what progress has been made to remove obstacles to rolling out the care partner model in care homes. (AQW 10851/17-22)

Mr Swann: You will be aware that on the 22 October 2020 I announced an additional £27.3m funding package for the care home sector.

This financial support included £9m of funding to reflect the costs of:-

- the rolling programme of testing for both residents and staff;
- the costs of overseeing safe visiting and setting up care partner arrangements; and
- the increased management time needed to oversee homes.

Care Homes do not need to apply for this funding as it will be paid directly to them based on the number of residents in their care, with a set amount per home to recognise some of the additional management overheads. Trusts have written to care home providers seeking confirmation they are happy to receive their proportion of the £9m referred to above. A number of homes have already confirmed this and the first payments should be with homes within the next two weeks.

Health and Social Care Trusts have been asked to work with care homes to provide the support they might require to move forward with risk assessments that facilitate safely managed and meaningful visiting arrangements and implementation of the care partner concept. They have also been asked to provide assurance to my Department, through the Chief Social Work Officer and Chief Nursing Officer, that care homes are implementing the visiting guidance appropriately.

A number of care homes have moved quickly to implement visiting and care partner arrangements. As well as Trusts the HSCB and PHA are working with those homes who are finding implementation more challenging – identifying and sharing good practice.

Mrs Cameron asked the Minister of Health for a breakdown of successful applicants to the relaunched Health and Social Care Workforce Appeal by profession. (AQW 10877/17-22)

Mr Swann: The Workforce Appeal was relaunched in an effort to try and build capacity again with particular focus on certain roles and positions across hospitals and community care. The total number of appointments made to date, as at 25th November, is 369, covering Health & Social Care (181 appointments), Clerical & Admin (188 appointments).

A breakdown of appointments by profession, to the relaunched Workforce Appeal, as at 25th November is given below;

	Total
Nursing	27
Medical	1
Pharmacy	3
Nursing Support	97
Social Care	24
Allied Health	5
Contact Tracing	24
Admin & Clerical	58
Support Services	130
Total	369

A breakdown of applicants to the relaunched Workforce Appeal, as at 25th November is given below;

	Total
Admin/Clerical	1191
Allied Health Professionals	258
Medical	39
Nursing	199
Nursing Support	1118
Pharmacy	93
Social Work & Social Care	1101
Support Services	1473
Clinical Case Workers	644
Data Analyst	2
Total	6118

Candidates may be unsuccessful in not being offered a post or being appointed for a variety of reasons such as the suitability and availability of the candidates may not always match the requirements to the roles being offered. For example, it is common for some candidates only being able to commit to specific hours on specific days which unfortunately did not match the demands of the positions being offered. Other candidates were seeking permanent employment, however, the Workforce Appeal was always designed with the aim of securing temporary employment in an effort to support the HSC Trusts through the pandemic.

Mrs Cameron asked the Minister of Health for a breakdown of applicants to the relaunched Health and Social Care Workforce Appeal by profession.
(AQW 10878/17-22)

Mr Swann: The Workforce Appeal was relaunched in an effort to try and build capacity again with particular focus on certain roles and positions across hospitals and community care. The total number of appointments made to date, as at 25th November, is 369, covering Health & Social Care (181 appointments), Clerical & Admin (188 appointments).

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Mrs Cameron asked the Minister of Health why the £27 million package for care homes announced on 22 October 2020 has yet to be delivered.

(AQW 10881/17-22)

Mr Swann: As indicated in my announcement on 22 October 2020 regarding an additional funding package, I have set aside important support for care home staff including £27.3m of additional funding for the sector. This includes an allocation of £9m to be paid directly to homes to ensure they can support testing and visiting.

The remaining funds can be claimed back by homes to support additional staffing costs (for instance, because of more acutely unwell residents or the need to support individuals self-isolating), continue with enhanced cleaning and enhanced sick pay, support changes to the physical environment (to support safe visiting, for instance) and meet other increased costs, such as IT.

Trust colleagues are in the process of writing to Care Home Providers setting out clear guidance on how the £9m set out above will be paid directly to providers and on the claims process to enable Providers to access the remaining funding.

Ms Bradshaw asked the Minister of Health what discussions he has had with counterparts in the Republic of Ireland concerning the Dying with Dignity Bill, currently passing through the Oireachtas, particularly with regard to clarifying the legal position of doctors in Northern Ireland; and what safeguarding mechanisms would be in place for vulnerable people resident in Northern Ireland.

(AQW 10888/17-22)

Mr Swann: I am aware of the Dying with Dignity Bill which is passing through the Oireachtas. I have had no discussions with my counterparts in the Republic of Ireland on the Bill.

The Bill is in its early stages and the Oireachtas Joint Committee on Justice has invited written submissions from interested groups and individuals on its provisions as part of its scrutiny of the legislation. Scrutiny is conducted as a separate process, prior to Committee Stage. The purpose of Committee scrutiny is to assess the Bill from a policy, legal and financial perspective with a view to recommending whether the Bill should proceed to Committee Stage or not.

As we do not have the settled text of any potential Act, it is not possible to determine what, if any, response is required in Northern Ireland.

Mr Storey asked the Minister of Health how many care homes in the Northern Health and Social Care Trust have benefited from the £27 million funding package announced by his Department on 22 October 2020.

(AQW 10893/17-22)

Mr Swann: The additional funding package of £27.3m I announced on 22 October for the care home sector includes an allocation of £9m to be paid directly to homes to ensure they can support testing and visiting.

The remaining funds can be claimed back by homes to support additional staffing costs (for instance, because of more acutely unwell residents or the need to support individuals self-isolating), continue with enhanced cleaning and enhanced sick pay, support changes to the physical environment (to support safe visiting, for instance) and meet other increased costs, such as IT.

Trust colleagues have written to Care Home Providers seeking confirmation they are happy to receive the proportion of the £9m referred to above. A number of homes have already confirmed this and the first payments should be with homes within the next two weeks. A process is already in place for claiming the costs for enhanced sick pay and Trusts are currently processing a number of claims. The letter referred to above also provides details on how to apply for some costs for which homes will need to provide evidence. Further correspondence will follow shortly on the remaining elements of the funding.

A number of discussions with provider representatives have taken place since funding was confirmed on 29th October, in order to inform the process and communications used with care homes.

Ms Bailey asked the Minister of Health to detail the timetable for the publication of the report on the operation of Mother and Baby Homes and Magdalene Laundries across Northern Ireland from 1922 to 1999.

(AQW 10897/17-22)

Mr Swann: The research report on the operation of Mother and Baby Homes and Magdalene Laundries in Northern Ireland is currently subject to a representations process, which is near completion. On completion of this process, subject to Executive approval, it is intended the research report will be published as soon as possible.

Mr T Buchanan asked the Minister of Health how many tutors were trained and approved to deliver Public Health Agency-approved Mental Health First Aid in (i) 2017; (ii) 2018; (iii) 2019; and (v) 2020.

(AQW 10941/17-22)

Mr Swann: Public Health Agency (PHA) is working closely with current Mental Health First Aid (MHFA) Facilitators to finalise the latest rewrite of MHFA NI. The new MHFA Facilitator materials will be used from early 2021. The updated course will be renamed to Standard Mental Health First Aid (SMHFA) as directed by MHFA International. No tutors have been trained and approved to deliver Mental Health First Aid since 2017 due to the re-write and quality assurance of the SMHFA course materials.

Mr T Buchanan asked the Minister of Health how many individuals and organizations are currently approved by the Public Health Agency to deliver Mental Health First Aid.

(AQW 10942/17-22)

Mr Swann: PHA currently supports 40 Mental Health First Aid (MHFA) facilitators to deliver MHFA across Northern Ireland. Of these 40 facilitators: 17 MHFA Facilitators work independently to provide MHFA to communities and workplaces; and 23 MHFA facilitators are trained to deliver as part of their organisational remit. Organisations provide MHFA facilitated training to individuals, communities, workplaces and organisations.

Of the above 23 organisations that offer MHFA facilitated training: 8 organisations are commissioned by PHA to deliver MHFA within their respective trust localities; and 15 organisations deliver MHFA as part of their own organisational remit.

Mr Sheehan asked the Minister of Health whether the statutory inquiry he announced on 24 November 2020 into the neurology recall will remain under the joint chairpersons Brett Lockhart QC and Prof Hugo Mascie-Taylor.

(AQW 10959/17-22)

Mr Swann: The Independent Neurology Inquiry (INI) will continue to be chaired by Brett Lockhart QC with Professor Hugo Mascie-Taylor as co-panellist.

The Inquiry is at a very advanced stage of its evidence-gathering process and I do not intend my decision to convert the Inquiry to add to or alter the work or timescales of this Inquiry.

Mrs Cameron asked the Minister of Health to detail the most common reasons for rejecting applicants to the relaunched Health and Social Care Workforce Appeal.

(AQW 10997/17-22)

Mr Swann: The Workforce Appeal was relaunched in an effort to try and build capacity again with particular focus on certain roles and positions across hospitals and community care. The total number of appointments made to date, as at 25th November, is 369, covering Health & Social Care (181 appointments), Clerical & Admin (188 appointments).

A breakdown of appointments by profession, to the relaunched Workforce Appeal, as at 25th November is given below;

	Total
Nursing	27
Medical	1
Pharmacy	3
Nursing Support	97
Social Care	24
Allied Health	5
Contact Tracing	24
Admin & Clerical	58
Support Services	130
Total	369

A breakdown of applicants to the relaunched Workforce Appeal, as at 25th November is given below;

	Total
Admin/Clerical	1191
Allied Health Professionals	258
Medical	39
Nursing	199
Nursing Support	1118
Pharmacy	93
Social Work & Social Care	1101
Support Services	1473
Clinical Case Workers	644
Data Analyst	2
Total	6118

Candidates may be unsuccessful in not being offered a post or being appointed for a variety of reasons such as the suitability and availability of the candidates may not always match the requirements to the roles being offered. For example, it is common for some candidates only being able to commit to specific hours on specific days which unfortunately did not match the demands of the positions being offered. Other candidates were seeking permanent employment, however, the Workforce Appeal was always designed with the aim of securing temporary employment in an effort to support the HSC Trusts through the pandemic.

Mrs Cameron asked the Minister of Health to detail the number of unsuccessful applicants to the Health and Social Care Workforce appeal, broken down by profession.

(AQW 10998/17-22)

Mr Swann: The Workforce Appeal was relaunched in an effort to try and build capacity again with particular focus on certain roles and positions across hospitals and community care. The total number of appointments made to date, as at 25th November, is 369, covering Health & Social Care (181 appointments), Clerical & Admin (188 appointments).

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Mr Lunn asked the Minister of Health for his assessment of the effectiveness of the Executive Office's advertising campaign, Limit your Contact, in trying to reduce cases of COVID-19 infection.

(AQO 1220/17-22)

Mr Swann: We have been living with this virus in our communities since March and I think it is fair to say that we were beginning to see a level of complacency emerge. We were seeing attentiveness to public health messaging begin to wane resulting in higher case numbers, increased hospitalisations and sadly deaths.

Therefore the Northern Ireland Executive's Limit Your Contacts campaign came at a critical time in our fightback against COVID-19. This latest phase of the multi-channel campaign which launched earlier this month, highlights how the virus can spread through close personal contact in unregulated settings.

The approach in this phase of the campaign has differed from previous COVID-19 campaigns. It is told from a 1st person perspective which puts the viewer, directly in the shoes of the person portrayed in the advertisement, who is unwittingly bringing the virus home to loved ones. With the ultimate aim of making the threat of Covid-19 much more visible and immediate.

The three month campaign is running across TV, radio, outdoor, press and digital platforms and has already had significant reach.

Up to 22nd November, the Limit Your Contacts element of the campaign has been seen or heard almost 32 million times (31,952,475) and estimated to have reached approximately 98% of the NI population at least once. It is estimated that the average adult will have seen or heard the campaign 21 times.

The latest phase of the public information campaign also includes an advertisement featuring Rhonda Tait, who lost her mother to COVID-19 earlier this year.

Rhonda's powerful testimonial brings home to us all, the devastation caused by the virus and the many families who have been left grieving as a result. Her words asking everyone to follow the basic public health advice to spare others that same grief is particularly impactful. I would of course also like to thank Rhonda for participating in this campaign and for sharing her story at what is a hugely difficult time for her and her family.

In total, since the public information campaign began in March, the campaign has been presented over 261 million times, with the average adult in Northern Ireland seeing/hearing the advertising 174 times.

Indeed we can see from the figures that the campaign has been hugely effective in terms of the number of people it has reached. In terms of its impact and influence, I know that many people have been effected by the campaign and in particular Rhonda's story. It has served as a sober reminder to continue to follow the public health advice and limit contacts to help keep everyone safe.

Mr McHugh asked the Minister of Health what preparations are being made for the reopening of day centres for people with a learning disability.

(AQO 1221/17-22)

Mr Swann: In March 2020, Trust day services were largely stood down to help reduce community transmission of COVID-19. While cognisant of the degree to which many families rely on these supports on a daily basis, this action was considered necessary at that time to minimise the transmission of the virus among adults with learning disability, and ensure adherence to public health guidance. Many families had already chosen to withdraw service users from these services, because of their own concerns about the risk of COVID-19 transmission.

Limited provision of services recommenced in July 2020 across all Trusts and in line with a regionally agreed recovery framework, developed by the Health and Social Care Board (HSCB). The framework aimed to restore day services in a consistent manner, taking account of learning and new ways of working developed during lockdown. Trusts have developed plans in line with this framework and updates on progress are being provided through the HSCB to the Department.

HSC Trusts have advised that current requirements mean that day services are not able to operate in the same way or to the same capacity as pre-COVID levels. Reported service provision varies between 30-50% across Trusts, dependent on the availability of physical space, staff and transport. There is also an ongoing risk of having to temporarily scale back day centre provision as a result of staff isolation, for instance.

My officials wrote to Trusts in early October to establish a baseline of service provision for each Trust, to confirm planned increases and to ask Trusts to identify any barriers to further scaling up service provision. Trusts were also reminded of the need for an ongoing dialogue with service users and their families/carers.

Whilst assurances continue to be sought from Trusts that all options are being explored and contingencies and mitigations are in place in relation to service delivery where possible, it is clear that challenging times lie ahead.

Trusts have been asked to build on learning from the past few months to ensure they explore any creative solutions that may be available to aid their rebuilding process. Further to this, a number of approaches are being investigated to gauge if they can help to increase or maintain service provision. In particular, Trusts have been asked to engage with Voluntary and Community Sector to see if there is any scope to expand their provision and to consider the potential to expand their own service provision through the renting of additional premises or recruitment of additional staff.

In the interim period, Trusts are continuously monitoring and assessing their services so that service uptake and unfilled spaces are reallocated where it is possible to do so.

As I am sure members will appreciate, and as with so many issues at this time, we are seeking to find a difficult balance between the risk of infection and physical wellbeing for service users set against their broader wellbeing and that of their families and carers.

Mr Durkan asked the Minister of Health what assessment he has made of the impact of not adopting further COVID-19 interventions between now and the end of the year.

(AQO 1222/17-22)

Mr Swann: I have listened carefully to the advice provided to me and to my Executive colleagues by the Chief Medical Officer and the Chief Scientific Advisor.

Their assessment was that if we did not have a timely intervention, beginning in late November, it would have been likely that even a full lockdown beginning around the middle of December would not prevent the pressure on Health and Social Care from significantly exceeding the capacity.

The Executive subsequently agreed that two weeks of additional restrictions beginning last Friday was the most effective and most timely course of action to reduce virus transmission.

Mr Carroll asked the Minister of Health to outline his powers to introduce COVID-19 emergency legislation unilaterally.
(AQO 1223/17-22)

Mr Swann: The powers to introduce emerge public health legislation are contained in the Public Health Act (Northern) 1967 and are conferred by sections 25C (1), (3)(c), (4)(d) and 25F(2) of that Act.

These powers are there to enable my Department to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Northern Ireland.

While the legislation confers certain powers on the Department of Health, since the beginning of the pandemic my actions have been part of the collective response of the Executive. All the regulations introduced as part of this response have been agreed by the Executive. The Executive is united in its determination to get on top of the pandemic and restore normal life as quickly as we safely can, and we will continue to act together to that end.

Mr Allister asked the Minister of Health to outline his commitment to a post-COVID-19 independent review of how the pandemic was prepared for and handled.
(AQO 1225/17-22)

Mr Swann: I understand that post-COVID-19 there will be the need for independent review of how the pandemic was prepared for and handled. I am committed to engaging in such a review once we, as a United Kingdom, are through this global pandemic.

Mr McGrath asked the Minister of Health for his assessment of the adequacy of intensive care nurses' pay.
(AQO 1226/17-22)

Mr Swann: There is currently a skills mix of band 5 and band 6 Nurses within Intensive Care Units across the HSC.

Banding of all Agenda for Change roles, including those within nursing, is determined by the duties and responsibilities of a role assessed in partnership with Trades Unions using an agreed job evaluation scheme. Across the UK, jobs are matched to nationally evaluated profiles, based on the roles undertaken.

These profiles work on the basis that similar posts and responsibilities across the UK health services reflect the demands of the job and to ensure equality of pay. This process ensures that the level of post is dependent on the role, not the environment and as there is a difference between roles, for example between a qualified critical care specialist nurse and a nurse working in ICU, a skills mix is necessary.

Due to the global health emergency and local COVID-19 transmission rates, critical care requirements are significantly stretched across the region, resulting in increased pressures on the critical care nursing workforce.

In recognition of this, my Department is currently considering if temporary arrangements can be put in place for progression of Band 5 to Band 6 for critical care nurses who meet agreed criteria.

Mr Storey asked the Minister of Health whether the onset of COVID-19 will alter his response to the Bengoa Report recommendations relevant to acute hospital care.
(AQO 1227/17-22)

Mr Swann: COVID-19 has reinforced the need for the Transformation of our system as highlighted through the Bengoa Report, and the Department's response to it, Health and Wellbeing 2026: Delivering Together.

This roadmap for Transformation, which began in 2016 and which continues today, addresses the need for whole system change, of which the Transformation of acute hospital care is a critical part.

The work currently being undertaken across our acute hospitals must be commended, but the stark reality is that our Emergency Departments are under immense pressure, many of our hospitals are running at, or above, 100% capacity, and we are finding it impossible to maintain planned services at the same time as meeting patients' unscheduled care needs.

The need to transform acute hospital care is therefore stronger than ever. This year almost £95m has been allocated to progress the Transformation of HSC services, which includes significant investments in areas such as intermediate care, elective surgery, acute care at home, unscheduled and ambulatory care.

Funding has also been invested in transforming critical services such as Imaging and Pathology, which are key to the delivery of acute care across the system.

Those service reviews which were being progressed through the Transformation agenda, such as the review of Stroke, Breast Assessment, Maternity, Bariatric and Neurology services have been paused due to the pandemic, however, these will be resumed at the earliest opportunity to ensure that these critical services can continue to be sustainable in the future.

There is no doubt that Covid-19 has, and will continue to have, a profound impact on the delivery of HSC services; the pace, scale and direction of Transformation will be informed by work to manage the current wave of the virus, the subsequent rebuilding of HSC services, and the management of any potential impact of future waves.

Health and Wellbeing 2026: Delivering Together remains the overarching strategy for transforming HSC services, and decisions on the nature and approach to rebuilding services will be considered in adherence to the principles set out within this strategy.

The Transformation of HSC services remains a priority and the only solution to the long term sustainability of our system.

Ms Dolan asked the Minister of Health whether rapid COVID-19 testing will be rolled out by the Public Health Agency or by Public Health England.

(AQO 1228/17-22)

Mr Swann: We are now continuing with implementation of a number of New Testing Interventions, or NTIs, in Northern Ireland using rapid testing technologies. The tests will be rolled out locally in conjunction with the Public Health Agency.

These NTIs are part of the UK-wide population testing programme, and as we progress with these we will evaluate the new technologies used for testing and we will realise their benefits for our citizens, our services and our wider economy.

Testing of asymptomatic healthcare workers is due to begin this week. This NTI will enable early identification of the SARS-CoV-2 virus in health care staff who do not have symptoms, ensuring frontline staff can self-isolate early and thereby reduce the risk of onward transmission of infection.

Testing of asymptomatic students commenced this week at Queen's University using Lateral Flow Devices. The learning arising from this NTI will be important to help us better understand how asymptomatic testing can be implemented and extended more widely in the future, to other parts of Northern Ireland.

Plans are progressing to offer testing where this is needed to the wider population of students. In this context, asymptomatic testing will form part of a wider strategy to support and enable students to travel home for Christmas. This requires swift and agile planning and rollout over the coming weeks working closely across a number of government departments and other delivery partners.

It is through undertaking NTIs such as these that we can develop fully informed plans for the future, to everyone's benefit.

Department for Infrastructure

Mr McHugh asked the Minister for Infrastructure, in relation to the North West Greenway Network, to detail (i) a projected completion date for the Strabane section of the project; and (ii) projected dates for the next stages.

(AQW 10241/17-22)

Ms Mallon (The Minister for Infrastructure): My Department is a partner in the North West Greenways Network project along with Donegal County Council and the cycling charity Sustrans. The lead partner is Derry City and Strabane District Council, and as such are best placed at this stage to respond to queries about completion dates for the different stages of the project.

Miss Woods asked the Minister for Infrastructure whether her Department will be contributing to the research into the impacts of petroleum development in Northern Ireland, commissioned by the Department for the Economy.

(AQW 10245/17-22)

Ms Mallon: I am aware of the research the Department for the Economy (DfE) has procured to inform a review of its minerals and petroleum licencing process, as well as decisions on undecided petroleum licence applications before it. DfI has no direct involvement in the research exercise but my officials have asked DfE officials to keep them informed as this work progresses.

Ms Anderson asked the Minister for Infrastructure to detail (i) the current beneficiaries from the Concessionary Fares Scheme; and (ii) whether she made a bid for additional resources to extend the Concessionary Fares Scheme.

(AQW 10470/17-22)

- (i). Ms Mallon: Beneficiaries of the concessionary fares scheme are those people who qualify for either free travel (everyone aged 60 and over, people who are registered blind and war disablement pensioners) or half fare travel (people in receipt of the mobility component of Disability Living Allowance (DLA), the mobility component of Personal Independence Payment (PIP), those who have had a driving licence refused or revoked on medical grounds, have a learning disability or who are partially sighted). To be eligible for the Scheme, an individual must apply for and receive a concessionary travel card, called a SmartPass. In addition, children and young people up until 30 June following their 16th birthday can also travel for half fare.

In 2019/20, almost 14 million journeys were made by people using a SmartPass, with an additional 9 million journeys made by children under the scheme. Full details of eligibility for the Scheme can be found on NI Direct <https://www.nidirect.gov.uk/articles/free-and-concessionary-bus-and-rail-travel>.

- (ii). Between 2015/16 and 2019/20, my department has consistently submitted in-year bids to seek additional funding to support the current Concessionary Fares Scheme. With the exception of 2017/18 and 2019/20 these bids have been successful, however the decision not to allocate additional funding to the scheme in 2019/20 resulted in Translink not being fully reimbursed for fares forgone. This £8.4m deficit has significantly contributed to the company's difficult financial position.

Without additional funding, the current scheme as it stands is unaffordable. I have requested a meeting with Minister Murphy on this issue.

Mr Boylan asked the Minister for Infrastructure for an update on the upcoming road safety strategy.
(AQW 10482/17-22)

Ms Mallon: Officials are working on a new Road Safety Strategy. This work has been delayed by the Covid-19 crisis and more recently by the work on Financial Assistance Schemes. I expect to be in a position to issue a draft Road Safety Strategy for consultation by March 2021, but please be assured that road safety is integral to the work of the Department and it continues each and every day. While this timeframe is challenging I would ask that you note the progress made to date and the planned timescale for moving to the consultation stage.

Mr Beggs asked the Minister for Infrastructure to detail how much of this year's budget has been committed to (i) building new roads; (ii) building new walking and cycle routes; (iii) resurfacing of existing roads; and (iv) pothole repairs.
(AQW 10499/17-22)

Ms Mallon: The table below provides a summary of the current 2020-21 budget commitments for the activities requested:

Activity	Current Budget £m
Building new roads – includes both development and construction	103.5
Building and developing new walking and cycling routes	7.7
Resurfacing of existing roads	52.4
Pothole repairs	14.0

The current budget for building new roads includes £80.1m and £3.5m for the A6 and A5 Western Transport Corridor flagship projects respectively. The budget for potholes funds expenditure on patching, however pothole defects may also be remedied as part of a resurfacing project.

I am very keen to deliver on projects to get more people to walk and cycle, as well as building and developing the walking and cycling network. I have actively engaged with local Councils in identifying and delivering active travel and greenway projects as part of my blue/green infrastructure development plans within the £20m capital blue/green fund.

Miss McIlveen asked the Minister for Infrastructure what steps she will take to provide greater consistency across local councils in the information recorded and available in Environmental Impact Assessment public registers.
(AQW 10509/17-22)

Ms Mallon: Since the transfer of planning powers to local government in April 2015 councils, in their role as local planning authorities, are the decision-makers for the vast majority of applications for planning permission. The Planning (Environmental Impact Assessment) Regulations (NI) 2017 ("the 2017 EIA Regulations") set out the obligations which apply consistently across all councils in relation to assessing the potential environmental impacts of development proposals submitted to them. Regulation 44 of these regulations specifies information which all councils must include in the publicly available Planning Register which they are statutorily required to maintain. This information includes, for example, EIA screening determinations, scoping opinions and copies of environmental statements.

Mr McCrossan asked the Minister for Infrastructure for an update on planned road safety improvements at Orchard Road and Great Northern link in Strabane.
(AQW 10520/17-22)

Ms Mallon: My Department currently has no road safety improvements planned for the Orchard Road / A5 Great Northern Link junction.

Mr Middleton asked the Minister for Infrastructure how much support her Department has provided Belfast International Airport since the start of the COVID-19 pandemic.
(AQW 10546/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

Due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, my Department was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport (CoDA).

While my Department has not provided support to Belfast International Airport since the start of the COVID-19 pandemic, in May 2020, the Minister of Finance announced 100% rates relief for Belfast International, Belfast City & City of Derry airports until 31 March 2021. This financial support is worth £2.2m, and £1.7m to BIA in particular.

Furthermore, whilst civil aviation is a reserved matter for the British Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m for marketing support which is being delivered by Tourism Ireland and held recent discussions with Belfast International Airport to develop Trans-Atlantic and Middle East air routes

The Executive's most recent decision to set aside £10million as part of the October monitoring was to provide further support, as and when required, for airports during the Covid19 crisis and it is a matter for the Executive to decide how this funding is allocated. The Department for Finance is leading work on safety and security measures in all three airports and it is proposed that this funding continues to be held for this purpose.

I remain committed to working alongside my Executive colleagues, given shared statutory responsibilities, to maintain air connectivity across these islands and further afield.

Mr Middleton asked the Minister for Infrastructure how much support her Department has provided Belfast City Airport since the start of the COVID-19 pandemic.

(AQW 10547/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

Due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, my Department was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport (CoDA). George Best Belfast City Airport was granted £2,192,347 as part of this emergency funding package.

In addition, in May 2020, the Minister of Finance announced 100% rates relief for Belfast City, Belfast International & City of Derry airports until 31 March 2021, which is worth £2.2m across all three airports.

Furthermore, whilst civil aviation is a reserved matter for the British Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m to fund marketing support by March 2021 which is being delivered by Tourism Ireland. £0.8m relates to co-operative marketing support for airlines operating to all 3 NI airports with £1.2m on a campaign highlighting all air and sea carriers serving Northern Ireland, and their routes.

The Executive's most recent decision to set aside £10million as part of the October monitoring was to provide further support, as and when required, for airports during the Covid19 crisis and it is a matter for the Executive to decide how this funding is allocated. The Department for Finance is leading work on safety and security measures in all three airports and it is proposed that the funding continues to be held for this purpose.

I remain committed to working alongside my Executive colleagues, given shared statutory responsibilities, to maintain air connectivity across these islands and further afield.

Mr Boylan asked the Minister for Infrastructure to detail what schools have 50mph or 60mph speed limits outside the school gates.
(AQW 10657/17-22)

Ms Mallon: There are currently 2 schools with a 50mph speed limit and 148 schools with a 60mph speed limit outside their gates.

As Minister responsible for promoting and improving road safety, I want to work actively with partners to reduce death and serious injuries on our roads. I was therefore delighted to be able to commit funding in this year's capital budget towards the introduction of new part-time 20 mph speed limits at around 100 schools. I am determined that using the roads around all of our schools will be safer for everyone, and it is my intention that through future programmes, part-time 20 mph speed limits will apply to roads outside many more schools.

Mr McCrossan asked the Minister for Infrastructure for his assessment on the need to revise planning guidance for windfarms following the Meenbog landslide.

(AQW 10689/17-22)

Ms Mallon: My Department's Strategic Planning Policy Statement (SPPS) requires that the environmental, landscape, visual and amenity impacts associated with, or arising from, renewable energy development, including wind farms, are given proper consideration and that adequate protection is afforded to the region's natural and cultural heritage features.

Planning applications for renewable energy development proposals are considered with regard to the Local Development Plan; the SPPS, Planning Policy Statement 18: 'Renewable Energy' and its associated Best Practice Guidance; local circumstances and characteristics; the advice of statutory consultees, such as DAERA and all other material considerations. DAERA's Natural Environment Division (NED) has published a Practice Guide on "Wind farms and groundwater impacts" (June 2019). Such proposals should also be rigorously assessed for their environmental impact as per the requirements of relevant legislation, including ensuring compliance with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Ultimately, the interpretation, relevance and weight to be attached to planning policy and all other material considerations will be a matter of planning judgement for the decision taker.

I am satisfied that the above framework enables planning authorities to properly consider and determine wind energy planning applications.

Mr Blair asked the Minister for Infrastructure what support will be available to Belfast International Airport to bridge the gap to a COVID-19 recovery.

(AQW 10713/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

However, due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, my Department was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport (CoDA).

In May 2020, the Minister of Finance announced 100% rates relief for all three of our main airports until 31 March 2021. This financial support is worth £2.2m, and £1.7m to the Belfast International Airport in particular.

Furthermore, whilst civil aviation is a reserved matter for the UK Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m for marketing support which is being delivered by Tourism Ireland and held recent discussions with Belfast International Airport to develop Trans-Atlantic and Middle East air routes.

The Executive's most recent decision to set aside £10million as part of the October monitoring was to provide further support, as and when required, for airports during the Covid19 crisis and it is a matter for the Executive to decide how this funding is allocated.

The Department for Finance is leading on work on safety and security measures in all three airports and it is proposed that this will be drawn down from this fund.

I have accepted to meet with Belfast International Airport, alongside the Finance and Economy Ministers, given shared statutory responsibilities for airports and connectivity to listen to any case for support which may be brought to the Executive for approval.

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 9538/17-22, (i) why her Department allows unauthorised Environmental Impact Assessment (EIA) development to continue at the Lough Neagh Special Protection Area; (ii) why her Department permits unauthorised EIA development to become immune from enforcement action; and (iii) for her assessment on how such actions do not breach the EIA directive.

(AQW 10715/17-22)

Ms Mallon: My Department issued an enforcement notice on 27 May 2015 in respect of unauthorised sand dredging and I have recently announced my intention to grant planning permission for future dredging operations. This will likely issue in the coming weeks. You will also be aware that operations since November 2017 have been undertaken subject to a series of interim control measures and monitoring.

Given the statutory restrictions on time limits associated with enforcement action, there is a period of several months in 2015 where enforcement action is not possible.

The planning permission to be granted is not for retrospective extraction. The Lough Neagh Sand Traders made an application for the retrospective extraction of sand through the Planning Appeals Commission appeals process and this was refused in May 2019. I am not aware of any further retrospective application having been made.

Mr Easton asked the Minister for Infrastructure who is responsible for enforcing the wearing of face masks on public transport.

(AQW 10728/17-22)

Ms Mallon: Where a passenger on a public transport service or in a public transport station does not wear a face covering and does not have an exemption or a reasonable excuse, the current Face Coverings Regulations provide powers to a "relevant person" to ask them to put on a face covering or ask them to leave the vehicle or premises. A "relevant person" includes police officers and anyone else designated by the Department of Health for this purpose.

Where a person does not comply with the above, a police officer also has the additional power to remove them from the vehicle or station, as well as the power to issue a Fixed Penalty Notice. However the Regulations are clear that such powers should only be used where they are "a necessary and proportionate means of ensuring compliance with the requirement".

My Department has been working closely with Translink, the PSNI and others throughout the pandemic to determine how best to manage the Face Coverings Regulations on the ground. We have a common goal, focusing on high rates of compliance rather than high rates of enforcement.

Evidence from other jurisdictions has shown that education and encouragement are effective tools in increasing awareness and compliance. In this regard, Translink staff are advised to actively encourage passengers to wear appropriate face coverings. Where incidents of non-compliance occur, Translink has instructed staff to note the service, time and boarding point with the aim of using this information to identify issues and specific services where it is necessary to raise awareness and engage with the PSNI to assist with enforcement if required.

This approach, in combination with initiatives such as publicity and social media campaigns; on-board and in-station announcements; posters and signage; availability of face coverings at main stations and interchanges; safer travel guidance; and the establishment of the PSNI Safe Transport Team, have encouraged positive results here, and face coverings compliance levels currently average around 85% on Translink's services.

I am very grateful for the individual and collective responsibility demonstrated every day by passengers on our vital public transport network, the vast majority of whom support the mandatory wearing of face coverings and wear one to protect each other as we travel.

Mr Easton asked the Minister for Infrastructure whether driving theory tests will be given extensions due to people being unable to get driving tests.

(AQW 10730/17-22)

Ms Mallon: The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 have been amended to allow an eight month extension to the validity of theory test pass certificates, which expired between 1 March and 31 October 2020 and a 6 month extension to the validity of off-road motorcycle test pass certificates, which expired between 1 March 2020 and 31 August 2020.

Further legislation will be brought forward and put in place to help further mitigate the impact on customers due to the cessation of practical driving tests as a result of the latest Covid restrictions. Theory test pass certificates which have already been extended by eight months, will have their validity period extended by a further 4 months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

These additional extensions will be applied automatically once the legislation is in place in December 2020.

Mr Boylan asked the Minister for Infrastructure whether the Driver and Vehicle Agency have considered online tests for the driving theory exams.

(AQW 10733/17-22)

Ms Mallon: Driving theory tests are currently delivered here via a network of six theory test centres; Ballymena, Belfast, Derry, Newry, Omagh and Portadown. Test centre staff are required to verify the identity of the candidate and their entitlement to take their test. Candidates are subject to a number of security checks to prevent prohibited items from entering the test room, and test sessions are invigilated in order to prevent misconduct. These requirements are designed to detect and prevent fraud, which has the potential to impact upon the integrity of the test.

The administration and delivery of the driving theory test is currently facilitated by a joint Authority contract with the Driver & Vehicle Standards Agency (DVSA) based in Great Britain. The Driver and Vehicle Agency (DVA) has been working in partnership with the DVSA on the replacement for the current theory test service contract. As part of that work the possibility of delivering the driving theory test via an online facility has been fully explored and assessed. Those explorations provided evidence that technology is not yet at the stage to provide the necessary assurance that security requirements could be met, and, as the integrity of the test must be protected against fraud and impersonation, this approach is not currently possible. I have asked officials to monitor this situation closely and keep it under review.

Mr Boylan asked the Minister for Infrastructure to detail (i) the average waiting time for booking a driver theory test; and (ii) how this compares to this time last year.

(AQW 10734/17-22)

Ms Mallon: From 6 July 2020, driver theory tests resumed at all six theory test centres at reduced capacity, in order to comply with PHA advice and guidance on social distancing. Since then, a number of steps have been taken to increase capacity for customers including extending opening hours. The Driver & Vehicle Agency (DVA) is continuing to work with the theory

test provider to monitor the situation, in order to identify what further measures may be required. Theory tests are currently suspended for the 2 week circuit breaker restrictions from 27 November to 10 December.

The table below shows the average waiting time to the first available theory test appointment in November 2020, by test centre location, and comparative waiting times for November 2019.

Theory Test Centre	Average days to first available appointment in November 2019	Average days to first available appointment in November 2020
Ballymena	18	21
Belfast	17	31
Derry	17	26
Newry	20	26
Omagh	18	29
Portadown	19	27

Mr Stewart asked the Minister for Infrastructure for her assessment of her Department's performance in processing planning applications deemed regionally significant.

(AQW 10750/17-22)

Ms Mallon: Regionally significant developments (RSD) applications are developments that have a critical contribution to make to the economic and social success of the North as a whole, or a substantial part of the region. They also include developments which have significant effects beyond the North or involve a substantial departure from a local development plan. Applications for these development proposals will be submitted to and determined by my Department.

From Official Statistics, at the end of June 2020 there were six ongoing regionally significant development (RSD) applications. Since then, one application has been determined and a second has been recommended for approval, subject to the completion of a Planning Agreement between my Department and the applicant.

I recognise fully the importance of an effective planning system not only in delivering strategic infrastructure across the North but also in supporting economic recovery as we emerge from the current pandemic. Work is ongoing within the Department that is aimed at improving the effectiveness and efficiency of the planning system, including the recently constituted Planning Forum with particular focus on the role of statutory consultees and performance in the planning process; and the continuing work on a new Regional Planning IT system that will provide a more modern planning service to the public, consultees and staff when it goes operational in 2022 including the ability for the public to submit planning applications on-line.

Mr Stewart asked the Minister for Infrastructure for her assessment of how her Department categorises planning applications deemed to be of regional significance, in comparison to similar applications in the rest of the United Kingdom and the Republic of Ireland.

(AQW 10752/17-22)

Ms Mallon: Since 2015, there has been a hierarchy of development based on a 3-tier classification of developments consisting of regionally significant, major and local. Under the Planning Act (NI) 2011, an application deemed to be of regional significance must be made to, and will be determined by, the Department.

I am aware of the different approaches to dealing with regionally significant developments in the UK and Ireland, and recognise that these measures are tailored to meet regional needs and circumstances and particular planning pressures in the respective jurisdictions.

My officials have commenced a legislative review of the Planning Act (NI) 2011, the purpose of which is to consider and assess the objectives intended to be achieved by the Act, and which may identify potential areas for legislative change. It is hoped that the review report will be agreed and published as soon as possible, and before the end of March 2021.

Mr Allister asked the Minister for Infrastructure what process or mechanism exists within her Department whereby a written record is kept of any lobbying of the Minister or special adviser in relation to departmental functions, policies or proposals.

(AQW 10774/17-22)

Ms Mallon: All Ministerial correspondence and invitations are retained in line with NICS Records Management policy and GDPR obligations.

In addition to this, details of all of my meetings with any external organisations and individuals are also provided to the Department of Finance for publication quarterly.

Mr Newton asked the Minister for Infrastructure to detail (i) the agenda; and (ii) decisions emanating from her last meetings with (a) Belfast City Council; and (b) Lisburn and Castlereagh City Council regarding further development and investment in the Comber Greenway.

(AQW 10784/17-22)

Ms Mallon: There were no specific decisions on the development and investment in the Comber Greenway at my recent meetings with both Belfast City Council and Lisburn and Castlereagh City Council.

However, my Department continues to invest in the Comber Greenway and in recent years, a total of around £1.5 million has been invested by my Department and other stakeholders. I hope to be in a position early in the New Year to carry out a consultation on the proposed lighting design. Officials in my Department established a steering group, with agreed terms of reference, to consider the matter of a transfer of ownership of the asset to Council and the options are still being explored. The wider powers of Councils in respect of community development and health and wellbeing, puts them in a better place to develop greenways as community assets.

Mr Newton asked the Minister for Infrastructure to detail her (i) strategy; and (ii) timelines for the introduction of speed limits outside schools across Northern Ireland.

(AQW 10786/17-22)

Ms Mallon: As Minister responsible for promoting and improving road safety, I want to work actively with partners to reduce death and serious injuries on our roads. I believe that reducing the maximum speed traffic can travel at on some of our roads can help in this regard.

I am therefore delighted to have committed funding in this year's capital budget towards the introduction of part-time 20 mph speed limits at around 100 schools. These measures will increase driver awareness and achieve reductions in vehicle speeds, ensuring that parents, children and staff will be safer as they go to and from the schools on a daily basis.

Designs are nearing completion and the proposed enabling legislation to allow the new part-time 20mph speed limit measures at schools to be implemented will be advertised shortly as required by the legislative process. Subject to there being no objections received, it is hoped that works on the ground will commence in the New Year.

I am keen to roll out the part-time 20 mph speed limits scheme to more schools in the next financial year. The scale and extent will depend on the funding allocated to my Department.

Mr Muir asked the Minister for Infrastructure to detail the number of parking ticket notices issued by her Department in (i) Seapark, Holywood; (ii) Bridge Road South, Crawfordsburn Country Park; and (iii) Fort Road and Church Road, Helen's Bay, broken down by month in each of the last three financial years.

(AQW 10801/17-22)

Ms Mallon: Bridge Road South is not on the schedule for routine deployment, nor has the Department received any requests for enforcement at this location. Details of the number of Penalty Charges Notices issued at the other streets are shown in the table below:

Seapark, Holywood (Includes Seapark Ave/Rd/Lane/Terrace)

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2020/2021	0	0	0	0	0	0	0					
2019/2020	0	0	0	0	0	0	0	0	0	0	0	0
2018/2019	0	0	0	0	0	0	0	0	0	0	0	0
2017/2018	0	0	0	0	0	0	0	0	0	0	0	0

Fort Road, Helens Bay

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2020/2021	0	0	0	0	0	0	0					
2019/2020	0	0	0	0	0	0	0	0	0	0	0	0
2018/2019	0	0	0	0	0	0	0	0	0	0	0	0
2017/2018	0	0	0	0	0	0	0	0	0	0	0	0

Church Road, Helens Bay

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2020/2021	0	0	0	2	35	0	0					
2019/2020	0	0	0	0	0	0	0	0	0	0	0	0
2018/2019	0	0	28	0	0	0	0	0	0	0	0	0
2017/2018	0	0	0	17	0	0	0	0	0	0	0	0

Ms Anderson asked the Minister for Infrastructure (i) why she has stated that taxi drivers would be eligible for the Department for the Economy's Covid Restrictions Business Support Scheme grant when they are not; and (ii) what engagements she has had with the Minister for the Economy to resolve this.

(AQW 10809/17-22)

Ms Mallon: When the Executive discussed this scheme originally, I was assured by the Minister for the Economy that no exclusion would be used for taxi drivers and bus operators.

I am very disappointed that an opportunity has been missed to set up a scheme which comprehensively will assist those impacted by the increased restrictions, that being the very purpose of the Covid Restrictions Business Support Scheme (CRBSS), and that instead certain sectors are being allowed to fall through the cracks.

I remain of the view, which is strongly supported by the taxi sector that, in going forward and in managing the effect of any continued restrictions, Part B of the DfE CRBSS should cover the taxi and bus sectors, in that their income and trade has been directly affected by the increased restrictions and they meet the other criteria given they are "dependent on those businesses being open in order to operate". I have significant concerns that the current eligibility criteria does not provide the support that is needed for all impacted businesses.

I have advocated that the Department for the Economy should take responsibility for financial support for taxi drivers since last spring, as they have the legal vires to do so. In relation to the CBRSS specifically, I raised the importance of the inclusion of the taxi sector at the Executive meeting on 22nd October and I have also written to the Minister of the Economy on 21st October, 19th November and 23rd November asking that the exclusion of those who can avail of the DfI Taxi Driver Financial Assistance Scheme and Private Coach and Bus Operators from the CBRSS is removed. I continue to push for their inclusion in this and future schemes.

Ms Flynn asked the Minister for Infrastructure what bids she made to the Department of Finance in the most recent Executive financial support package to provide additional funding and COVID-19 financial support to (i) the West Belfast Taxi Association; and (ii) private taxi drivers.

(AQW 10812/17-22)

Ms Mallon: I recently bid for £25m and was allocated £19m to fund the taxi driver financial assistance scheme that was launched on 13 November and the private coach and bus scheme that was launched on 27 November. A further £6m is being held at the centre and it will provide me with some flexibility in keeping under review the circumstances of the sectors, should any further support be needed.

I will also continue to press for the inclusion of the taxi sector in the various other support schemes being taken forward across the Executive, in particular Part B of the Coronavirus Restrictions Business Support Scheme (CBRSS).

Mr Givan asked the Minister for Infrastructure for an update on the progression of the right-turning lane scheme at The Cutts, Derriaghy.

(AQW 10820/17-22)

Ms Mallon: I recognise the importance of road safety and in particular the ongoing safety concerns of citizens using the junction at McKinstry Road / The Cutts, Derriaghy. I am aware of the continued public concern and support for an improvement scheme and that a number of meetings highlighting this concern have taken place over the years with a number of elected representatives.

The identified solution is to fully control the right turn movements within the signal phasing and this will require extensive carriageway widening and realignment in order to accommodate the provision of traffic islands to house the required signal equipment.

The preliminary estimate for this scheme is around £1.8m and I am pleased to advise that I have been able to allocate funding of £160k this year to complete the detailed design of the scheme. It is expected that this work will be completed over the coming months and this will identify the land required to facilitate the scheme. Progression of the scheme thereafter will depend on satisfactory completion of the land acquisition process and availability of funding at the time.

Ms Armstrong asked the Minister for Infrastructure (i) what measures she is taking to consider future hydrogen fuel provision; and (ii) in order to create a sustainable waste water treatment system for Northern Ireland, what consideration she has made for NI Water to play a fundamental role in hydrogen production.

(AQW 10845/17-22)

Ms Mallon: My Department has sought to ensure that hydrogen technologies are at the forefront of the introduction of alternative fuels. Over the last few years, the Department has been represented on the Steering Committee of the GenComm project led by Belfast Met. This group has provided the platform for the successful bid to the Office for Low Emission Vehicles Hydrogen Transport Programme which provided £1.9m funding for the introduction of refuelling infrastructure and 3 Hydrogen Buses for the Translink fleet, matched by funding from Energia and DfI. Building on this NIH2 project, I have committed a further £50m to deliver 100 zero emission Translink buses, twenty of which could be powered by Hydrogen Fuel Cell technology.

NI Water is currently undertaking a pilot project to assess the advantages of using elevated levels of oxygen in a simulation of the treatment of wastewater at its Kinnegar works. The project will assess if additional wastewater processing capacity can be obtained, whilst also using less electricity. A small electrolyser is currently being commissioned as part of this project, which will split water in to oxygen and hydrogen. The results of the pilot will help to inform the commissioning of a 1 MW electrolyser, and associated storage and refuelling equipment, to be based at a major wastewater treatment works in the Belfast area. The overall purpose of this project will be to demonstrate any potential benefits from the use of oxygen at scale to enable plant efficiency and in relation to the use of green hydrogen in decarbonising transport. Initially, the focus will be on NI Water's vehicle fleet, but the company will also seek to identify partner organisations to demonstrate the adoption of hydrogen in everyday vehicle use.

I am currently considering how we could build on work to date to provide further electrolyser and refuelling capacity to support the introduction of other zero emission heavy vehicles which may not be suited to using battery technology. The hydrogen future could also bring solutions for ferry operations and rail services, where electrification by overhead power lines is not economically viable.

Mr Beattie asked the Minister for Infrastructure, since the introduction of the new arrangements under the Planning Act (Northern Ireland) 2011, and excluding those which have been withdrawn, how many regionally significant planning applications have been determined within the target 30 week period.

(AQW 10857/17-22)

Ms Mallon: Between 1 April 2015 and 30 June 2020, excluding withdrawn applications, four regionally significant applications have been determined. One of these applications was determined within 30 weeks, measuring from the date the application was made valid until the date on which a decision was issued.

I would clarify that the 30 week target period is from the date valid to a Ministerial Recommendation or withdrawal within an average of 30 weeks.

Mr Beattie asked the Minister for Infrastructure (i) for her assessment on the CBI's report recommendations on major planning applications in Northern Ireland; and (ii) whether she will accept the recommendations in relation to processing arrangements and statutory timeframes.

(AQW 10858/17-22)

Ms Mallon: I welcome the recent report of the CBI (NI), published in October 2020. I recognise the importance of an effective planning system not only in delivering strategic infrastructure across the North but also in supporting economic recovery as we emerge from the current pandemic.

My officials are preparing advice on the CBI Report including on the recommendations on processing arrangements and statutory timeframes. I will be in a position to make an assessment of the Report when I have received and considered this advice.

Mr Beattie asked the Minister for Infrastructure, since the introduction of the arrangements for regionally significant applications under the Planning Act (Northern Ireland) 2011, and excluding those which have been withdrawn, to detail the average time taken to determine those applications which have been concluded.

(AQW 10859/17-22)

Ms Mallon: Excluding withdrawn applications, the average processing time for the four regionally significant applications determined between 1 April 2015 and 30 June 2020 was 67.7 weeks.

Mr Butler asked the Minister for Infrastructure for her assessment of statutory timeframes for determining regionally significant applications.

(AQW 10882/17-22)

Ms Mallon: I recognise the importance of an effective planning system not only in delivering strategic infrastructure across the North but also in supporting economic recovery as we emerge from the current pandemic.

The Department has a target for regionally significant applications which is reported on in the NI Planning Statistics which is to process Regionally Significant Planning Applications from date valid to a Ministerial Recommendation or withdrawal within an average of 30 weeks. My officials are considering the potential to introduce statutory timeframes for determining regionally significant applications and will provide advice on this issue to me shortly.

Mr Butler asked the Minister for Infrastructure, in order to encourage investment and counteract the effects of COVID-19 on the economy, to detail measures that are being taken in relation to speeding up the planning process.

(AQW 10883/17-22)

Ms Mallon: While responsibility for processing the majority of planning applications falls to councils, my Department has taken a number of steps to assist with the processing of planning applications as expeditiously as possible during the pandemic, such as: temporarily suspending the requirement for a pre-application community consultation public event and encouraging councils to review their schemes of delegation in order to reduce the number of applications which would be required to go before planning committees for decision.

My Department is also working closely with statutory consultees through a cross-governmental Planning Forum to implement recommendations from a report on the role of statutory consultees in the planning process. It is intended that this work will improve the efficiency and effectiveness of the planning process, particularly with regard to major and economically sensitive planning applications.

Going forward, my Department is also undertaking a Review of the Implementation of the Planning Act (NI) 2011. Whilst this is not envisaged as a fundamental 'root and branch' review of the new 2 tier planning system, I am keen that it looks at how the Department can further improve the system for all stakeholders – including councils, developers, and the wider public. There is no doubt that issues with the planning system that have surfaced as a result of the Coronavirus pandemic will also be considered as part of this review.

In addition, I have introduced changes to planning rules on permitted development rights which will benefit businesses and the environment, which were recently agreed by the Infrastructure Committee. These proposals will allow upgrades on masts and antennas enabling better coverage for mobiles and broadband; allow shopkeepers to extend their property and loading bays; and expand recharging infrastructure for electric vehicles, without the need for planning permission. Permitted development rights for oil and gas exploration will be removed.

Finally, my Department and 10 Councils are working together to take forward a new Regional Planning IT system to provide a more modern planning service to the public, consultees and staff including the ability for the public to submit planning applications on-line. This is expected to be operational in 2022.

Mr Butler asked the Minister for Infrastructure what measures are planned to ensure statutory consultees respond to planning consultations within 28 days.

(AQW 10884/17-22)

Ms Mallon: My Department is working closely with statutory consultees to increase the efficiency and effectiveness of the planning consultation process. I have established a cross-departmental Planning Forum to take forward recommendations from a recent report into the role of statutory consultees in the planning process. A key focus of the work of the Planning Forum is to improve the response times to meet the 21 day statutory target, particularly in relation to major planning applications. Statutory consultees are looking critically at existing processes and practices to improve performance and my Department is working with council planning authorities to address issues falling to them.

Going forward, my Department is also undertaking a review of the implementation of the Planning Act (NI) 2011 and whilst this is not envisaged as a fundamental 'root and branch' review of the new 2 tier planning system, I am keen that it looks at how the Department can further improve the system for all stakeholders – including councils, developers, and the wider public.

Mr Butler asked the Minister for Infrastructure for her assessment of the (i) legal; and (ii) other costs as a result of challenges to decisions relating to the A6 in the last 10 years.

(AQW 10885/17-22)

Ms Mallon: The decision, in August 2016, by the then Minister for Infrastructure, to proceed with the publication of the vesting orders and construction of the A6 Randalstown to Castledawson dualling scheme was subject to a Judicial Review in September 2016. The Court determined that the decisions reached by the Minister were rational and lawful, with the judgment being upheld in subsequent Court appeals.

However, as a result, the already awarded construction contract for the scheme was delayed by one full year, and consequently the Department incurred significant additional contractual costs of approximately £8.6m for re-sequencing of work, inflation etc. Legal costs were £85k. Along with other additional costs such as consultants' and design fees, the total estimated cost of the challenge was £10.6m.

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 10039/17-22, to detail when a road safety and traffic calming assessment had been conducted by her Department on Seapark Road, Holywood.

(AQW 10914/17-22)

Ms Mallon: I can confirm that my Department carried out a traffic calming assessment at Seapark Road, Holywood in October 2019.

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 10038/17-22, (i) to detail when the previous traffic calming assessment was conducted on Fort Road, Helen's Bay; (ii) and whether she will lay a copy of her Department's current policy and guidance on traffic calming measures in the Assembly Library.
(AQW 10915/17-22)

Ms Mallon: I can confirm that my Department carried out a traffic calming assessment at Fort Road, Helen's Bay in October 2019.

Road improvement schemes such as traffic management and traffic calming measures are assessed in line with my Department's Road Safety Engineering policy document which can be accessed using the following link;

<https://www.infrastructure-ni.gov.uk/publications/road-safety-engineering-procedures-rsppg-e027>

Mr Muir asked the Minister for Infrastructure how the £26.3 million allocated to her Department in relation to lost income across Department and arm's-length bodies will be spent.[R]
(AQW 10918/17-22)

Ms Mallon: A number of DfI public services rely on significant levels of customer income which has been impacted by the restrictions that have been in place throughout the year. This funding will address income shortfall in the following areas:

- Driver and Vehicle Agency - £12m
- Translink - £10m
- Parking and Enforcement - £3.7m
- Rathlin Ferry - £0.3m
- Crumlin Road Gaol - £0.2m
- Planning Applications - £0.1m

Mr Givan asked the Minister for Infrastructure for an update on the number of renovations of the pedestrian bridge at Lambeg Train Station.
(AQW 10935/17-22)

Ms Mallon: The footbridge from Lambeg train station is currently undergoing extensive repair and re-painting works off-site and has been replaced with a temporary structure in the interim period. The work is due to be completed in early 2021 when the bridge will be reinstalled at the station.

Over the last two years there have been a number of planned maintenance works carried out on the Lambeg footbridge to ensure its safety including:

- (i) structural steelwork repairs supporting the main bridge deck in May 2018;
- (ii) cross beam installations to the half landings in May 2019; and
- (iii) hand rail repairs in October 2019.

In addition the structure is washed down annually in Spring/early Summer to remove corrosive salt deposits and ensure the bridges drainage system remains unblocked.

Ms Dolan asked the Minister for Infrastructure (i) whether there are further amendments required to legislation to allow key workers to complete their practical driving tests; and (ii) If so, when these amendments will be completed.
(AQW 10966/17-22)

Ms Mallon: The requirements for practical driving tests are prescribed in the Road Traffic (Northern Ireland) 1981 and in The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996. There are no specific legislative requirements relating to driving tests for key workers.

Driving instructors were included in the Executive's regulations on businesses that closed from 16 October to 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests resumed on 21 November but have ceased again for 2-weeks from 27 November to 10 December 2020 due to the circuit breaker restrictions announced by the Executive. Motorcycle lessons and tests are not affected by these restrictions.

The DVA has opened up the booking system for those customers whose tests were cancelled between 17 October and 20 November. Testing slots have been released for February and additional booking slots have also been made available in December and January as the DVA increases capacity by recruiting additional examiners.

The DVA is working on proposals to reopen the booking service for other customers following the circuit breaker restrictions. The DVA will issue further communications to customers through NIDirect and social media channels to advise when the driving test booking service will reopen for all other customers.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr McCrossan asked the Minister for Infrastructure for her assessment of the need to bring back rail services into West Tyrone.

(AQW 10980/17-22)

Ms Mallon: Since coming into office, I have been clear that my priority is addressing regional imbalance, better connecting communities and, importantly, ensuring that we shape our places around our people, for our people and with our people.

Recognising that the need for long term development, my Department is currently developing proposals for a new Regional Strategic Transport Network Transport Plan (RSTNTP) which will set out the priorities for future development of the main road and rail networks across Northern Ireland up to 2035. Possible extensions to the existing rail network across the North will be considered in this plan including those to West Tyrone.

Once I have identified my preferred options and priorities, a draft RSTNTP setting these out will be issued for public consultation giving you an opportunity to support or challenge the proposals.

Mr Allister asked the Minister for Infrastructure to detail each occasion on which she has met with representatives of (i) Belfast International Airport; (ii) Belfast City Airport; (iii) City of Derry Airport; and (iv) Sustrans, since March 2020.

(AQW 11000/17-22)

Ms Mallon: Since March 2020, I have not had any requests to meet with representatives from Belfast City Airport, nor have I met with officials from Belfast International Airport. However, I have accepted an invitation to meet Belfast International Airport representatives, alongside the Economy Minister and the Finance Minister, given the different statutory responsibilities we each hold in respect of airports, air connectivity and finance. That meeting will be arranged once both Departments confirm availability.

I have met with officials from CoDA and Derry City and Strabane District Council which owns CoDA, on one occasion. This was a joint meeting along with the Minister of Finance and took place on 17 November 2020. It was in response to an invitation from the Council and CoDA to discuss future plans for CoDA with the Minister for the Economy, Minister for Finance and myself. The meeting was convened online due to the ongoing Covid situation.

I met with SUSTRANS on one occasion as an introductory meeting the new SUSTRANS Director on 6th August 2020.

I remain committed to working alongside my Executive colleagues to maintain air connectivity across these islands and further afield, and to consider cases for support and other measures required by the Executive to support the aviation sector.

Mr Boylan asked the Minister for Infrastructure to detail (i) the number of road bonds; (ii) their value; and (iii) what work is going towards the development and adoption of these roads, broken down by local council area.

(AQW 11024/17-22)

Ms Mallon: My Department maintains records of roads within private developments that are being proposed for adoption into the public road network. When development roads are proposed for adoption, they are normally constructed and adopted in phases. Developers are required to enter into a legal agreement with the Department for adoption of these roads and this includes a bond to cover the cost of constructing roads in these private developments.

The value of these bonds is reduced as developers progress construction of their private development roads. Details of the remaining value of bonds for each council area, as at 27 November 2020, are set out in the table below:

Council Area	No of Bonds	Value of bonds
Fermanagh and Omagh	249	£ 8,589,025
Derry and Strabane	206	£ 12,530,775
Mid Ulster	309	£ 8,021,815
Armagh, Banbridge and Craigavon	459	£ 10,101,031
Ards and North Down	244	£ 8,390,721
Newry Mourne and Down	263	£ 8,284,011
Belfast	241	£ 11,007,054
Lisburn and Castlereagh	398	£ 14,237,002
Antrim and Newtownabbey	241	£ 8,113,780
Mid and East Antrim	182	£ 7,221,740
Causeway Coast and Glens	199	£ 4,951,520
Total Bonds	2991	£ 101,448,474

Mr Boylan asked the Minister for Infrastructure how many public inquiries have the Transport Regulation Unit booked up to now.

(AQW 11093/17-22)

Ms Mallon: To date nine public inquiries have been scheduled by Transport Regulation Unit. Three of these have been completed, one was adjourned due to a COVID-19 positive test, and the other five are scheduled to be heard in January 2021. In addition to listing hearings, the Unit has also recently closed four cases by means other than a public inquiry.

Miss McIlveen asked the Minister for Infrastructure whether financial support will be given through the Taxi Driver Financial Assistance Scheme to those taxi drivers whose taxi insurance expired during the initial lockdown and was temporarily downgraded for a short period of time but have still incurred overhead expenses to return to work.

(AQW 11117/17-22)

Ms Mallon: Since March, I have consistently and honestly highlighted that I didn't have the powers to provide financial assistance to the taxi sector, however as a regulator, I have provided over one million pounds of support with a 12 month free of charge renewal of taxi licenses.

When the new powers were finally granted to my Department by the First Minister and deputy First Minister on 3rd November 2020, under section 1(1) and (3) of the Financial Assistance Act (Northern Ireland) 2009, 10 days later on 13th November, I opened the taxi scheme for applications. The application process closed on Friday 27th November and payments will begin to issue this week.

I have made it clear that payments must be made as soon as they are verified. Applications are being processed as quickly as possible to allow payments to be made without delay.

The Taxi Driver Financial Assistance Scheme agreed by the Executive was designed to provide a contribution to overhead costs (including PPE) that have actually been incurred as a result of the Covid-19 pandemic. It is in addition to the support available to self-employed drivers through the Self Employment Income Support Scheme which provides 70% or 80% of average previous profits. My Department has been advised that 3% of drivers (those who were newly self-employed) were ineligible for support for income losses through the self-employment income support scheme.

In this contribution to overhead costs scheme, any taxi-driver who has incurred the overhead expenditure will be eligible for the payment of £1500. In order to ensure value for money, the scheme is dependent on actual expenses being incurred between 22nd March and 30th September 2020. Applicants were required to show evidence of continuous taxi insurance which proved availability to work as a taxi-driver for that period. The requirement for this evidence provides value for money assurance for the use of public money and reduces fraud risks and has been discussed with audit.

Ms Dolan asked the Minister for Infrastructure, given that the Sligo-Enniskillen Greenway was named in New Decade, New Approach, and that the Dublin Government has set aside €500,000 to progress cross-border infrastructural projects, what actions she is taking to progress this greenway.

(AQW 11118/17-22)

Ms Mallon: My Department's Walking and Cycling Champion wrote to Councils in July seeking an update on the status of their greenway projects. Following consideration of the proposals, I provided £3.7 million funding towards the development of six greenway projects, where construction could begin this financial year.

Every Council has been contacted by my Department to encourage them to continue the momentum for delivery of greenways and advance their projects through meaningful local consultation and engagement with landowners. I hope to be in a position to fund further greenway projects in the coming years, subject to budget provision.

The proposal for a greenway between Enniskillen and Collooney, Co. Sligo was identified as a primary route in 'Exercise – Explore – Enjoy: a Strategic Plan for Greenways' which was published by my Department in November 2016. Fermanagh and Omagh District Council is developing a business case for the portion of this greenway along the route of the now dismantled Sligo, Leitrim and Northern Counties Railway from Enniskillen to Belcoo. My officials have been providing assistance to the Council in this work.

Mr Muir asked the Minister for Infrastructure which six schools in North Down her Department is considering for the roll out of part time 20mph speed limits.

(AQW 11254/17-22)

Ms Mallon: I can advise that all schools in the Ards & North Down Borough Council area were assessed using the assessment framework contained within my Department's current road safety at schools policy document.

It is proposed to provide part-time 20mph speed limits at the following locations:

- Abbey Primary School;
- Andrews Memorial Primary School;
- Carrowdore Primary School;
- Kirkistown Primary School;
- Loughries Integrated Primary School; and
- St Patrick's Primary School, Ballygalget.

Unfortunately based on the assessment scores none of the schools within the North Down area were ranked as highly as the schools included within this year's programme. I intend to take forward a further tranche of part-time speed limits at schools in the next financial year and the schools in North Down will be considered for inclusion. The extent and scale of further roll out will be dependent on the funding made available to my Department.

Mr Muir asked the Minister for Infrastructure whether she will give consideration to amending the terms of the Taxi Drivers Financial Assistance Scheme to require applicants to have valid taxi insurance covering driving for hire and reward at 22 March 2020 as opposed to the full period of 22 March 2020 to 30 September 2020.

(AQW 11258/17-22)

Ms Mallon: Since March, I have consistently and honestly highlighted that I didn't have the powers to provide financial assistance to the taxi sector, however as a regulator, I have provided over one million pounds of support with a 12 month free of charge renewal of taxi licenses.

When the new powers were finally granted to my Department by the First Minister and deputy First Minister on 3rd November 2020, under section 1(1) and (3) of the Financial Assistance Act (Northern Ireland) 2009, 10 days later on 13th November, I opened the taxi scheme for applications. The application process closed on Friday 27th November and payments will begin to issue this week.

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Mr McNulty asked the Minister for Infrastructure for an update on all-island infrastructure.

(AQO 1239/17-22)

Ms Mallon: I am fully committed to improving connectivity across the island. I am working with my counterparts in Dublin on a number of all-island projects aimed at improving the lives of people across the island.

This includes enhancing the rail network to create a spine of connectivity on the island, the A5 project, the Narrow Water Bridge and the Ulster Canal; all of which are commitments within 'New Decade, New Approach'.

At the North/South Ministerial Council Transport Sectoral meeting in October I provided my counterparts with a full and comprehensive update on these commitments and my priorities.

Minister Ryan and I have a number of shared ambitions on public transport, active travel and climate action and we are both committed to improving the lives of all our citizens who share this island.

Mr Dunne asked the Minister for Infrastructure, given the ongoing period of COVID-19 restrictions which are having an impact upon town and city centres, whether her Department will instruct traffic attendants to show some flexibility to shoppers and essential traders.

(AQW 11283/17-22)

Ms Mallon: I am keenly aware of the difficulties currently being experienced by businesses. These are very difficult times and I am fully committed to doing all I can to help businesses and our communities get through and recover from the current pandemic.

Restrictions are in place to facilitate the safe and free movement of traffic, and to manage on-street car parking in all of our towns and cities. Instructing traffic attendants not to enforce on a consistent basis against vehicles parked in contravention of restrictions would result in increased traffic congestion, instances of inconsiderate or unsafe parking, and reduced turnover and availability of spaces for those wishing to visit our city and town centres. A reduction in the availability of parking during the day could potentially deter rather than encourage shoppers from coming into cities and towns in the first place, to the detriment rather than benefit of traders.

In weighing all of these factors up, I am of the opinion that the current approach represents the fairest and best way forward in terms of achieving a balance that accommodates the varied and competing needs of the different types of businesses and business users and ensures consistency of approach across Northern Ireland. I will however continue to keep this matter under review.

Mr Beggs asked the Minister for Infrastructure to outline the funding committed to improving walking and cycle routes.

(AQO 1242/17-22)

Ms Mallon: I am very keen to be involved in projects to get more people to walk and cycle. Indeed, I have allocated £20 million capital funding for blue / green infrastructure in 2020/21. The key elements of that funding are to support communities through transformation, promoting active travel and shaping our places to live in the new normal in support of the COVID 19 recovery.

To date, I have already committed £11million from the blue/green fund towards Active Travel projects in 2020/21. This includes the £5million for the Covid Revitalisation programme, to help reimagine and reshape our towns and city centres; £1.4 million for six worthy Greenway projects that are ready for construction in 2020/21; up to £1 million for various pop-ups and pilots and approximately £3.5 million for a programme of cycle and footways delivered by my own Department. In addition, I recently announced £160,000 for an extension of the recently opened Blaris Greenway, linking Sprucefield Park and Ride to Halftown Road. Funding has also been made available to roll out the 20mph speed limit scheme to some 100 schools across the north.

I will be making further announcements on funding allocations shortly. I will continue to develop more opportunities to put walking and cycling at the front of a Green Recovery.

Mr G Kelly asked the Minister for Infrastructure for an update on the planning application for the Hightown Incinerator.

(AQO 1243/17-22)

Ms Mallon: My officials are continuing to progress the application in line with planning policy. The applicant voluntarily submitted Further Environmental Information (FEI) to the Department on 27 October 2020 which is currently being reviewed.

I am keen to bring a resolution to this long standing application for all involved, but if a sound decision is to be reached it is important the planning process is completed correctly. The necessary administrative processes are currently being undertaken including advertising the FEI and requesting consultation advice from the necessary interested bodies and public authorities.

As my officials will be making a recommendation to me on the planning application, it is important that I consider carefully, and take into account all views, in reaching any decision that needs to be taken. In the interim, as I hope the Member appreciates it would not be appropriate for me to comment on the individual planning merits or otherwise of this application.

Mrs Barton asked the Minister for Infrastructure what progress has been made on the backlog in adoptions of private street developments.

(AQO 1241/17-22)

Ms Mallon: My Department has undertaken almost 1100 private street adoptions in developments over the last five years and good progress has been made in adopting a significant number of unadopted developments that emanated from the property crash in 2007. The adoption of private streets is a developer led process and the majority of developments progress to adoption without the need for intervention by my Department or NI Water.

I also fully appreciate the concerns of residents in unadopted developments and the difficult situations some find themselves in. My Department continues to work closely with developers, NI Water, financial institutions and residents to get roads and sewerage infrastructure adopted.

My Department has to adopt a balanced approach in dealing with developers. Where developers are seen to be progressing the completion of infrastructure, my officials will afford them every opportunity to do so. Where it is evident that a developer is unwilling or unable to complete infrastructure to the required standard, my Department will consider enforcement action.

I am committed to ensuring that developers provide road and sewerage infrastructure to a standard suitable for adoption in a timely manner and to impress on developers the need to provide safe and adequate infrastructure for residents in the interim period prior to adoption.

Mr Lynch asked the Minister for Infrastructure how she plans to mitigate the impact of Brexit on the validity of drivers' licences in the context of cross-border travel.

(AQO 1238/17-22)

Ms Mallon: Following the transition period, EU rules will no longer automatically apply to NI/GB-issued driving licences. Holders of a valid NI/GB driving licence will need to carry their driving licence with them at all times. In response to the coronavirus pandemic driving licences that expire(d) between 1 February and 31 December 2020 have been extended by eleven months, and drivers are not required to renew in this period. If there is not a negotiated outcome that allows mutual recognition of driving licences, other EU Member States may not recognise extended GB NI-issued licences from 1 January 2021.

My Department is in almost daily contact with the Department of Transport to ensure that the needs of Northern Ireland are taken into account in negotiations with the EU, and that there is as little disruption as possible to drivers for cross border travel. It is the intention of the British Government to publish the future arrangements that are agreed with Member States in respect of driving licences before the end of the transition period.

Mr Easton asked the Minister for Infrastructure to outline her plans to reduce the speed of traffic on the A48 at Cotton.

(AQO 1240/17-22)

Ms Mallon: I am aware that a road traffic collision occurred on the A48 Cotton Road on 23 October 2020 and that this is the subject of an ongoing investigation by the PSNI. Details of this investigation will be shared with my Department in due course and this will allow officials to consider if there were any contributing factors which fall within the remit of the Department.

Requests for a change in the speed limit on a road are assessed in accordance with the Department's guidelines, entitled Roads Service Policy and Procedure Guide (RSPPG) E051 'Setting Local Speed Limits in Northern Ireland.' This ensures consistent application of speed limits across Northern Ireland.

I can confirm that officials are to carry out a review of the speed limit in the vicinity of the Cotton and I have asked that, when this review is complete, you are advised of the outcome.

Ms Bunting asked the Minister for Infrastructure what plans she has to upgrade infrastructure in Dundonald.

(AQO 1235/17-22)

Ms Mallon: I fully understand that prior to the current lockdown, congestion affected many of our main traffic routes, not only in Dundonald, but across the wider Belfast area. The problem of dealing with congestion in our main cities and towns is not something I believe can only be addressed through localised road improvements and I am focusing on a recovery where we will have less car travel and more walking and cycling. I believe that by changing travel habits we can transform our communities to inspire a new way of living that will become our new normal.

Prior to lockdown, my officials had been monitoring the traffic in Dundonald and it became evident that, on occasions, traffic queuing to turn right into Cherryhill Road was impeding traffic flow in the outside lane of the Upper Newtownards Road causing traffic to queue back as far as the Dunlady Road/ Robb's Road junction. I am pleased to advise that some modifications have recently been made at this location to encourage and make it permissible for traffic to pass right-turning traffic using the inside lane (which is a bus lane), when it is safe to do so, which should help to improve traffic flows. My Department also has a CCTV camera installed at the Dunlady junction that allows officials to monitor live traffic conditions.

I can advise that officials are also considering options for new Park & Ride facilities at Newtownards and Comber. Implementation of these schemes would lead to a reduction in traffic volumes through Dundonald and help to address the problems being experienced however you will appreciate that progression of these facilities is subject to availability of funding.

In the longer term, my officials are developing new integrated plans which deliver support for public transport, encourage more walking and cycling, better manage car commuting and promote sustainable development - all in an effort to improve the environment and people's lives. To this end, my officials are currently preparing, for my consideration, a new Belfast

Metropolitan Transport Plan, which will build on these commitments. This is still in development and will be subject to full public consultation.

Mr Clarke asked the Minister for Infrastructure what financial support has been provided to airports throughout the COVID-19 pandemic.

(AQO 1236/17-22)

Ms Mallon: My Department's statutory remit in relation to airports is quite limited. These are powers to control noise, control land in the interests of the safe and efficient use of airports, make byelaws, provide for airport constabularies and airport consultative committees and to give grants to assist capital expenditure.

Due to the exceptional circumstances that emerged from the COVID 19 pandemic back in Spring, my Department was, for expediency and logistical reasons, asked to facilitate the distribution of emergency funding on behalf of the NI Executive to George Best Belfast City Airport and the City of Derry Airport (CoDA).

In May 2020, the Minister of Finance announced 100% rates relief for Belfast International, Belfast City & City of Derry airports until 31 March 2021. This financial support is worth £2.2m.

Furthermore, whilst civil aviation is a reserved matter for the British Government, the Department for the Economy has responsibility for the development of Northern Ireland's air connectivity and provides support aimed at maintaining connectivity during the COVID 19 pandemic and as part of recovery. The Department for the Economy has secured £2m for marketing support which is being delivered by Tourism Ireland and held recent discussions with Belfast International Airport to develop Trans-Atlantic and Middle East air routes

The Executive's most recent decision to set aside £10million as part of the October monitoring was to provide further support, as and when required, for airports during the Covid19 crisis and it is a matter for the Executive to decide how this funding is allocated.

Following an Executive decision, I announced in November £1.23 million in additional support for City of Derry Airport. This short term support grant is to help City of Derry Airport to remain operational and will be drawn down from the £10 million set aside to give support for airports during the pandemic.

The Department for Finance is leading work on safety and security measures in all three airports and it is proposed that this funding continues to be held for this purpose.

I remain committed to working alongside my Executive colleagues, given shared statutory responsibilities, to maintain air connectivity across these islands and further afield.

Department of Justice

Mr T Buchanan asked the Minister of Justice for an update on her Department's position and future funding for regional support hubs.

(AQW 10578/17-22)

Mrs Long (The Minister of Justice): My Department is fully committed to supporting Support Hubs and recognises they are a valuable resource within communities in providing cohesive wraparound support to reduce vulnerabilities of people identified by partner agencies. Support Hubs are an exemplar of collaborative working by bringing together key partners to facilitate early intervention which provides public safety both on an individual and community basis.

To assist in the establishment of the Support Hubs, my Department agreed to provide each council with a funding contribution towards administration costs of up to £3,600 per annum, per Hub, for a three year period from date of establishment. At that time, it was anticipated funding would be subsumed within normal running costs. This was agreed by councils at the point of accepting the funding support.

The agreed three year period for four of the ten existing hubs came to an end in September 2020. Due to current unprecedented circumstances, my Department has agreed to extend existing funding for a further six months, to the end of this financial year whilst longer term options are discussed. Funding for the other six existing hubs will continue to be provided under the initial terms, with some Support Hubs being able to avail of this until 2022. It should be noted that some Support Hubs do not claim the available funding from my Department.

Discussions are currently ongoing with relevant partners, in relation to how the administrative running costs associated with Support Hubs can be subsumed and met going forward, in order to ensure they can continue to carry out their vital work with no detrimental impact on their running.

Mr T Buchanan asked the Minister of Justice for her assessment of the work of regional support hubs since their inception.

(AQW 10579/17-22)

Mrs Long: The first Support Hub was established by Derry and Strabane Policing and Community Safety Partnership in 2016, with other Support Hubs established on a staggered basis following this date. There are currently ten Support Hubs in operation, aligned with each council area, with a Belfast Support Hub currently in the process of being established.

Support Hubs form an important part of the Problem Solving Justice (PSJ) approach being taken forward by my Department and are one of a number of initiatives aimed at reducing harm and vulnerabilities for individuals which is particularly important in the current climate.

A PSJ 5 Year Strategic Plan has been developed to facilitate decisions regarding the rollout of those initiatives shown to be effective. As part of the PSJ portfolio, Support Hubs are included in this work and subsequent plans for further analysis.

As set out in the PSJ 5 Year Strategic Plan, my Department is currently taking forward an independent evaluation of the Support Hub approach with Analytical Services Group, in terms of how the Support Hubs operate; what is working well; and what changes could be made for improvements. The aim is to identify common issues of vulnerability to assist future early intervention considerations and provide information that can help in developing a level of consistency across all Support Hubs. We have had good engagement from Support Hub participants who have noted the value in such an evaluation.

It is intended that the above evaluation will be completed by the end of the financial year. The results will be shared with the newly established Support Hub Steering Group which comprises of senior representatives from the multi agencies involved and with an understanding of the operational work of the Support Hubs. The Steering Group, of which my Department is a member, will use the evaluation results to assess the overall performance of the Support Hubs including consistency, to identify thematic issues for response and to facilitate problem-solving solutions relating to harm and vulnerability.

Miss Woods asked the Minister of Justice (i) for her assessment of current protections of children against all forms of violence, including physical punishment in the home; and (ii) whether she will introduce a ban on smacking in this Assembly mandate.

(AQW 10639/17-22)

Mrs Long: I am fully supportive of taking steps to remove the defence of reasonable chastisement in Northern Ireland and am of the view that the current law creates uncertainty and can, in effect, provide shelter to abusive parents and fail to provide equal protection to children. Whilst I recognise that some people have concerns that the removal of this defence may lead to prosecutions and the potential criminalisation of parents, I do not believe this to be the case.

The current law on the physical punishment of children is based on the concept of "reasonable chastisement". Article 2 of the Law Reform (Miscellaneous Provisions) (NI) Order 2006 has the effect of restricting the grounds on which the defence of reasonable chastisement can be used.

In essence, this means that if a parent or adult smacks a child and is prosecuted, they can defend themselves in terms of "reasonable chastisement" but only provided that the harm is "minor". Anything which causes more than transitory or minor discomfort is unlawful and can currently result in prosecution.

The issues engaged are broader than criminal justice alone, and any change to the law will require Executive agreement, particularly in areas such as health, parenting strategy and family law.

I have therefore began to engage with key Executive colleagues who share policy responsibility for this issue, in order to seek agreement on a way forward. I believe that the focus going forward has to be a positive one of improving parenting whilst ending the shelter of abusive parents under the current system.

Mr Easton asked the Minister of Justice what plans her Department has to strengthen the law regarding online harassment and cyber bullying.

(AQW 10651/17-22)

Mrs Long: Telecommunications legislation is a reserved matter but many of the harms covered in the Government White Paper on Online Harms relate to devolved matters. On that basis my officials have been liaising with the Department for Culture, Media and Sport [DCMS] to ensure the interests of Northern Ireland are fully met in the process.

Alongside the work on the Online Harms legislation, the Law Commission in England and Wales is conducting a review to ensure the criminal law is fit for purpose to deal with online communications. The Commission will provide final recommendations to DCMS in early 2021, which could inform the government's future position in relation to illegal online abuse. Officials here will continue to keep in touch with the DCMS as this work progresses.

I took the opportunity to raise this issue when I met with Priti Patel during the summer. The Home Secretary expressed her commitment to working closely with us on this issue.

In Northern Ireland, Judge Marrinan's Independent Review of Hate Crime legislation, set up to consider the effectiveness of the justice system in dealing with criminal conduct motivated by hate, was extended to consider issues of online hate crime and abuse. Judge Marrinan recently presented his independent Review of Hate Crime legislation to the Department and, while recognising that legislation in this area is a reserved matter, it includes a number of recommendations relating to online harms.

Whilst the review did not duplicate the issues covered in the White Paper, it can provide a valuable contribution to further the debate.

I am well aware of the impact that malicious social media can have on an individual. It is totally unacceptable that some people can hide behind a device and continually abuse and cause harm to others without accountability. There must be safeguards in place to ensure that those people who are intent on causing harm online are prevented from doing so and critically that we can protect all those who are vulnerable.

I am fully committed to playing my part in addressing this issue where I can.

Mr Easton asked the Minister of Justice to detail the (i) cost; and (ii) breakdown of legal aid to date, in respect of Christine Connor's conviction and appeal before the courts.

(AQW 10652/17-22)

Mrs Long: The granting of legal aid in criminal proceedings is a matter for the court. Christine Connor was granted legal aid for the initial trial, the appeal and the subsequent retrial.

I can confirm that at 26 November 2020 the legal aid costs paid to date by the Legal Services Agency are £934,425.25 inclusive of VAT. At this time, not all costs arising from the most recent trial have been processed.

The breakdown below provides the costs thus far of the various criminal court proceedings in respect of Christine Connor's conviction and appeal:

Magistrates Court Pre Trial	£116,352.96
First trial	£295,729.46
Court of Appeal	£441,493.51
Retrial	£80,849.32
Total	£934,425.25

Mr Carroll asked the Minister of Justice whether the PSNI involvement of the ROXANNE programmes breaches the PSNI Code of Ethics (2008).

(AQW 10735/17-22)

Mrs Long: PSNI engagement in the EU Horizon 2020 funded research ROXANNE project is an operational matter for the Chief Constable, for which he is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

Mr Carroll asked the Minister of Justice for her assessment of whether the PSNI's involvement with the ROXANNE research project breaches any human rights that her Department is committed to.

(AQW 10736/17-22)

Mrs Long: I understand that ROXANNE is an EU Horizon 2020- funded research project involving 24 partners from across Europe and as such is required to fully comply with relevant INTERPOL and EU legal and ethical frameworks.

PSNI engagement in this project is an operational matter for the Chief Constable, for which he is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

Mr Stewart asked the Minister of Justice for her assessment of recommendation 13 of the Public Accounts Committee's Report on Major Capital Projects in relation to costs associated with judicial reviews of planning applications.

(AQW 10751/17-22)

Mrs Long: My officials are considering recommendation 13 of the PAC Report and a Memorandum of Reply will be published in due course.

My Department keeps under review the costs of judicial review fees in Northern Ireland. It has also legislated to ensure compliance with the obligation under the Aarhus Convention that the costs of court reviews of decisions subject to the Convention must not be prohibitively expensive.

It should be noted that the Judiciary are independent of the Department of Justice and I am bound and committed to respect and uphold that independence.

Mr McCrossan asked the Minister of Justice for an update on the future of Castlederg police station.

(AQW 10763/17-22)

Mrs Long: The management of the PSNI estate is an operational matter for the Chief Constable, for which he is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

As I mentioned in my previous response to you in July 2020, you may, therefore, wish to direct your question to the PSNI.

Mr Givan asked the Minister of Justice to detail the level of enforcement that will be undertaken on roads and travel during the two week lockdown beginning 27 November 2020.

(AQW 10822/17-22)

Mrs Long: Decisions relating to the Police Service of Northern Ireland's enforcement of the COVID-19 health protection regulations are an operational matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board, and I am committed to respecting the operational independence of the both Chief Constable and the Board.

The Executive decided that the public message of encouraging people to stay at home to help curb the spread of the Coronavirus should be placed in guidance and it has not therefore been legislated for as an amendment to The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020. As with all guidance, it is not subject to enforcement: however, I and Executive colleagues encourage everyone to adhere to this guidance. The PSNI will also ensure an appropriate focus on the stay at home message as part of their public information and safety campaigns over the coming weeks.

We all have a collective responsibility to adhere to the guidelines and to comply with the restrictions that are in place, both of which are designed to help protect ourselves, our families and others.

However, in circumstances where an individual or a business has been found to breach the Public Health Regulations, a range of enforcement sanctions are available to be used by organisations with the relevant powers, including the PSNI, local Councils and Border Force. Details of the levels of enforcement activity carried out by the PSNI is published weekly and can be found at www.psnipolice.uk

Mr Beattie asked the Minister of Justice what arrangements her Department has begun in relation to the implementation of the Counter-Terrorism and Sentencing Bill.

(AQW 10856/17-22)

Mrs Long: Following the UK Government's confirmation of their intention to progress the Counter-Terrorism and Sentencing Bill, my officials are currently analysing the provisions to assess the potential operational implications for criminal justice organisations to inform their consideration to how best to give effect to the provisions within the Bill.

Mr McNulty asked the Minister of Justice to detail (i) the rationale behind only inviting members of existing tribunals to apply for membership of the Victims' Payments Board; and (ii) how this sits with the commitment of appointment on merit and in an open and transparent process.

(AQW 10956/17-22)

Mrs Long: The Northern Ireland Judicial Appointments Commission (NIJAC) is responsible for the appointment of members to the Victims' Payment Board in line with The Victims' Payments Regulations 2020.

The NIJAC is committed to making appointments on merit and is making arrangements for an open and public process to recruit Board members.

In order to ensure that the Troubles Permanent Disablement Payment Scheme could open for applications in March 2021, my Department considered it appropriate that NIJAC put in place a process to appoint interim Board members on a short-term basis. The most appropriate means of achieving that was to invite applications from the existing membership of Tribunals.

Ms Flynn asked the Minister of Justice whether she will commit to engaging with the Coroner's Service to find a more sensitive, appropriate and anonymised way of describing a life lost by suicide on death certificates.

(AQW 11018/17-22)

Mrs Long: I am mindful that every loss of life to suicide is tragic and I extend my sincere sympathies to any family that has experienced such a loss.

It may be worth noting that the Coroner's Service does not issue a death certificate: they do, however, provide the Registrar of Deaths with a Coroner's notification to enable a death to be registered.

That notification provides the cause of death, recorded as the disease or significant condition that directly lead to the death, and can include any other significant condition that contributed to the death, but not related to the condition or disease causing it.

In the case of a suicide, the notification to the Registrar of Deaths will include the mode of death, ie the means by which a person ended their life but it would not use the terminology "suicide".

Additionally, I am advised by my officials that "suicide" does not appear on any notifications or findings by a Coroner.

Mr Allister asked the Minister of Justice, in respect of the Legacy Inquest Unit's serious data breach in the McConville Inquest, how many security force and ex-security force personnel's personal data was unlawfully disclosed.

(AQW 11147/17-22)

Mrs Long: On 2 October 2020, the Legacy Inquest Unit (LIU) was contacted by the Crown Solicitors Office (CSO) to advise that the Unit had inadvertently disclosed the names of security forces personnel involved in the McConville inquest to the CSO and to the legal representatives acting on behalf of the family. The CSO notified the PSNI of the incident.

LIU staff took immediate steps, in line with data security procedures, in order to track the information and ensure its immediate and permanent deletion. The PSNI have advised that this concerned 19 ex police officers and one former security forces personnel.

Mr Allister asked the Minister of Justice (i) what foolproof assurance exists for the victims of the unlawful data protection breach by the Inquest Legacy Unit in the McConville Inquest that their security has not been compromised; and (ii) does any such assurance rely solely on assurances from the recipients of the improperly disclosed material.

(AQW 11334/17-22)

Mrs Long: The Legacy Inquest Unit took immediate steps, in line with data security procedures, in order to track the inadvertent release of electronic information in the McConville Inquest and ensure its immediate and permanent deletion. Immediate steps were also taken to retrieve and destroy very limited hard copy information which was inadvertently disclosed. Written assurances have been provided by the legal representatives on behalf of the recipients that the information was not further disseminated and no copies exist. The LIU accepts the assurances provided which were given by officers of the court with concurrent legal and ethical obligations.

Ms Rogan asked the Minister of Justice what specific action her Department is taking to address the issue of rural crime.

(AQO 1250/17-22)

Mrs Long: Rural crime is a cross-cutting issue which requires partnership working in the areas of prevention, protection and enforcement. My Department has a commitment to make Northern Ireland, including rural communities, safer by reducing opportunities to commit crime.

At a strategic level my department supports the work the Rural Crime Partnership, whose membership includes Police Service of Northern Ireland (PSNI); Department of Agriculture, Environment and Rural Affairs; the Ulster Farmers' Union; NFU Mutual; Federation of Small Businesses; Young Farmers' Club of Ulster and the Policing and Community Safety Partnerships (PCSPs).

The primary focus of the Partnership is to develop a collaborative response to address crime concerns which is specific to rural areas i.e. agricultural crime. The partnership aims to promote effective crime prevention techniques to enable the rural community to become more self-resilient in preventing and deterring crime, and to assist them in protecting their property and assets.

Most recently my Department has supported this work through the promotion of key crime prevention messages using a variety of media platforms including delivery of social media campaigns to raise awareness of general farm security, vehicle, machinery and livestock theft, and to encourage the reporting of crime or suspicious activity to the PSNI, or Crimestoppers.

At a local level, PCSPs, which are funded by my Department, play a key role in building confidence locally, through engagement and consultation with communities, including rural areas, on the issues that matter to them. Specific actions they are taking forward in response to local needs to deter rural crime include, support for trailer and farm machinery marking schemes; fitting of tracker security devices for quad bikes; promotion of the Farm Watch Scheme which aims to reduce crime and the fear of crime in farming and rural communities; No Cold Calling; Neighbourhood Watch; and Text Alert schemes providing up-to-date information on suspicious behaviours to be aware of.

In relation to EU Exit we are taking strategic and operational steps at a multi-agency level to mitigate risks, as far as possible. That is happening across relevant agencies.

Mr Gildernew asked the Minister of Justice for an update on the development of a new streamlined advocacy support service for victims of domestic and sexual abuse.

(AQO 1251/17-22)

Mrs Long: My officials, in conjunction with key statutory and voluntary sector partners, have developed an operational advocacy service model, to support victims of domestic and sexual violence and abuse across Northern Ireland.

Preparation is currently being made to commence an open tender competition, through which I hope to secure a suitable service provider to deliver the new service. Subject to smooth transition of this process, I intend to introduce the new service in the autumn of next year.

The new advocacy service will build on existing services, by providing a co-ordinated response to the individual needs of victims. On introduction, it will be made available to those engaging with the criminal justice system, as well as those whose case forms part of the Multi-Agency Risk Assessment Conference arrangements and/or those availing of the Rowan Sexual Assault Referral Centre. The service will be accessible to victims regardless of the level of risk posed to them, their gender, age, or where they live within Northern Ireland, thereby plugging a number of gaps identified in current service provision.

In time, and depending on the availability of funding from strategic partners, I would hope to provide scope to extend the breadth of the new service to support a wider pool of victims.

Mr Easton asked the Minister of Justice for an update on the planned recruitment of 600 new PSNI officers.

(AQO 1252/17-22)

Mrs Long: In the New Decade New Approach Document the British and Irish governments set out a number of priorities for the Executive, including increasing police numbers to 7,500. The Strategic Outline Case for increasing PSNI officer numbers has been approved by the Department of Finance to proceed to Outline Business Case and the PSNI are progressing this now.

Delivery of additional police numbers is largely dependent on the availability of Executive funding. There are also other considerations such as discussions with PSNI around ongoing requirements and operational considerations which are a matter for the Chief Constable.

Mr Dunne asked the Minister of Justice for an update on when the Troubles-related incident Victims Payments Scheme will open for applications.

(AQO 1253/17-22)

Mrs Long: The Department of Justice was designated by the Executive Office on 24 August 2020 to administer the Troubles Permanent Disablement Payment Scheme. A dedicated project team within my Department is actively working on implementation of the Scheme with the aim of opening for applications in March 2021.

Mr K Buchanan asked the Minister of Justice for an update on the penalties relating to the enforcement of COVID-19 regulations.

(AQO 1254/17-22)

Mrs Long: At the request of the Strategic Compliance Group established by the Executive, my Department took the lead in a rapid review of the offences and penalties available in respect of breaches of the public health regulations. On the basis of the review, the Executive decided at its meetings on 8 and 15 October to increase the level of certain existing fixed penalties and to introduce a number of new offences. The Minister of Health subsequently indicated, on 30 October, that he wished to pause any changes to the existing penalties in respect of failing to provide information after international travel.

The regulations to give effect to the changes agreed by the Executive, as amended to take account of the changes paused by the Minister of Health, were made by the Department of Health on 12 November and the new suite of penalties took effect from that date.

In accordance with the agreed procedures, these amendments to the health protection regulations were considered by the Committee for Health on 26 November and will be shared with the Committee for Justice before I lead the debate in the Assembly Chamber on 8 December.

The increase in certain penalties and the introduction of new offences were designed to recognise the seriousness of the current public health situation and to encourage compliance with the restrictions that have had to be put in place to keep us all safe.

The changes that took effect on 12 November were:

- to replace all but one of the fixed penalties that previously started at £60 with a single fixed penalty of £200, reducing to £100 if paid within 14 days;
- to put in place fines of up to £10,000, including fixed penalties starting at £1,000, for owners or premises and organisers of events; and
- to create new offences of not implementing measures to maintain social distancing in retail and hospitality settings, and organising or participating in a large gathering or unlicensed music event.

The amendment regulations also provide that the recipient of a £200 fixed penalty notice cannot be issued with another one in respect of the same offence and may instead face summary prosecution for a repeat offence.

As at 24 November, the PSNI had carried out a total of 4,527 actions associated with enforcement of the restrictions. The PSNI figures are published weekly on a Monday at www.psnipolice.uk.

Local councils have collectively carried out 58,501 acts associated with the public health restrictions for the period 1 May-31 October.

Mr Butler asked the Minister of Justice to outline the most recent long-term and short-term sickness absence figures for the Northern Ireland Prison Service.

(AQO 1256/17-22)

Mrs Long: The most recent sickness absence figures are for the 2019/20 year and were published by the Northern Ireland Statistics and Research Agency on 25 June 2020.

Those statistics show that the average working days lost in the Northern Ireland Prison Service totalled 20.1 days per officer (the overall figure for the DOJ was 15.5 days, and the overall figure for the NICS was 12.9 days).

23.2% of prison grade staff had a long-term absence spell in 2019/2020, this was an increase on the 2018/2019 figure of 22.4%. The average duration of Prison Grade absences was 65.6 working days, which was higher than the overall NICS average of 62.8 working days.

34.1% of prison grade staff had a short-term absence spell in 2019/20, this was an increase on the 2018/2019 figure of 31.5%. The average duration was 5.6 working days which was higher than the overall NICS of 4.7 working days.

Ms Hunter asked the Minister of Justice what steps her Department is taking to ensure good mental healthcare provision for prisoners.

(AQO 1257/17-22)

Mrs Long: The care of vulnerable people is of paramount importance and is taken very seriously across the Justice system. This is particularly important in the context of the work of the Northern Ireland Prison Service, as we seek to care for and support a significant number of people with complex and challenging health needs who find themselves in custody.

Healthcare services for people in custody in Northern Ireland are provided on behalf of the Department of Health by the South Eastern Health and Social Care Trust. This includes primary healthcare, mental healthcare and addictions services.

While responsibility for mental health services sits with the Department of Health, I recognise that everyone has a role to play in supporting people to look after their mental health. My Department is engaged with a number of initiatives that are aimed at improving mental health for people in Northern Ireland and these include:

- My role within the Executive Working Group on Mental Wellbeing, Resilience and Suicide Prevention
- Engagement with the Interim Mental Health Champion, whose role jointly funded by all Departments
- The development of a new 10 year Mental Health Strategy for Northern Ireland
- Engagement with Health and others on the consultation document for the Preventing Harm and Empowering Recovery – A Strategic Framework to tackle the Harm from Substance Use
- Representation on the Protect Life 2 Steering Group
- The Review of Vulnerable People in Custody

While the people in our custody in Northern Ireland are supported by good mental healthcare, there is more to be done and through working together we will provide good outcomes for those in our care.

Department for the Economy

Mr Beattie asked the Minister for the Economy what plans she has to address the possible decrease in footfall on the high street as we approach the Christmas period.

(AQW 7362/17-22)

Mrs Dodds (The Minister for the Economy): Responsibility for footfall in our towns and cities is for the Executive to address collectively, as there are many aspects to this issue. Much of this will be driven by our local councils, for whom the Department for Communities (DfC) have policy and operational lead responsibility.

In July 2020, DfC, along with the Department for Agriculture, Environment and Rural Affairs (DAERA) announced the launch of the COVID-19 Recovery Revitalisation Programme. DfC allocated £10m in capital to councils to allow them to invest in their town and city centres to create spaces that were safer and more inviting to shoppers, visitors and workers.

DAERA also provided £1m to allow the programme to be delivered in smaller rural settlements. The first tranche of £5.9m issued to councils in August, and is being used to provide urgent and immediate interventions, such as small grants to allow businesses to introduce social distancing measures, the provision of hand sanitiser stations and signage, and other infrastructure. An element of this funding is being used by some councils to fund media campaigns and animate town centres in the run-up to the Christmas period.

On Thursday 19th November, the Executive took a collective decision to introduce new and extended restrictions from Friday 27th December 2020 for at least two weeks. This very difficult decision was deemed necessary in light of the increased spread of Coronavirus throughout our communities, and was heavily influenced by the latest information and advice provided by the Chief Medical Officer and Chief Scientific Adviser for the Executive.

On Monday 23rd November 2020, the Executive announced a number of new and significant financial support packages, totalling £213 million, to help protect jobs in the immediate timeframe and stimulate the economy as we look to create a pathway to economic recovery in 2021.

As part of this new offer of support, I am introducing a NI-wide High Street Stimulus scheme to encourage people to shop local and visit local retailers, putting much needed revenue straight into these businesses in our towns and cities throughout Northern Ireland.

Officials from my Department are currently developing the scheme including the voucher amount and how it will be delivered. It is anticipated that it will to 'go live' in the New Year and will be subject to public health guidance.

Mr Dickson asked the Minister for the Economy what support she will provide to travel agents in the current context of COVID-19 travel restrictions.

(AQW 7793/17-22)

Mrs Dodds: I appreciate the difficulty and stress that the Covid-19 public health crisis has placed upon local businesses and our economy at large and I am fully aware that the travel industry has been impacted particularly hard, both locally and on a global scale.

To date, 11 Travel Agencies have received support via the £25,000 Retail, Hospitality, Tourism and Leisure Grant scheme and a further 32 received support via the NI Microbusiness Hardship Fund. Travel Agents would also have been eligible to apply for the £10,000 Small Business Support Grant Scheme, however I am unable to provide a figure for grants provided for them.

Travel Agencies operating in retail premises have also benefitted from 100% rates holiday for 12 months in 2020/2021. Businesses employing staff would also have been able to claim for 80% of workers' wage costs via the Coronavirus Job Retention Scheme. Any self-employed Travel Agents would also have been able to claim for 80% of profits via the Self-Employed Income Support Scheme.

A further £9.9 million of tourism support was allocated by the Executive to the Department on 24 September, along with a further £8.5 million allocated for assistance to business.

I have met with representatives of the travel industry to hear the challenges facing the industry directly and I am supportive of a specific financial support package being developed for the industry which is facing ongoing hardship due to the ongoing travel restrictions and the resulting reduction in travelling by the public.

The First Minister, deputy First Minister, accompanied by the Finance Minister, also met with representatives from the Association of Northern Ireland Travel Agents on 4 November to discuss how the sector has been impacted by the pandemic and have agreed to explore financial support for the sector. I await their recommendations following that engagement.

Any decisions on further support measures for this sector, and the wider economy, will be agreed collectively by the Executive.

Mr Allen asked the Minister for the Economy to detail her Department's strategy to market Northern Ireland as a tourist destination.

(AQW 7835/17-22)

Mrs Dodds: Marketing Northern Ireland as a tourist destination is the responsibility of two of the Department for the Economy's (DfE) sponsor bodies, Tourism Northern Ireland and Tourism Ireland. Under the strategic direction of DfE, Tourism NI promotes Northern Ireland in the Republic of Ireland (RoI) and at home to the domestic market, and Tourism Ireland markets the island of Ireland in Great Britain and in more than 20 markets overseas.

The marketing activity of Tourism NI and Tourism Ireland is based on extensive market research, and comprises TV, radio, press, outdoor promotions, digital and social marketing as well as engagement with tour operators etc.

Tourism Ireland also works with air and sea carriers in respect of co-operative marketing opportunities.

The COVID-19 crisis has presented challenges in respect of marketing Northern Ireland as a tourist destination. As we recover from COVID, we will need to maximise the potential of the Embrace a Giant Spirit experience brand. It will also be important to focus on closer to home markets, in particular Great Britain.

In response to COVID-19 pandemic, Tourism NI launched a Recovery Marketing Campaign to support industry with a focus on key visitor segments in Northern Ireland and the Republic of Ireland. The campaign went live on 30th June 2020 and ran for 16 weeks, providing maximum exposure for the tourist industry.

I have secured an additional £4 million to enable Tourism NI to plan the next stage of promotional activity for the remainder of the financial year. This will also focus on both Northern Ireland and the RoI, in order to maximise opportunities in both markets and support the needs of the tourism industry.

Tourism Ireland began 2020 with the roll-out of an extensive global marketing campaign to build on the success of 2019, and continue to grow overseas tourism to Northern Ireland this year. However, following the outbreak and spread of COVID-19, almost all of Tourism Ireland's paid-for promotional activity has been cancelled or postponed.

Tourism Ireland has conducted extensive research (including sentiment analysis) in preparation for a return to full marketing activity as we begin to recover from COVID. Tourism Ireland will continue to focus on Screen tourism, leveraging the global success of Game of Thrones in particular, and highlighting the show's strong connection with Northern Ireland.

Tourism Ireland will also promote Northern Ireland as a top golf destination, capitalising on the global success and recognition of champion golfers Rory McIlroy, Darren Clarke and Graeme McDowell.

Co-operative marketing activity with the airlines will continue with, Tourism Ireland inviting all of Northern Ireland's airports, airlines and sea carriers to engage in marketing activity to attract new routes and sustain existing ones.

Mr Catney asked the Minister for the Economy what discussions her Department has had with the hospitality sector regarding the potential number of (i) job losses; and (ii) failing businesses due to the COVID-19 pandemic.

(AQW 8245/17-22)

Mrs Dodds: I am very aware of the challenges facing our hospitality businesses as a result of COVID-19. The pandemic has had a major impact on Northern Ireland's hospitality sector, and the wider tourism industry.

I, and my officials, have had extensive engagement with the hospitality sector as we collectively seek to mitigate the challenges presented by COVID. In May 2020, I established a Tourism Recovery Steering Group, which I chair, and supporting Working Group, to help address the challenges of COVID and plan for recovery. The hospitality sector is represented on both Groups. A dedicated hospitality Task and Finish Group has also been established.

The best way to support hospitality businesses is to provide them with the ability to open and generate essential revenue from customers. My Department worked closely with the sector to develop social distancing guidance which enabled hospitality businesses to re-open over the Summer period.

Unfortunately, the Executive has had to take the decision to close the hospitality sector again as we seek to contain the spread of the virus. However, we are acutely aware of the pressure this places upon hospitality businesses and the Department of Finance is providing top-up support to those businesses. In addition, the Executive has allocated an additional £10.6 million to support non-food pubs, and my Department will shortly launch a grant scheme aimed at large hospitality and accommodation businesses.

These interventions are in addition to UK Government support, especially the Job Retention Scheme, and Executive mitigations such as the extension of the Business Rates Holiday for hospitality businesses until 31 March 2021.

While these interventions are important, it is essential that we plan ahead and support the hospitality sector by driving tourism demand. I have therefore secured more than £11 million COVID funding from the Executive which will be used on a number of initiatives to stimulate demand, including:

- marketing NI at home and in the Republic of Ireland;
- extending co-operative marketing support for individual businesses in partnership with the NI Hotels Federation;
- providing co-operative marketing funding for our crucial air and sea access;
- introducing a Holiday at Home Voucher Scheme to boost domestic tourism; and
- a support programme to ensure that NI businesses are connected with international tour operators and Destination Management Companies to secure business for the 2021 and 2022 seasons and beyond.

Mr Easton asked the Minister for the Economy what plans her Department has to help the tourism and hospitality industry in North Down.

(AQW 8470/17-22)

Mrs Dodds: COVID-19 has had a major impact on Northern Ireland's tourism and hospitality industry. Since the onset of the pandemic, the NI Executive has introduced a number of grant schemes (in addition to UK Government interventions such as the Job Retention Scheme) aimed at assisting the business community in addressing the impact of the virus, all of which have been available to tourism and hospitality businesses in the Ards and North Down area. These have included:

- £10k COVID Business Support Grant;
- 25k Grant for the Tourism, Hospitality and Leisure Sector;
- £10k Small Business Hardship Fund;
- a Business Rates Holiday until 31 March 2021 for businesses in the tourism, hospitality (and retail) sectors; and
- support for those tourism and hospitality businesses required to close as a result of the current restrictions.

My Department also plans to introduce grant schemes (totalling £15 million) aimed at the bed and breakfast sector, as well as large hospitality and tourist accommodation businesses.

A range of initiatives have also been introduced which will have benefited tourism and hospitality businesses in Ards and North Down. For example:

- development of extensive guidance on how the tourism and hospitality sector could re-open safely whilst ensuring that the health of the public remained paramount;
- implementation of the WA 313 Were Good to Go industry standard supported by a marketing campaign to drive awareness and build confidence with consumers;
- the introduction of Tourism NIs Business Support Helpline and COVID-19 Support Hub;
- a Website Development Grant Scheme to support tourism businesses to market and sell their services online (tourism businesses from the Ards and North Down area have applied to this scheme);
- an Experience Development Programme to support the tourism industry to develop new compelling experiences to support their medium to longer term recovery plans from 2021 onwards (tourism businesses from the Ards and North Down area have applied to this scheme).
- a £1 million Business and Financial Planning Programme to help businesses plan their response to the ongoing pandemic and support their recovery in what will be a very competitive marketplace going forward.

I have also secured more than £11 million COVID funding from the Executive which will be used on a number of initiatives to stimulate demand, including:

- marketing NI at home and in the Republic of Ireland;
- extending co-operative marketing support for individual businesses in partnership with the NI Hotels Federation;
- providing co-operative marketing funding for our crucial air and sea access;

- introducing a Holiday at Home Voucher Scheme to boost domestic tourism; and
- a support programme to ensure that NI businesses are connected with international tour operators and Destination Management Companies to secure business for the 2021 and 2022 seasons and beyond.

Tourism NI has a close working relationship with each of the eleven Local Authorities across Northern Ireland and meets regularly with Councils to discuss areas such as COVID-19 recovery, business support and key local tourism projects.

Mr Easton asked the Minister for the Economy what plans there are for additional grants to support local businesses.
(AQW 8471/17-22)

Mrs Dodds: The Executive agreed restrictions that came into effect on 16 October 2020 in order to reduce the concerning rise in the transmission of COVID-19. While this will be a difficult time for everyone across Northern Ireland, I am acutely aware of the particular impact the restrictions will have on businesses and employees, not only in the hospitality sector but across the economy.

The Department of Finance's Localised Restrictions Support Scheme (LRSS) seeks to support those businesses in commercial premises severely restricted in use or now forced to close directly by the new Regulations. The scheme launched for all council areas on 19 October 2020 and provides up to £1,200 per week to eligible businesses for the duration of the restrictions. The scheme has been extended to include the period of restrictions from 27 November 2020. Further information and applications can be made at <https://www.nibusinessinfo.co.uk/content/coronavirus-localised-restrictions-support-scheme>.

I recognise that not all businesses which have been affected by the restrictions are able to access support through this scheme. I have therefore introduced the Covid Restrictions Business Support Scheme which operates in two parts.

Part A of the scheme, which opened on 28 October 2020, is targeted at those businesses required to close or cease trading as a result of the restrictions and are not eligible for the LRSS. The initial payments under this scheme were issued on 6 November 2020. Further details are available at <https://www.nibusinessinfo.co.uk/content/covid-restrictions-business-support-scheme-part>.

Examples of businesses that may be eligible for Part A of the scheme include businesses that deliver their product or service on a mobile basis or operate from their home, or their customers' homes; for example a driving instructor or mobile hairdresser or beautician. Self-employed individuals and sole traders, who may not have been covered by previous schemes are eligible to apply.

Part B of the scheme opened for applications on 19 November 2020 and provides support to businesses that are not named in the regulations but which supply goods or services to such a named business, or are reliant upon such a business being open and fully operational in order to trade. Further details are available at <https://www.nibusinessinfo.co.uk/content/covid-restrictions-business-support-scheme-part-b>.

Applications under both elements of the scheme will be processed as soon as possible and eligible businesses will be paid automatically for the period of extended restrictions.

Businesses can also claim a proportion of salary costs through the Coronavirus Job Retention Scheme. The UK Government has announced an extension to the scheme to March with employees receiving 80% of their salary for hours not worked, up to a maximum of £2,500. Under the extended scheme, the cost for employers of retaining workers will be reduced compared to October.

I announced on 21 October 2020 that my Department would be developing support schemes for the newly self-employed as well as large tourism and hospitality businesses. On 23 November, the Executive agreed a £213m package of support for businesses which includes further funding for the Department for the Economy to adapt current support schemes, deliver on schemes already announced and develop new interventions to support businesses. This will include support for sole limited Company Directors, large tourism, hospitality, retail and leisure businesses, wet pubs, local online sales support and a High Street Voucher Scheme.

Further details on these schemes will be made available in due course.

Ms McLaughlin asked the Minister for the Economy whether she will request Queen's University Belfast and Ulster University to follow the example of other universities in producing regular and updated information on numbers of COVID-19 cases.
(AQW 8537/17-22)

Mrs Dodds: While my Department is responsible for higher education policy, as autonomous institutions, the universities are ultimately responsible for their own response to the Covid pandemic, including the recording and collection of data on the numbers of cases in their student and staff populations.

That said, I am aware that the universities do collect regular and detailed information on the number of Covid cases at their institutions, and that they share this information as and when it is requested.

Ms McLaughlin asked the Minister for the Economy, pursuant to AQW 7948/17-22, whether she will provide the report of the capability assessment review of Ulster University conducted by her officials to members of the Committee for the Economy on the confidential agenda.

(AQW 8784/17-22)

Mrs Dodds: Due to ongoing commercial sensitivities relating to the review, I am not prepared to share at this time.

Ms Bradshaw asked the Minister for the Economy what consideration he is giving to a longer term package to assist breweries.

(AQW 8999/17-22)

Mrs Dodds: The economic impact of COVID-19 is unprecedented. Huge economic impacts that might normally take months or years to unfold occurred within weeks as a result of lockdown and industry shutdowns. I am acutely aware of the difficulties and pressures faced by businesses and individuals across the economy as a result of the pandemic and the subsequent restrictions.

The Executive introduced an unprecedented range of financial support to help businesses impacted by Covid-19 with the objective of protecting jobs, preventing business closures and promoting economic recovery.

The Department for Economy has paid out more than £340million collectively across three grant schemes. Breweries were eligible to apply for both the Small Business Support Grant Scheme and the NI Microbusiness Hardship Fund.

Breweries would also have benefitted from the four month rates relief introduced by the Department of Finance, with no rates being payable from 1 April 2020 to 31 July 2020.

As a result of the restrictions that came into effect on 16 October 2020, I have introduced the Covid Restrictions Business Support Scheme to provide support in two stages:

Part A - businesses named in the health protection regulations and are not eligible for the LRSS.

Part B - Businesses not named in the regulations, but which supplies goods or services to such a business, or is reliant upon such a business being open and fully operational in order to trade.

Breweries may apply for support through Part B provided the eligibility criteria are met. Further details of Part B are available at <https://www.nibusinessinfo.co.uk/content/covid-restrictions-business-support-scheme-part-b>.

Businesses can also claim a proportion of salary costs through the Coronavirus Job Retention Scheme. The UK Government have announced an extension of the scheme until the end of March with employees receiving 80% of their salary for hours not worked, up to a maximum of £2,500. Under the extended scheme, the cost for employers of retaining workers will be reduced compared to October.

I will continue to examine and pursue further means to support the local economy and business sectors in whatever way possible. In considering further interventions, including additional funding or packages of financial support, it will be for the Executive collectively, to determine how this will be allocated to best support economic recovery moving forward.

Mr Carroll asked the Minister for the Economy to detail the financial support available for breweries, hospitality workers and cider producers.

(AQW 9060/17-22)

Mrs Dodds: The economic impact of COVID-19 is unprecedented. Huge economic impacts that might normally take months or years to unfold occurred within weeks as a result of lockdown and industry shutdowns. I am acutely aware of the difficulties and pressures faced by businesses and individuals across the economy as a result of the pandemic and the subsequent restrictions.

The Executive introduced an unprecedented range of financial support to help businesses impacted by Covid-19 with the objective of protecting jobs, preventing business closures and promoting economic recovery.

The Department for Economy has paid out more than £340million collectively across three grant schemes. Breweries and cider producers were eligible to apply for both the Small Business Support Grant Scheme and the NI Microbusiness Hardship Fund. Breweries and cider producers would also have benefitted from the four month rates relief introduced by the Department of Finance, with no rates being payable from 1 April 2020 to 31 July 2020.

The Department of Finance's Localised Restrictions Support Scheme (LRSS) seeks to support those businesses in commercial premises severely restricted in use or now forced to close directly by the new Regulations. These include hospitality businesses covering cafes, pubs and restaurants that have been temporarily forced to close or limit their services to a takeaway or delivery only, hotels, guesthouses and registered Bed & Breakfast establishments that have been temporarily forced to limit the provision of services for certain residents only.

The scheme launched for all council areas on 19 October 2020 and provides up to £1,200 per week to eligible businesses for the duration of the restrictions. Further information and applications can be made at <https://www.nibusinessinfo.co.uk/content/coronavirus-localised-restrictions-support-scheme>.

I recognise that not all businesses who have been effected by the restrictions are able to access support through this scheme. I have therefore introduced the Covid Restrictions Business Support Scheme to provide support to restricted businesses who do not qualify for support through LRSS and businesses in the supply chain of restricted businesses.

Part A of the scheme, which opened on 28 October 2020, is targeted at those businesses required to close or cease trading as a result of the restrictions and are not eligible for the LRSS. Eligible businesses under this part of the scheme will received a flat grant payment of £600 per week, paid in one lump sum.

Further details and the application portal are available at <https://www.nibusinessinfo.co.uk/content/covid-restrictions-business-support-scheme-part>.

Part B of the scheme opened on 19 November and provides support to businesses not named in the Regulations but supply goods or services to such a business, or is reliant upon such a business being open and fully operational in order to trade. Further details on Part B are available at <https://www.nibusinessinfo.co.uk/content/covid-restrictions-business-support-scheme-part-b>.

Eligible businesses who pay business rates will receive a grant of up to £800 per week based on the Net Annual Value (NAV) of the premises they operate from. Eligible businesses who do not pay businesses rates will receive a grant of £300 per week.

Breweries and cider producers may apply for support through Part B provided the eligibility criteria are met.

Businesses can also claim a proportion of salary costs through the Coronavirus Job Retention Scheme. The UK Government have announced an extension of the scheme until the end of March with employees receiving 80% of their salary for hours not worked, up to a maximum of £2,500. Under the extended scheme, the cost for employers of retaining workers will be reduced compared to October.

I will continue to examine and pursue further means to support the local economy and business sectors in whatever way possible. In considering further interventions, including additional funding or packages of financial support, it will be for the Executive collectively, to determine how this will be allocated to best support economic recovery moving forward.

Mr Dickson asked the Minister for the Economy what actions her Department is taking to promote digital inclusion in Northern Ireland.

(AQW 9063/17-22)

Mrs Dodds: I fully appreciate the importance of access to good broadband services, particularly in the current circumstances.

As you are aware, my Department has developed Project Stratum which will utilise funding of £165m to deliver gigabit-capable broadband infrastructure to more than 76,000 premises across Northern Ireland.

Following a robust and competitive procurement process, the contract for Project Stratum has now been awarded and deployment activities are underway. The project team will be engaging with the successful bidder, Fibrus Networks, to ensure that citizens and businesses can access further information regarding deployment plans and project implementation updates. Departmental officials have engaged with local council representatives to ensure that key aspects of the project are communicated clearly and that all questions relating to deployment are addressed in a transparent manner.

My Department also produced a detailed ICT-Digital foresight report in 2016, which has helped shape DfE policy for the sector, and the outworking of which remains ongoing, including in relation to skills. The Matrix Panel, supported by my Department, is in the process of conducting foresight studies, specifically looking at future opportunities in the key areas of Artificial Intelligence and Cyber Security. Work is also progressing on developing an AI Centre of excellence to help raise awareness and use of technologies such as machine learning and natural language processing, and also in delivering against the need to raise awareness and develop skills in cyber security.

I can also advise that Invest NI has a team of 5 ICT advisors operating across Northern Ireland, providing advice to their customers on a range of ICT solutions used within businesses. This is a well-established service, providing 1:1 advice to over 500 businesses per year and can also offer financial support to eligible businesses. The team has also helped to develop online video and reading material available through www.nibusinessinfo.co.uk/IT to help small businesses to move online and grow.

InvestNI has also completed the 1st call of the Digital Selling Capability Grant (DSCG), aimed at moving more NI retail/wholesale businesses online. The scheme has offered funding to over 100 businesses to engage professional expertise to help them plan and/or improve their online selling presence, including upskilling their staff on online marketing/e-commerce techniques.

It is also important to note that, following the cessation of on-site training and learning due to Covid-19 in March 2020, Further Education (FE) colleges moved quickly to adapt their provision to meet the needs of their learners with over three-quarters of learners able to access provision on-line, thereby enabling students and staff to work remotely from home during this period of uncertainty and complete learners' vocational qualifications. Additional funding of over £3.1 million was allocated to colleges for additional IT equipment, peripherals and licences to allow continued access from home for both college staff and students.

My Department's Essential Skills Strategy aims to provide opportunities for adults to update their essential skills, including ICT provision. Essential Skills qualifications in Information and Communication Technology at Level 1 and Level 2 are available free of charge to all learners.

Courses are delivered by FE colleges, private training providers and community organisations.

You may also wish to explore the work underway by the Digital Inclusion Unit established within the Department of Finance and the action taken within the Department for Communities to promote digital inclusion in the delivery of its services.

Ms McLaughlin asked the Minister for the Economy whether the Tourism Recovery Steering Group intends to bring forward a plan and programme to connect the Causeway Coast and Wild Atlantic Way in terms of joint promotion, other joint marketing and route signage.

(AQW 9229/17-22)

Mrs Dodds: The role of the Tourism Recovery Steering Group is to help the tourism and hospitality industry address the impact of COVID-19, and to plan for recovery. The Group has not considered any potential linkage between the Causeway Coast and Wild Atlantic Way.

The economic rationale for creating a new coastal tourist trail, linking the Wild Atlantic Way and the Causeway Coastal Route would need to be fully understood and have the agreement of the industry, Tourism Northern Ireland, Fáilte Ireland and the local authorities on both sides of the border.

In addition, the implementation of a new coastal tourist trail would have to be undertaken in a way that makes sense from a consumer perspective and executed in a way that would not dilute the new Northern Ireland brand (Embrace a Giant Spirit) or convey conflicting messages to the tourism industry, trade operators or consumers.

Mr Dickson asked the Minister for the Economy, following the Chancellors announcement of additional financial support to businesses in the hospitality, accommodation and leisure sector in high alert level areas in England, whether she will be seeking the full Barnett consequential from this to expand the COVID-19 Restrictions Business Support Scheme.

(AQW 9370/17-22)

Mrs Dodds: I will continue to examine and pursue further means to support the local economy in whatever way possible. In considering further interventions, including additional funding or packages of financial support, it will be for the Executive collectively to determine how this will be allocated.

In addition, I will continue to engage with the UK Government, in order to provide the support that will be required to help businesses and the economy to respond to this pandemic, and then start to rebuild and recover as we move forward.

I launched the Covid Restrictions Business Support Scheme to provide support to businesses affected by the restrictions set out in the NI Health Protection Regulations, which came into effect on 16 October, that are not eligible for the Localised Restrictions Business Support Scheme. I have announced that this scheme will be extended to provide assistance to businesses affected by the additional restrictions from 27 November to 11 December.

I announced on 21 October 2020 that my Department would be developing support schemes for the newly self-employed as well as large tourism and hospitality businesses. On 23 November, the Executive agreed a £213m package of support for businesses which includes further funding for the Department for the Economy to adapt current support schemes, deliver on schemes already announced and develop new interventions to support businesses. This will include support for sole limited Company Directors, large tourism, hospitality, retail and leisure businesses, wet pubs, local online sales support and a High Street Voucher Scheme.

Further details on these schemes will be made available in due course.

Mr McNulty asked the Minister for the Economy for her assessment (i) of painters and decorators who have been impacted by COVID-19 in that their businesses were not told to close but whose customers are now reluctant to have them in their homes; and (ii) whether they are eligible for support under her Covid Restrictions Business Support Scheme.

(AQW 9457/17-22)

Mrs Dodds: I am aware of the particular impact that the COVID-19 pandemic and the subsequent restrictions has had on businesses and employees across the economy. The Executive agreed restrictions that came into effect on 16 October 2020 in order to reduce the concerning rise in the transmission of COVID-19.

The Department of Finance's Localised Restrictions Support Scheme (LRSS) seeks to support those businesses in commercial premises severely restricted in use or now forced to close directly by the new Regulations.

I recognise that not all businesses who have been effected by the restrictions are able to access support through this scheme. I have therefore introduced the Covid Restrictions Business Support Scheme to provide support to restricted businesses who do not qualify for support through LRSS, businesses who provide goods or services to restricted businesses and those who are reliant on affected businesses being operational in order to trade.

Part A of the scheme is designed for businesses named under the Health Regulations as required to close or cease trading but not eligible for LRSS. I acknowledge that painters and decorators may face reduced demand due to health concerns. However, as they are not named in the Health Regulations, they would not qualify for Part A of the scheme.

I would encourage each business to review the guidance and eligibility criteria for Part B, and to use the online eligibility checker to determine eligibility. Each application will be assessed on a case by case basis and should a painter or decorator meet the criteria, they may qualify for support.

Support is available via UK-wide schemes. The Chancellor has announced an extension to the Coronavirus Job Retention Scheme until the end of March 2021 with employees receiving 80% of their current salary for hours not worked.

For the self-employed, the Chancellor has also announced an extension to the Self-Employed Income Support Scheme to run until the end of April 2021 with eligible applicants receiving 80% of trading profits for November to January. Further detail on the support for February to April will be announced in due course.

I will continue to examine and pursue further means to support the local economy and business sectors in whatever way possible with the limited funding envelope available. In considering further interventions, including additional funding or packages of financial support, it will be for the Executive collectively, to determine how this will be allocated to best support economic recovery moving forward.

Mr McGrath asked the Minister for the Economy, in light of COVID-19 regulations, what is the position on outdoor markets. (AQW 9489/17-22)

Mrs Dodds: This is not within the remit of my Department to answer. COVID regulations sit under Department for Health.

Mr McGrath asked the Minister for the Economy for her assessment on whether outdoor markets are retail or hospitality. (AQW 9490/17-22)

Mrs Dodds: The Standard Industrial Classification of economic activities produced by the Office for National Statistics indicate that outdoor markets are considered as retail as shown below:

Section G Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles

47 Retail trade, except of motor vehicles and motorcycles

47.8 Retail sale via stalls and markets

47.81 Retail sale via stalls and markets of food, beverages and tobacco products

47.82 Retail sale via stalls and markets of textiles, clothing and footwear

47.89 Retail sale via stalls and markets of other goods

Ms McLaughlin asked the Minister for the Economy to detail (i) her Department's programme for the recovery of overpayments of COVID-19 £10,000 Small Business Support Grants; and (ii) any targets for how quickly overpayments will be collected. (AQW 9546/17-22)

Mrs Dodds: The £10,000 Small Business Support Grant Scheme closed formally on 20 October 2020. The Department is now focusing on post closure activities associated with assurance and recovery. This work will include the development of a process for dealing with payments that have been wrongfully paid

At 11 November 2020, 95 payments had been recovered, three of which were partial payments, totalling £937,000.

Mr Dickson asked the Minister for the Economy to detail the Financial Transactions Capital write-off of £9 million by InvestNI; and what actions are being taken to recoup investments made. (AQW 9679/17-22)

Mrs Dodds: Under the Sustainable Utilisation of Poultry Litter (SUPL) Scheme*, Invest NI, alongside a private investor, provided funding towards the build and operation of an Anaerobic Digestion (AD) plant.

The aim of the project was to help resolve a significant local environmental and economic issue, and to help Northern Ireland comply with EU nitrates targets to positively impact the poultry sector and the wider Northern Ireland economy. Invest NI's support was by way of a £9.3m commercial loan.

Initial indications show that the project might not reach an outcome that fully covers the investment in the project. Therefore, we have included a provision of £9 million in our accounts should we not be able to achieve a return on our investment. This provision is in line with current accounting standards.

*SUPL is a Department for the Economy and Department of Agriculture, Environment and Rural Affairs scheme, operated by Invest Northern Ireland.

Mr McGrath asked the Minister for the Economy to detail the criteria that was set for the (i) 2019/20; and (ii) 2020/21 Student Hardship Fund. (AQW 10157/17-22)

Mrs Dodds: Student Hardship funding provided through Further Education (FE) Colleges is the responsibility of FE Division, DfE, with Higher Education Division, DfE being responsible for Student Hardship funding provided through NI Higher Education Institutions (HEIs). FE Colleges are non-departmental public bodies of the Department, while HEIs are autonomous bodies. As such, the approach to budgeting is different, with different mechanisms between the institutions for distributing Hardship Funding. The information below regarding FE is provided on an academic year basis, while information related to HE is provided on a financial year basis.

The criteria set for both the 2019/20 and 2020/21 Further Education Student Hardship Fund are published in the Hardship Fund Circulars. The criteria set in both years' circulars is unchanged other than for relevant dates. Additionally in 2020/21, an Addendum highlights updates to the 2020/21 circular in relation to COVID 19, but did not change eligibility criteria.

The Hardship Fund Circulars are available online, and can be accessed through the following links:

2020/21: <https://www.economy-ni.gov.uk/publications/fe-circular-0520-hardship-fund>

2019/20: https://www.src.ac.uk/images/files/about_us/policies/Nov19/EC1_19_0182928_Hardship_Fund_Circular_2019-20.pdf

The conditions of funding for the Higher Education Support Funds are available online at <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/higher-education-ni-support-funds.pdf>. These conditions have remained the same for both 2019/20 and 2020/21.

Mr McGrath asked the Minister for the Economy to detail the amount of funding each higher and further education institution received in (i) 2019/20; and (ii) 2020/21, broken down by location.

(AQW 10158/17-22)

Mrs Dodds: Student Hardship funding provided through Further Education (FE) Colleges is the responsibility of FE Division, DfE, with Higher Education Division, DfE being responsible for Student Hardship funding provided through NI Higher Education Institutions (HEIs). FE Colleges are non-departmental public bodies of the Department, while HEIs are autonomous bodies. As such, the approach to budgeting is different, with different mechanisms between the institutions for distributing Hardship Funding. The information below regarding FE is provided on an academic year basis, while information related to HE is provided on a financial year basis.

Hardship funding received by Further Education Institutions is detailed below.

	Academic Year 2019/20	Academic Year 2020/21
Belfast Metropolitan College	£634,735	£824,568
Northern Regional College	£119,135	£124,744
North West Regional College	£381,096	£386,601
South Eastern Regional College	£162,566	£166,613
Southern Regional College	£351,001	£359,361
South West College	£258,467	£235,314

For Higher Education, hardship funding is paid to institutions on the basis of claims received. Financial information for 2020/21 is up to and including 16th November 2020. Hardship funding received by HE Institutions is detailed below:

	2019/20	2020/21
QUB	£1,351,000.00	£1,913,475.00
UU	£1,344,000.00	£1,344,000.00
St Mary's	£35,000.00	£70,000.00
Stranmillis	£36,000.00	£54,000.00
OU	£15,563.26	£0.00

Mr McGrath asked the Minister for the Economy how many students in each higher and further education institution received funding in (i) 2019/20; and (ii) 2020/21.

(AQW 10159/17-22)

Mrs Dodds: Student Hardship funding provided through Further Education (FE) Colleges is the responsibility of FE Division, DfE, with Higher Education Division, DfE being responsible for Student Hardship funding provided through NI Higher Education Institutions (HEIs). FE Colleges are non-departmental public bodies of the Department, while HEIs are autonomous bodies. As such, the approach to budgeting is different, with different mechanisms between the institutions for distributing Hardship Funding. The information below regarding FE is provided on an academic year basis, while information related to HE is provided on a financial year basis.

In 2019/20 Further Education Division provided funding to 1,688 students in further education colleges via the Hardship Fund.

The table below shows a breakdown of the number of students supported by each college. Figures are not yet available for 2020/21

Number of Further Education Students who received Hardship Funding in 2019/20

	No. of Students
Belfast Metropolitan College	519
North West Regional College	326
Northern Regional College	60
South Eastern Regional College	126
South West College	263
Southern Regional College	394
Total Students 2019/20	1,688

For Higher Education, the institutions, as autonomous bodies, are responsible for making awards of hardship funding to students. Information on the number of students who received awards in 2019/20 is not due for submission to the Department until 31 December 2020, and information on the number of students who received awards in 2020/21 is not due for submission to the Department until 31 December 2021.

Mr McGrath asked the Minister for the Economy (i) how much departmental funding to each higher and further education institutions was unspent in 2019/20; (ii) how much of this unspent funding was returned to her Department; and (iii) whether this funding was reallocated.

(AQW 10160/17-22)

Mrs Dodds: Student Hardship funding provided through Further Education (FE) Colleges is the responsibility of FE Division, DfE, with Higher Education Division, DfE being responsible for Student Hardship funding provided through NI Higher Education Institutions (HEIs). FE Colleges are non-departmental public bodies of the Department, while HEIs are autonomous bodies. As such, the approach to budgeting is different, with different mechanisms between the institutions for distributing Hardship Funding. The information below regarding FE is provided on an academic year basis, while information related to HE is provided on a financial year basis.

For each of the further education institutions, colleges have the option to either roll any unspent Hardship Funding forward into the next year, or to surrender back to the Department for potential reallocation to another college, depending on need.

	Unspent in Academic Year 2019/20	Reallocated to Another College	Rolled Forward to Academic Year 2020/21	Returned to the Department
Belfast Metropolitan College	£190,201	£ -	£190,201	£ -
Northern Regional College	£60,550	£ -	£ -	£60,550
North West Regional College	£43,669	£ -	£ -	£43,669
South Eastern Regional College	£58,305	£ -	£ -	£58,305
Southern Regional College	£117,761	£ -	£ -	£117,761
South West College	£117,116	£ -	£ -	£117,116

For Higher Education, all hardship funding was claimed in 2019/20, no funding was returned to my Department, and therefore, no funding was reallocated.

Mr McGrath asked the Minister for the Economy what actions (i) are being taken; and (ii) will be taken to reframe the criteria for funding to reflect the changed circumstances that students face in 2020/21 in light of the COVID-19 pandemic.

(AQW 10161/17-22)

Mrs Dodds: Student Hardship funding provided through Further Education (FE) Colleges is the responsibility of FE Division, DfE, with Higher Education Division, DfE being responsible for Student Hardship funding provided through NI Higher Education Institutions (HEIs). FE Colleges are non-departmental public bodies of the Department, while HEIs are autonomous bodies. As such, the approach to budgeting is different, with different mechanisms between the institutions for distributing Hardship Funding. The information below regarding FE is provided on an academic year basis, while information related to HE is provided on a financial year basis.

I am aware of the financial challenges faced by Further Education (FE) students as a result of Covid-19, which include barriers to education for some, due to the need to introduce remote learning and concerns regarding the ability to maintain and extend financial support arrangements.

There are a range of permanent student financial support arrangements that have been in place over many years for eligible FE students. These include FE Grants, College Hardship Fund (both of which include childcare support), Care to Learn, Free School Meals and Home to College Transport.

During the pandemic, my Department ensured that current FE student support arrangements continued to operate effectively, or were adapted to direct support to students in need. For example, administrative criteria for FE Grants and Hardship Fund have been updated to facilitate claimants participating in distance learning, paying childcare retainer fees during the initial lockdown, assistance with childcare costs for the new blended delivery of virtual and classroom based study once the childcare providers reopened, acceptance of electronic applications and evidence, and extension to the closing date for FE Grant applications.

An additional £430k has been allocated to fund direct payment of Free School Meal Allowances into the households of almost 1,900 eligible school-age FE students for the remainder of the 2019/20 academic year and to facilitate summer payments when students were not able to attend college. For 2020/21 Term 1 I have allocated an additional £171k to fund direct payment of Free School Meal Allowances into the households of eligible school-age FE students to ensure students are not disadvantaged by distance learning. This arrangement will be reviewed for Term 2.

My Department will continue to keep FE student support arrangements under review and adapt these as required in response to evolving needs.

For Higher Education, (i) in response to the Covid-19 pandemic, I have doubled the amount of support funds available to students facing genuine financial hardship from £2.8m in 2019/20 to £5.6m in 2020/21. (ii) The criteria for the Higher Education Support Funds are deliberately minimal. Students need only be eligible in terms of their residency status, enrolled at a designated course at a Northern Ireland HE Institution and facing genuine financial hardship to be considered for an award. As such, I have no plans to amend the criteria for the Higher Education Support Funds at this time.

Mr Easton asked the Minister for the Economy when Part B of the COVID Restrictions Business Support Scheme will be opened for applications.

(AQW 10186/17-22)

Mrs Dodds: An online eligibility checker and guidance notes for Part B of the Covid Restrictions Business Support Scheme opened on 18 November 2020. The Scheme opened for applications via nibusinessinfo.co.uk on 19 November 2020.

Mr Boylan asked the Minister for the Economy to detail the reasons for the delay in the roll-out of Project Stratum.

(AQW 10192/17-22)

Mrs Dodds: There has been no delay to Project Stratum. All targeted premises will benefit from this intervention in the previously stated timeframe of end March 2024, under the terms of the contract.

Mr McHugh asked the Minister for the Economy what support is available for companies to set up a remote working base in rural areas.

(AQW 10243/17-22)

Mrs Dodds: A company setting up a remote working base in Northern Ireland would be eligible for support from Invest Northern Ireland if this was a new export focussed start up. This would include indigenous start-ups and FDI start-ups. However if this is an existing export focussed business located in another part of Northern Ireland, support could be provided to set up a base in rural areas if this was an expansion of its core business operation in another part of Northern Ireland.

Ms McLaughlin asked the Minister for the Economy whether she will work with the Minister of Health to provide greater clarity and certainty for childminders and nurseries on the rules relating to whether children under two are included in the calculations for numbers of people gathered, with the objective of supporting these sole traders and other businesses to continue to trade.

(AQW 10257/17-22)

Mrs Dodds: The current restrictions to combat the spread of coronavirus particularly in relation to the mixing of households do not apply to childcare settings, including childminding. Childcare settings must continue to comply with the Department of Health Minimum Standards as they relate to ratios, that is, with the specified maximum number of children who may be cared for as identified on the Registration Certificate. Departmental guidance for childcare settings, including childminders has been regularly updated throughout the pandemic in line with the latest available public health advice and is available at:

<https://www.health-ni.gov.uk/publications/covid-19-childcare-guidance>.

Ms Sugden asked the Minister for the Economy to detail (i) the reason for the £22.2 million underspend relating to the Annually Managed Expenditure for the Renewable Heat Initiative; and (ii) how farmers are being supported in place of these subsidies.

(AQW 10294/17-22)

Mrs Dodds:

i) **In early 2015 the projections of the cost of the NI RHI Scheme rose above the available budget for 2015/16 and future years. The Department has taken a number of actions since then, including suspension of the Scheme to new applicants in 2016, extension of the tiered tariff structure and annual usage limit to all small and medium biomass installations in 2017 and a revision of small and medium biomass tariffs in 2019. I acknowledge that at present not all of the budget made available from HM Treasury to fund RHI tariffs is being drawn down however, we cannot simply adopt a tariff that maximises use of the available budget. This was an attitude and approach that was rightly criticised by the Public Inquiry. As Minister I have a responsibility to all taxpayers.**

ii) The RHI Scheme is not a farmer subsidy scheme, it is an incentive scheme designed to increase the proportion of heat generated from renewable sources by payment of a tariff. It was open to applications from all business and domestic sectors.

Ms Sugden asked the Minister for the Economy to detail and explain the difference in the size of maintenance grants given to Northern Irish students studying in Great Britain compared to students from Great Britain also studying in Great Britain.

(AQW 10296/17-22)

Mrs Dodds: My Department provides a means tested, non-repayable maintenance grant to eligible Northern Ireland domiciled students through Student Finance NI up to the value of £3,475 for the 2020/21 academic year.

England provide a means tested, non-repayable maintenance grant of up to £3,489 for students whose courses commenced before 1 August 2016. No maintenance grant is provided for students whose courses commenced after this date.

Wales provide the Welsh Government Learning Grant, a means tested, non-repayable grant providing up to £10,124 for the 2020/21 academic year.

Scotland do not provide a specific maintenance grant product, but do provide a means tested, non-repayable bursary of up to £2,000 to eligible students.

The difference between the availability and level of maintenance grants for students across the UK is a direct result of the devolved nature of higher education, which allows the regions to develop their own student support products in response to the needs of their students, their Higher Education sector, and the budget available to them.

Mr McGlone asked the Minister for the Economy when applications will open to Part B of the Covid Restrictions Business Support Scheme.

(AQW 10310/17-22)

Mrs Dodds: An online eligibility checker and guidance notes for Part B of the Covid Restrictions Business Support Scheme opened on 18 November 2020. The Scheme opened for applications via nibusinessinfo.co.uk on 19 November 2020.

Ms Bradshaw asked the Minister for the Economy what provisions her Department will make for PhD students in medical or biological disciplines who need an extension of their current funding beyond September 2021 to complete their fieldwork.

(AQW 10320/17-22)

Mrs Dodds: My Department allocated £2m to NI universities to provide funded extensions for final year PGA Scheme students whose funding is due to finish by 31st March 2021.

There is recognition that many students other than final year students, most notably second year students, on the PGA scheme may also require funded extensions in order to be able to complete their studies to an appropriate standard. The Department is keen to facilitate such extensions and will seek additional budget in 2021/22 to cover the associated cost. The process of administering the funded extensions is managed by the universities on the Department's behalf.

Mr Muir asked the Minister for the Economy for an update on the roll-out of smart meters to domestic premises.

(AQW 10360/17-22)

Mrs Dodds: The roll-out of smart metering is being considered through the development of the new Energy Strategy for Northern Ireland. The Energy Strategy Options Consultation is due to be published in March 2021.

Mr McNulty asked the Minister for the Economy to detail her plans to support social enterprises when funding from the European Social Fund ends.

(AQW 10388/17-22)

Mrs Dodds: The European Social Fund Programme currently provides important support to a large number of individuals who face a range of barriers to employment. Priorities 1 and 2 currently support 66 projects which are due to conclude in March 2022, while the support under priority 3, which part funds the Department's Apprenticeship NI programme, continues until

2023. Social enterprises play an important role in the delivery of the European Social Fund Programme. A joint project with the Department for Communities has been established to consider the range of future policy and delivery options in relation to priorities 1 and 2.

A key consideration for any replacement programme will be access to the necessary funding. This is being progressed by the Department of Finance on behalf of the NI Executive.

Mr McNulty asked the Minister for the Economy (i) how many people are employed in the social economy sector; and (ii) what plans she has to help the sector recover from the COVID-19 pandemic.

(AQW 10389/17-22)

Mrs Dodds:

- (i) There is no definitive data regarding the size and scale of the NI social economy sector. The most recent published statistics can be found in the 2019 Report on Social Enterprise entitled "Re-balancing the NI Economy", written by Stratagem on behalf of Social Enterprise NI (SENI). It states that during the period 2013-2018 the employment base for the social economy sector has grown from 12,200 to 24,860.
- (ii) My Department leads on social economy policy and chairs the Social Economy Policy Group (SEPG), which includes departments, agencies and local government. SEPG's focus is to consider how departmental policies / programmes support sector growth across Northern Ireland and to contribute to the development of an integrated strategic approach to the social economy. For example, in response to COVID 19, the Department for Communities has launched their Social Enterprise Fund to support social enterprises whose ability to trade has been impacted in recent months.

My Department also currently funds Social Enterprise NI (SENI) to represent the collective interests of the social economy sector in delivering a Social Economy Work Programme, which seeks to identify and implement a programme of initiatives to enable the continued growth of a sustainable social economy sector across Northern Ireland.

Mr McNulty asked the Minister for the Economy to detail (i) the number of Foreign Direct Investment (FDI) visits per constituency, in each of the last three financial years; (ii) the amount of financial support provided by Invest NI for jobs created per constituency, in each of the last three years; and (iii) the number of FDI jobs created per constituency, in each of the last three years.

(AQW 10390/17-22)

Mrs Dodds: The information requested has been provided in the tables below. It should be noted that the information in these tables is not directly comparable as different reporting methods, and time periods, have been applied.

Attracting new investors to Northern Ireland, while important, is only a proportion of the work of Invest NI and the 11 councils, to grow the economy across Northern Ireland. Over the last three years, 93% of offers of support made by Invest NI were to locally-owned customers.

This support ranges from expert advice and guidance to a wide portfolio of financial support towards productivity improvement, skills development, strategic planning, job creation, Research & Development, technical capability and exporting.

Table 1 shows the number of visits by potential inward investors to constituency areas hosted by Invest NI in each of the years between 2017-18 and 2019-20.

Table 1: Potential inward investor visits by constituency (2017-18 to 2019-20)

PCA	2017-18	2018-19	2019-20
Belfast East	34	43	24
Belfast North	29	40	29
Belfast South	158	181	120
Belfast West	10	14	5
East Antrim	3	8	8
East Londonderry	3	2	0
Fermanagh & South Tyrone	1	3	0
Foyle	6	6	3
Lagan Valley	4	4	1
Mid Ulster	0	1	1
Newry & Armagh	1	1	2
North Antrim	6	3	2

PCA	2017-18	2018-19	2019-20
North Down	0	3	0
South Antrim	9	5	1
South Down	0	0	1
Strangford	0	0	0
Upper Bann	1	3	2
West Tyrone	0	2	1

Table 2 shows the amount of assistance offered by Invest NI to inward investment projects approved in the past 3 financial years broken down by constituency area.

Table 2: Assistance offered to inward investors by constituency (2017-18 to 2019-20)

PCA	2017-18 £m	2018-19 £m	2019-20 £m
Belfast East	1.79	14.74	2.10
Belfast North	0.90	1.16	3.31
Belfast South	13.25	15.07	4.75
Belfast West	3.25	0.05	1.91
East Antrim	0.04	0.35	1.76
East Londonderry	1.07	0.05	0.21
Fermanagh & South Tyrone	0.67	0.24	0.91
Foyle	0.11	15.67	0.42
Lagan Valley	0.70	3.46	0.22
Mid Ulster	0.70	0.37	0.71
Newry & Armagh	0.01	0.06	0.10
North Antrim	0.01	0.00	0.27
North Down	1.03	0.63	0.07
South Antrim	3.32	2.97	0.09
South Down	0.12	0.13	0.18
Strangford	0.45	0.01	0.15
Upper Bann	1.82	0.16	0.85
West Tyrone	1.19	0.41	0.24
Unknown	0.09	0.03	1.55

Notes:

- 1 An additional £0.93m was offered to External Delivery Organisations, towards projects or initiatives that will benefit businesses across the whole of Northern Ireland.
- 2 Unknown refers to those jobs that cannot be identified at this level or where the business has not yet selected a location.
- 3 Inward investors includes GB-owned companies. Invest NI moved to Outcome Based Reporting (OBA) in 2017, in line with the draft Programme for Government. As a result of this change the agency now measures the impact of its support based on key performance indicators (KPIs) gathered from a cohort of businesses which it works most intensely with. The agency now tracks the number of additional jobs these companies create each calendar year. Table 3 shows the number of additional jobs created in the 2017, 2018 and 2019 calendar years by inward investment companies supported by Invest NI.

Table 3: Additional jobs created by inward investment companies by constituency (2017, 2018 and 2019)

PCA	2017	2018	2019
Belfast East	864	417	943
Belfast North	992	668	541
Belfast South	2,042	1,642	2,547
Belfast West	199	110	146
East Antrim	64	163	157
East Londonderry	228	280	149
Fermanagh & South Tyrone	838	796	500
Foyle	432	442	516
Lagan Valley	603	460	247
Mid Ulster	1,099	1,094	450
Newry & Armagh	770	674	380
North Antrim	430	279	222
North Down	102	68	85
South Antrim	261	469	283
South Down	481	181	399
Strangford	222	119	108
Upper Bann	1,125	971	1,183
West Tyrone	257	259	169

Notes:

- 1 'Additional Jobs' are based on all jobs created by companies supported by Invest NI during the period under review.
- 2 Inward investors includes GB-owned companies.

Ms Sugden asked the Minister for the Economy, pursuant to AQW 6571/17-22, for an update on (i) issues that exist within further education colleges regarding capacity and social distancing; (ii) any new delivery models introduced to assist remote learning; and (iii) what steps have been taken to address capacity issues regarding schools' partnership programmes with colleges.

(AQW 10403/17-22)

Mrs Dodds:

- (i) In compliance with the Framework for Safe Resumption of On-Site Education and Related Activity (Framework Document), which was developed by the Advisory and Oversight Group (AOG) established by the Department, the FE colleges are maximising the number of learners as it is safe to facilitate on-site and delivering virtual learning when social distancing requirements restricts capacity. Current delivery models include a blend of both face-to-face and virtual learning, with the colleges balancing the delivery to take account of the level of the provision, needs of the course and the maturity of the learner. Since 16 October 2020, the NI Executive has introduced a number of additional, time bound Covid-19 related restrictions which require FE colleges to adjust their delivery models to ensure that they are delivering distance learning to the maximum extent possible, with face-to-face learning taking place when it is a necessary and unavoidable part of the course. These restrictions ended at midnight on 19th November 2020, but will be introduced again at midnight on 26th November 2020 for a further two weeks. When these time bound restrictions end, assuming no further restrictions are introduced, FE colleges will make plans to return to face-to-face onsite delivery for as many learners as it is safe to do so in accordance with the Framework Document.
- (ii) A working group has been set up to develop a sector-wide approach to the development and delivery of on-line learning across colleges. This enables the sharing of knowledge and skills between colleges and the adoption, where possible, of standard communication tools such as MS Teams which facilitates the sharing of standard e-learning packages for staff and learners between colleges.
- (iii) Department for the Economy officials have met with colleagues from the Department of Education over the last number of months in order to develop a shared understanding of the needs of schools and the pressures and implications for Further Education colleges, and to seek a resolution to these. As a result of these discussions, local solutions between

colleges and schools at an individual level have been identified, implemented in many cases, and appear to be working well.

Ms Mullan asked the Minister for the Economy whether there will be a review of BTEC qualifications this year in light of the impact of COVID-19.

(AQW 10444/17-22)

Mrs Dodds: To mitigate the ongoing impact of COVID-19, Pearson awarding organisation has reviewed its BTEC qualifications and a range of adaptations have been put in place, including changing how and when BTEC assessment takes place to alleviate pressures on schools and colleges and learners taking these qualifications.

The adaptations for each BTEC qualification are different to take account of their specific vocational context and assessment practices. Examples of adaptations include:

- making more teaching and learning time available by considering alternative conditions or by streamlining assessments;
- changing the way in which assessments are delivered, for example by using an online or remote assessment; and
- adapting assessment methods to take account of social distancing and public health guidance by using a practical simulation in place of an observation, or professional discussion in place of practical demonstrations.

BTECs are uninitiated qualifications. For learners who started two-year BTEC courses in September 2019, and intended to have completed some of the assessment requirements in the first year, a grade will be awarded for those units through the Extraordinary Regulatory Framework (ERF) which was implemented as part of the Summer 2020 Awarding Series. Unit grades were awarded in Summer 2020 and will account for all assessment that was due to take place between March - July 2020. Learners will therefore not be required to undertake any additional assessment for those units during the 2020/21 academic year.

Ms Mullan asked the Minister for the Economy what support is being given to students undertaking BTEC qualifications to reduce the workload burden given the impact and the disruption caused by COVID-19.

(AQW 10445/17-22)

Mrs Dodds: To mitigate the ongoing impact of COVID-19, Pearson awarding organisation has reviewed its BTEC qualifications and a range of adaptations have been put in place, including changing how and when BTEC assessment takes place to alleviate pressures on schools and colleges and learners taking these qualifications.

The adaptations for each BTEC qualification are different to take account of their specific vocational context and assessment practices. Examples of adaptations include:

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Ms Mullan asked the Minister for the Economy whether all BTEC coursework from the previous academic year will have to be completed by the end of this academic year.

(AQW 10446/17-22)

Mrs Dodds: To mitigate the ongoing impact of COVID-19, Pearson awarding organisation has reviewed its BTEC qualifications and a range of adaptations have been put in place, including changing how and when BTEC assessment takes place to alleviate pressures on schools and colleges and learners taking these qualifications.

The adaptations for each BTEC qualification are different to take account of their specific vocational context and assessment practices. Examples of adaptations include:

- making more teaching and learning time available by considering alternative conditions or by streamlining assessments;
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Ms McLaughlin asked the Minister for the Economy what support she will make available to sole traders who do not have tax returns for the entire periods of 2016/17, 2017/18 and 2018/19.
(AQW 10465/17-22)

Mrs Dodds: The Coronavirus global pandemic continues to present health, social and economic challenges that none of us have encountered in our lifetime.

The Executive and UK Government have responded with an unprecedented range and volume of financial support packages and continue to do so, in order to protect as many jobs and livelihoods as possible.

With the introduction of the recent restrictions and updated health regulations, once again, the Executive responded with a number of new financial support schemes to assist those most affected by these necessary public health decisions.

Following on from the introduction of the Local Restrictions Support Scheme (LRSS), I announced a further package of support, the Coronavirus Restrictions Business Support Scheme (CRBSS), which aims to support those businesses directly impacted by the restrictions but who did not meet the eligibility criteria for the LRSS. Many sole traders are entitled to apply for either of these new schemes, depending on their specific business circumstances, and both of these schemes have now been extended in line with the period of continued restrictions.

Officials from my department are also developing a new scheme for the more recent self-employed, including sole traders, with an emphasis on those who have been excluded from previous offers of support, including the UK Government's Self-Employment Income Support Scheme.

Finally, in response to a bid that I have made to the Executive, a further £20 million of budget has been allocated to support company directors who have been without support up until now. I would encourage all stakeholders to monitor the NI Business Info website for details on these schemes in the near future.

Ms McLaughlin asked the Minister for the Economy (i) how her Department is taking forward the recommendations of the OECD Skills Strategy report in relation to careers advice and guidance; and (ii) how she is working with ministerial colleagues to provide a more coherent and integrated approach to careers guidance.
(AQW 10468/17-22)

Mrs Dodds: I have been briefed on the OECD's assessment of skills in Northern Ireland and I am aware that the findings will inform the new Skills Strategy, which is currently being developed.

The specific recommendations on careers advice and guidance have been incorporated will inform the draft Skills Strategy consultation document, which my Department is developing and which will be launched, subject to Executive agreement, in the New Year.

My Department's Careers Service, the Department of Education and the Careers Advisory Forum are aware of these recommendations from the OECD.

A coherent and integrated approach to careers education and guidance is crucial in ensuring learners make informed choices and are aware of the available pathways into higher education, further education, training and employment including apprenticeships. In addition, supporting people to develop their skills, especially those most in demand by employers, has never been more important.

My Department has a joint careers strategy in place with the Department of Education which will be reviewed by both Departments next year and will take account of the OECD recommendations and findings emerging from overarching strategies including the new Skills Strategy and the Transition of Young People into Careers (14-19) Project.

The Careers Advisory Forum which comprises representatives from education, business, and other key stakeholders including parents and the community and voluntary sector, provides advice to both Ministers.

In addition, my Department's Careers Service also works closely with colleagues in the Department for Communities to ensure careers guidance is provided to those who are facing redundancy or unemployment. The two Departments have jointly developed and launched a new Jobs & Skills campaign page on NI Direct which brings together all relevant information and services in a single, easy to navigate location. The new page can be accessed at: www.nidirect.gov.uk/campaigns/jobs-and-skills.

Mr McNulty asked the Minister for the Economy to detail (i) what oversight and governance arrangements she has put in place to oversee the delivery of Project Stratum through construction phase; (ii) whether she has a mechanism for householders or businesses who will not benefit from the programme at present to be included in the scheme; and (iii) whether her Department will engage with the Department for Infrastructure to ensure that roads and streets, subject to any construction works, are left in an acceptable state when works are complete.
(AQW 10502/17-22)

Mrs Dodds:

- (i) The management structure for Project Stratum contains suitable tiers of coordination and project oversight, including a Project Board, a project management team and a number of dedicated officers to deliver specialised work packages. The structure follows HM Government best practice guidance and is based on PRINCE2™ methodology for project control and governance.

The Project Board will monitor progress and guide development in line with the provisions of the contract. The Project Management team will maintain and record information enabling the tracking of project outputs and outcomes.

In addition, external expertise will be secured to provide the necessary technical, commercial and financial assurance required throughout the implementation phase of the project.

- (ii) My Department will seek to address the 3% of premises from within the target intervention area that are currently out of scope. Discussions have already been advanced with the Department for Digital, Culture, Media and Sport and, now with Fibus Networks appointed as the preferred bidder, we are working to identify the solutions and costs to bring those premises into this intervention.
- (iii) Fibus Networks has an established line of engagement with the Department for Infrastructure and is a member of Northern Ireland Road Authority and Utility Committees. It is important to note that Fibus Networks intends to make significant use of existing infrastructure. My Department is satisfied that any streets or roads which are subject to construction work will be left in an acceptable state.

Mr McNulty asked the Minister for the Economy to detail (i) when Fibus will be mobilised and commence work on delivering Project Stratum; (ii) whether she, in partnership with Fibus, will publish a detailed plan for construction works by postcode to include when works will start; and (iii) the number of properties that will benefit per postcode as an outcome of Project Stratum.

(AQW 10505/17-22)

Mrs Dodds:

- (i) Fibus Networks Ltd has already commenced work on Project Stratum.
- (ii) A deployment plan will be published shortly by Fibus Networks on its Project Stratum-dedicated website at www.hyperfastni.com.
- (iii) Over 76,000 premises covering 12,096 postcodes will benefit from Project Stratum. An on-line postcode/address checker will be available in due course that will enable citizens and businesses to confirm when their premises are included for upgrade.

My Department will seek to address the 3% of premises within the target intervention area that are currently out of scope. Further details will be available in due course.

Mrs Cameron asked the Minister for the Economy (i) how many properties are anticipated to benefit from Project Stratum in the South Antrim constituency; and (ii) whether the postcodes of those South Antrim properties have been published.

(AQW 10528/17-22)

Mrs Dodds:

- (i) The project will deliver gigabit-capable broadband infrastructure to more than 76,000 primarily rural premises across Northern Ireland, 5,203 of which are in the South Antrim Constituency.
- (ii) The postcodes containing those premises have not been published. A deployment plan and anticipated schedule, as agreed by my Department, will be published shortly by Fibus Networks on its Project Stratum dedicated website at www.hyperfastni.com. This will include an on-line postcode/address checker that will enable citizens and businesses to confirm when their premises are included for upgrade. The website will be updated and expanded in the weeks ahead.

Mr Allister asked the Minister for the Economy (i) whether she has suspended the RHI 2020 tariff review; (ii) the reasons for this; and (iii) whether a Ministerial Direction was issued.

(AQW 10534/17-22)

Mrs Dodds:

- i) As I previously advised you in my response to AQO 771/17-22, the tariff review has been paused.
- ii) The reason for pausing the work on the tariff review is to allow work on closure of the scheme to proceed. The Cornwall tariff recommendations together with analysis of recent fuel price movements are being taken into account in options relating to scheme closure.
- iii) A Ministerial Direction has not been issued in relation to the tariff review.

Dr Archibald asked the Minister for the Economy, as part of the economic recovery from COVID-19, and learning from new ways of working adopted over the course of the pandemic in terms of virtual working and working from home, whether she will consider work hubs in towns across Northern Ireland which would provide workspace and virtual meeting facilities.

(AQW 10549/17-22)

Mrs Dodds: The Executive policy throughout the time of this public health crisis has been to advocate that where people can work from home, they should. This has resulted in the provision of modern and suitable Information Technology equipment and software for tens of thousands of workers across the public and private sectors, with only those that are required to attend their place of work, being asked to do so.

I believe that these enforced actions have changed the working environment landscape of the future, especially for workers who can work remotely and from their own homes. Although much too early to be certain, there are indications that this new way of working can have regional economic benefits, especially for our towns and cities out with Belfast.

My immediate economic focus and that of my Executive colleagues at this time, is on supporting the businesses, people and places most heavily impacted by the Covid-19 pandemic, and creating a foundation on which to promote economic recovery and deliver a greener, competitive and inclusive economy.

Beyond this, I will be bringing forward a longer-term vision for the economy, which will set out the economic policy objectives that demonstrate how we will seek to drive economic growth and prosperity for the benefit of all.

In addition, a High Street Taskforce has been established by The Executive Office, with representation from many external stakeholders from a range of sectors, working alongside officials from relevant government departments and other public bodies. The issue of work hubs in our local towns throughout Northern Ireland has been raised at a very early stage in these discussions, so I believe that this is something that will be explored further as we move collectively from economic response towards a pathway of sustained recovery and rebuilding for our entire economy.

Ms Mullan asked the Minister for the Economy what plans she has to develop a comprehensive strategy for students to support and advance their higher and further educational journeys and to address issues such as (i) mental health; (ii) student housing; and (iii) financial support.

(AQW 10558/17-22)

Mrs Dodds:

Mental Health

Mental health is a key priority for the Department, the Executive and all of Northern Ireland. My Department is represented on a cross-departmental working group, recently established to support the development of a Mental Health Strategy for those struggling with mental health issues, including students.

As autonomous bodies, the Higher Education Institutions (HEIs) are responsible for their own policies and procedures in relation to mental health provision. Each university takes the health and safety, including mental wellbeing, of students very seriously and each has an extensive variety of mental health provision available for students. Additional funding of £1.4m was granted during the early stages of the pandemic for additional hardship funds for HEIs. They have the use of this money and they oversee its expenditure. My officials also conducted an internal review of Mental Health provision within the HE sector and we were pleased to note a robust and proactive offering available across the institutions. I am pleased that the Mental Health of our student population is treated so seriously and this level of service is provided.

Higher fee charging HE providers are required to use at least 10% of their additional fee income to fund outreach and retention activities that help disadvantaged and under-represented students to continue their studies. This includes students with a disability, including mental health conditions. HE providers have demonstrated through their annual Widening Access and Participation Plans that they recognise growing concerns in relation to mental health and have a number of programmes in place, some of which are specific to mental health conditions and some which offer support more generally. HE Providers have flexibility to use this additional fee income as they choose, subject to the Department's approval, which could be on additional mental health provision.

All Further Education (FE) colleges continue to have in place a range of learner support arrangements aimed at promoting the health and wellbeing and ensuring safeguarding of all learners by providing them with access to appropriate guidance and support. A range of college staff are qualified to identify, provide support for and direct learners, who are considered to be at risk, to the appropriate help and advice.

This work has been stepped up in response to COVID-19 to ensure support is available for learners in this period of challenge.

Student Housing

While my Department is responsible for higher education policy in relation to teaching and research, as autonomous institutions, the HEIs are ultimately responsible for their own policies in relation to student accommodation. This includes setting the cost and also ensuring there are robust protocols in place to minimise the spread of Covid 19. My Department has no role in determining the cost of student accommodation, whether that is for university-managed Halls of Residence or private rental.

Financial Support

I am aware of the financial challenges faced by both HE and FE students which include barriers to education for some. Each year my Department makes available Support Funds to the local HEIs, for distribution to students who can demonstrate genuine financial hardship. Priority should be given to the following groups of students: Mature students; to lone parents and those students who are not eligible for Childcare Grant; to disabled students who are not in receipt of Disabled Students' Allowance (DSA); to care leavers; to students who are homeless or who are living in Foyers (these provide accommodation, guidance and support for homeless young people); and final year students who are experiencing financial difficulty.

Following my successful bid to the Executive for £1.4m in additional support funds, and subsequently matching that amount from within my own Departmental budget, the total available for support funds in the financial 2020/21 year has now doubled to £5.6m.

Postgraduate Student Support Review

You may also be interested to note that my officials are currently undertaking a review of postgraduate student support. The Postgraduate Loan Review is a complex piece of work comprising differing strands of the postgraduate funding systems in Northern Ireland. The appropriateness of the current postgraduate fee loan, of up to £5,500 towards the cost of taught postgraduate courses, will be reviewed alongside a range of potential options for maintenance loans or grants. Separate from that, there will be a review of the Postgraduate Awards Scheme. It is anticipated that my Department will publish a full public consultation regarding potential options in relation to the Postgraduate Loan Review in the coming weeks.

Digital Poverty

I fully recognise the importance of alleviating digital poverty amongst higher education students especially given the importance of online teaching in the current situation. My Department already provides a non-repayable maintenance grant to students from lower income households, which can be used to purchase the necessary IT equipment to complete their course. As well as this grant, the HEIs have a range of measures in place to help reduce digital poverty among their students.

For example, Ulster University provides access bursaries to students from families on income support; students can decide how to spend the bursaries themselves, including on technology. Ulster University also uses the Department's Widening Access Funds to stock its libraries with laptops, for students from a widening access background to use on a loan basis. Ulster University has also created a Technology Support Fund, whereby the University procures and provides securely imaged laptops for its most disadvantaged students, to enable them to adapt to teaching and learning in the hybrid, dual teaching mode envisaged for the 2020/21 academic year. The University has committed to supplying 1,000 laptops free to students who meet the eligibility criteria.

Queen's University has recently introduced a long-term laptop loan scheme, with no loan or hire fees to the student, to enable and support students who may be unable to access the relevant equipment to study online due to financial hardship, digital exclusion, or circumstances specifically related to Covid-19. Queen's is also seeking to ensure that students will have access to digital resources on-site, for example in the library, where Public Health regulations permit.

Students at Stranmillis University College have ready access to significant IT equipment and infrastructure across its campus, including a number of dedicated IT rooms. IT facilities are also available in the University College's library. As well as being able to access on-campus IT equipment, students at St Mary's University College can borrow laptops from the institution if needed.

Following the cessation of on-site training and learning due to Covid-19 in March 2020, further education (FE) colleges moved quickly to adapt their provision to meet the needs of their learners with over three-quarters of learners able to access provision on-line, thereby enabling students and staff to work remotely from home during this period of uncertainty and complete learners' vocational qualifications. Additional funding of over £3.1 million was allocated to colleges which will provide additional IT equipment, peripherals and licences to allow continued access from home for both college staff and students.

For eligible FE students, there are a range of permanent student financial support arrangements that have been in place over many years. These include FE Grants, College Hardship Fund (both of which include childcare support), Care to Learn (NI) Scheme, Free School Meals, Home to College Transport and Clothing Allowance.

During the pandemic, my Department ensured that current FE student support arrangements continued to operate effectively, or were adapted to direct support to students in need. A comprehensive review of the collective package of FE Student Support is currently underway and my Department will continue to keep FE student support arrangements under review and adapt these as required in response to evolving needs.

Mr Clarke asked the Minister for the Economy what plans her Department has for the reintroduction of face-to-face learning at further education colleges.

(AQW 10559/17-22)

Mrs Dodds: From 1 September 2020, all Further Education (FE) colleges resumed on-site educational provision and related activity following its cessation in March due to the COVID-19 pandemic. In compliance with the Framework for Safe Resumption of On-Site Education and Related Activity (Framework Document), which was developed and published by the Advisory and Oversight Group established by my Department, the FE colleges maximised the number of learners for whom on-site learning could safely be provided.

Since 16 October 2020, the NI Executive has introduced a number of additional, time bound Covid-19 related restrictions which require FE colleges to adjust their delivery models to ensure that they are delivering distance learning to the maximum extent possible, with only essential face-to-face learning where that is a necessary and unavoidable part of the course. These restrictions ended at midnight on 19th November 2020, but will be introduced again at midnight on 26th November 2020 for a further two weeks. When these time bound restrictions end, assuming no further restrictions are introduced by the Executive, FE colleges will make plans to return to face-to-face onsite delivery for as many learners as it is safe to do so in accordance with the Framework Document.

Ms McLaughlin asked the Minister for the Economy whether examinations for students at regional technical colleges will go ahead this academic year.

(AQW 10644/17-22)

Mrs Dodds: From the outset of the pandemic, my Department has been working closely with key stakeholders, including the further education sector, through a Departmental Task & Finish Group, to respond to the emerging challenges with regard to the safe and effective delivery of vocational qualifications.

It is anticipated that examinations will proceed this year as these are the fairest and most reliable means of assessment and awarding organisations have put in place flexible contingency measures and adaptations for providers to be able to respond appropriately to changing needs throughout the academic year and to effectively support learners to complete their courses of study.

The Department will continue to closely monitor the situation in conjunction with key delivery partners in anticipation of any further emerging needs.

Mr Dickson asked the Minister for the Economy whether she will consider introducing statutory bereavement pay for employees following the death of a close relative or partner.

(AQW 10671/17-22)

Mrs Dodds: I am committed during this Assembly mandate to bringing forward legislation for the introduction of parental bereavement leave and pay; I am not currently considering a more general right to statutory paid bereavement leave.

That said, I do recognise and understand that bereavement has a detrimental impact on those suffering the loss of a loved one. Many employers already offer paid compassionate or special leave as a way of supporting staff in these circumstances and I would encourage more to do so.

Even in the event of an employer not offering paid bereavement leave, all employees have a 'day 1' right to unpaid time off to deal with emergencies involving dependents, which includes the death of a dependent. This right extends to attending the funeral of a dependent and for arranging the funeral or making any other necessary practical arrangements.

I am also aware that this issue has been raised in the UK Parliament and I have asked my officials to keep me informed of developments.

Ms Bailey asked the Minister for the Economy who will own the broadband infrastructure asset that will be in place upon delivery of Project Stratum.

(AQW 10707/17-22)

Mrs Dodds: The infrastructure deployed under Project Stratum will be operated by Fibrus Networks Ltd. Some of the infrastructure will be owned and maintained by Fibrus Networks Ltd, and some will be leased or rented by Fibrus Networks Ltd, under commercial arrangements, from other telecommunications infrastructure providers who may already have physical infrastructure deployed in an area.

Any new infrastructure built by Fibrus Networks Ltd will be an Open Access Network, where other telecommunications companies will be able to rent or lease the new infrastructure or services on a wholesale basis, thereby enabling them to provide consumers with retail broadband services.

Mr Dickson asked the Minister for the Economy what role her Department has in regulating the Liquefied Petroleum Gas market in Northern Ireland.

(AQW 10741/17-22)

Mrs Dodds: My Department has no role in regulating the Liquefied Petroleum Gas market in Northern Ireland, and there are no plans to introduce regulation.

Ms Armstrong asked the Minister for the Economy whether the High Street Voucher Scheme will be able to be spent in all high streets across Northern Ireland, including rural towns and villages.

(AQW 10745/17-22)

Mrs Dodds: The delivery of a Northern Ireland wide High Street Stimulus Scheme will inject £95m into our local economy. The multiplier effect of this innovative scheme – from people spending more than the value of the card and the ripple effects from purchases – will deliver even greater economic benefits and make a significant step to kick-starting our recovery.

The scheme will provide individuals with a prepaid card to be spent at 'bricks and mortar' businesses including retail, restaurants and hotels before the end of March 2021. It will not be available for online sales.

The Department for the Economy has been provided with a financial allocation and has a clear policy objective for this funding, it is now assessing how this funding can best deliver the policy intent, including the card value and how it will be delivered.

In developing the Northern Ireland High Street Stimulus scheme, the Department will implement learnings from Jersey, Malta and other jurisdictions that have rolled out similar initiatives.

It is anticipated that the scheme will to 'go live' in early 2021 and will be subject to public health guidance.

Dr Archibald asked the Minister for the Economy how apprenticeships in areas such as hospitality are continuing in the context of the latest COVID-19 restrictions.

(AQW 10779/17-22)

Mrs Dodds: We are all in an unprecedented situation and my Department will be closely monitoring programme activity to ensure the continued delivery of the Apprenticeships programmes across all sectors - including Hospitality. In relation to sustaining training, my Department has published information for employers and apprentices in respect of COVID-19. This information reflects the current guidance and is updated as the situation evolves. Going forward, updated Key Messages will be shared with the Further Education Colleges and Training Contractors delivering the ApprenticeshipsNI Programme as and when is necessary. Apprenticeship training will continue to be delivered in line with government guidelines and, in the meantime, training suppliers have been asked to facilitate online learning and learning portfolio building work where possible. Alternative assessment/awards measures for vocational qualifications have been developed in conjunction with the Department of Education, CCEA, Awarding Organisations and other key stakeholders. An Apprenticeship Recovery Package has also been developed that will channel financial support to local businesses – including hospitality - to help our apprenticeship system respond to the impact of the COVID-19 crisis. This Package includes short term interventions, which are intended to minimise apprenticeship job losses, maintain and grow the supply of apprenticeship opportunities and support apprentices who have been displaced and lost their apprenticeship.

Dr Archibald asked the Minister for the Economy (i) what financial support she has made available specifically to support businesses to prepare for Brexit; and (ii) what additional financial support she will be making available specifically to support businesses to prepare for Brexit.

(AQW 10782/17-22)

Mrs Dodds: Support is available to businesses to prepare for EU Exit through both Invest NI and InterTradeIreland.

Invest NI's Brexit Preparation Grant was launched in 2019. The scheme provides assistance of up to £50,000 at a maximum grant rate of 50%. It is flexible and can be used to address a range of EU Exit issues and opportunities with an individual business. Invest NI also provides a wide range of advisory supports to help businesses prepare for EU Exit, including access to one to one advice from specialist advisors. These supports are available to all businesses.

InterTradeIreland's Brexit Advisory Service offers £2k fully funded voucher support, giving businesses impacted by EU Exit access to a consultant who will work with the business to help them prepare.

I have also submitted a bid through Department of Finance to Treasury for additional support for business in this and the next financial year. However, we are still waiting for formal confirmation of the outcome.

Mr Easton asked the Minister for the Economy whether there will be restrictions on what the High Street Voucher Scheme can be used for.

(AQW 10815/17-22)

Mrs Dodds: The delivery of a Northern Ireland wide High Street Stimulus Scheme will inject £95m into our local economy. The multiplier effect of this innovative scheme – from people spending more than the value of the card and the ripple effects from purchases – will deliver even greater economic benefits and make a significant step to kick-starting our recovery.

The scheme will provide individuals with a prepaid card to be spent at 'bricks and mortar' businesses including retail, restaurants and hotels before the end of March 2021. It will not be available for online sales.

The Department for the Economy has been provided with a financial allocation and has a clear policy objective for this funding, it is now assessing how this funding can best deliver the policy intent, including the card value and how it will be delivered.

In developing the Northern Ireland High Street Stimulus scheme, the Department will implement learnings from Jersey, Malta and other jurisdictions that have rolled out similar initiatives.

It is anticipated that the scheme will to 'go live' in early 2021 and will be subject to public health guidance.

Mr Easton asked the Minister for the Economy how the £95 million voucher scheme announced will be distributed.

(AQW 10818/17-22)

Mrs Dodds: The delivery of a Northern Ireland wide High Street Stimulus Scheme will inject £95m into our local economy. The multiplier effect of this innovative scheme – from people spending more than the value of the card and the ripple effects from purchases – will deliver even greater economic benefits and make a significant step to kick-starting our recovery.

The scheme will provide individuals with a prepaid card to be spent at 'bricks and mortar' businesses including retail, restaurants and hotels before the end of March 2021. It will not be available for online sales.

The Department for the Economy has been provided with a financial allocation and has a clear policy objective for this funding, it is now assessing how this funding can best deliver the policy intent, including the card value and how it will be delivered.

In developing the Northern Ireland High Street Stimulus scheme, the Department will implement learnings from Jersey, Malta and other jurisdictions that have rolled out similar initiatives.

It is anticipated that the scheme will to 'go live' in early 2021 and will be subject to public health guidance.

Mr Easton asked the Minister for the Economy, in light of the announcement of £44.3 million for one-off heating payments of £200 for disabled people on higher rate Disability Living Allowance or Personal Independence Payment, whether an individual has to be in receipt of both the higher rates of the daily living and mobility components, or just one or the other component, to qualify for this payment.

(AQW 10819/17-22)

Mrs Dodds: This question has been transferred to me, as Minister for Communities, to respond as the issue falls within my area of responsibility.

The Covid-19 Heating Payment will be made to people in receipt of Pension Credit as well as those receiving the highest rates of Attendance Allowance, Personal Independence Payment and Disability Living Allowance, including children.

Those in receipt of Disability Living Allowance will be eligible for the Covid-19 Heating Payment if they receive either the highest rate care element or the higher rate mobility element, or both.

Those in receipt of Personal Independence Payment will be eligible if they receive either the enhanced rate daily living element or the enhanced rate mobility element, or both.

Mr Dunne asked the Minister for the Economy why the regulation of the cost of Liquid Petroleum Gas does not come under the remit of the NI Utility Regulator.

(AQW 10831/17-22)

Mrs Dodds: The remit of the Utility Regulator in relation to the energy sector is established by legislation through the Energy (NI) Order 2003, and through provisions in the Gas (NI) Order 1996, and the Electricity (NI) Order 1992. The remit does not provide for the regulation of Liquid Petroleum Gas. Any change to this remit would be a matter for the Assembly.

Ms Armstrong asked the Minister for the Economy (i) how many undergraduate and post-graduate teaching degrees her Department will be making available in Northern Ireland for students to enter in 2021/22; (ii) for a breakdown of how her Department has come to decide on that number; and (iii) for a breakdown of where those degrees will be delivered.

(AQW 10844/17-22)

Mrs Dodds: While the Department for the Economy has responsibility for the administration and funding of Initial Teacher Education (ITE) in Northern Ireland, it is the Department of Education that has responsibility for the determination of student intake allocations to the Higher Education Institutions (HEIs) each year.

My Department is not yet in a position to provide details for the 2021/22 academic year. Work is ongoing to gather the necessary information needed to make a decision on next year's intake numbers and consideration will be given to this in due course, with a view to notifying the HEIs of the outcome in early 2021. The decision making process will be based on a number of relevant factors, including the predicted future need for teachers across the NI education system.

Once the final figures have been decided and the HEIs informed, the details will be published on the Department's website here: <https://www.education-ni.gov.uk/articles/approved-intakes-initial-teacher-education-courses>.

Ms Sugden asked the Minister for the Economy, given that the Scottish government has recently created a £5 million fund to address digital poverty in colleges and universities, and the ROI government has announced that 17,000 laptops will be made available for third level students, what her plans are to address the digital divide in Further Education and Higher Education in the new academic year.

(AQW 10863/17-22)

Mrs Dodds: I fully recognise the importance of alleviating digital poverty among further and higher education students, especially given the importance of online teaching in our current situation.

With 42% of FE learners in Northern Ireland coming from the two lowest deprivation quintiles, digital poverty is a real issue for learners in FE colleges. Following on from the additional £1.078m which I secured during the initial lockdown period to support colleges to purchase laptops, related equipment and software for financially vulnerable learners, I have now secured

and allocated a further £2.1 million to the FE colleges to provide staff and students with the necessary equipment in the 2020/21 academic year.

Alongside this, FE colleges are working together to develop a shared best practice approach which will help learners to build up their skills and confidence in the online environment, and to ensure they have access to the best possible online learning experience. This approach will also be informed by the findings from a survey which is due to take place in December 2020 to capture the experience of learners in both online and on-site provision.

In relation to higher education, my Department already provides a non-repayable maintenance grant to students from lower income households, which can be used to purchase the necessary IT equipment to complete their course. As well as this grant, the universities have a range of measures in place to help reduce digital poverty among their students.

For example, Ulster University provides access bursaries to students from families on income support; students can decide how to spend the bursaries themselves, including on technology. Ulster University also uses the Department's Widening Access Funds to stock its libraries with laptops, for students from a widening access background to use on a loan basis. Ulster University has also created a Technology Support Fund, whereby the university procures and provides securely imaged laptops for its most disadvantaged students, to enable them to adapt to teaching and learning in the hybrid, dual teaching mode envisaged for the 2020/21 academic year. The university has committed to supplying 1,000 laptops free to students who meet the eligibility criteria.

Queen's University has recently introduced a long-term laptop loan scheme, with no loan or hire fees to the student, to enable and support students who may be unable to access the relevant equipment to study online due to financial hardship, digital exclusion, or circumstances specifically related to Covid-19. Queen's is also seeking to ensure that students will have access to digital resources on-site, for example in the library, where public health regulations permit.

Students at Stranmillis University College have ready access to significant IT equipment and infrastructure across its campus, including a number of dedicated IT rooms. IT facilities are also available in the University College's library.

As well as being able to access on-campus IT equipment, students at St Mary's University College can borrow laptops from the institution, if needed.

Dr Archibald asked the Minister for the Economy to detail the postcodes in the East Derry constituency which will be included in the roll out of Project Stratum.

(AQW 10896/17-22)

Mrs Dodds: Project Stratum will deliver gigabit-capable broadband infrastructure to more than 76,000 primarily rural premises across Northern Ireland. Of these, 2,883 are in the East Londonderry Constituency. The postcodes containing those premises have not been published. A deployment plan and anticipated schedule, as agreed by my Department, will be published shortly by Fibrus Networks on its Project Stratum dedicated website at www.hyperfastni.com. This will include an on-line postcode/address checker that will enable citizens and businesses to confirm when their premises are included for upgrade. The website will be updated and expanded in the weeks ahead.

Mr Givan asked the Minister for the Economy to detail eligibility of stores for the £95 million High Street Voucher Scheme.

(AQW 10932/17-22)

Mrs Dodds: The Department for the Economy has been provided with a financial allocation for a Northern Ireland wide High Street Stimulus scheme and has a clear policy objective for this funding.

The scheme will provide individuals with a prepaid card to be spent at 'bricks and mortar' businesses including retail, restaurants and hotels before the end of March 2021. It will not be available for online sales.

The delivery of the scheme will inject £95m into our local economy. The multiplier effect of this innovative financial support offering – from people spending more than the value of the card and the ripple effects from purchases – will deliver even greater economic benefits and make a significant step to kick-starting our recovery.

In developing the specifics of the Northern Ireland High Street Stimulus scheme, the Department will implement learnings from Jersey, Malta and other jurisdictions that have rolled out similar initiatives. This will include considerations such as the card value, and how the card will operate in practice.

It is anticipated that the scheme will to 'go live' in early 2021 and its implementation will take into account all public health guidance.

Mr Dickson asked the Minister for the Economy whether she will advise Northern Ireland universities to deliver teaching online until Easter to help prevent the spread of COVID-19.

(AQW 10948/17-22)

Mrs Dodds: While my Department is responsible for higher education policy in relation to the funding of teaching and research, as autonomous institutions, the universities are ultimately responsible for their own policies regarding how they deliver provision, and my Department has no formal remit to intervene. That said, I would expect any provision to be entirely in line with Public Health Agency advice.

I and my officials are in regular contact with our universities and university colleges, and each of them have confirmed that the health, safety and wellbeing of their staff and students is their first priority.

Mr O'Dowd asked the Minister for the Economy to detail the number of the COVID-19 cases reported in further education colleges, broken down by campus.

(AQW 10963/17-22)

Mrs Dodds: The table below sets out the self-reported positive COVID-19 cases in each Further Education college from 1 September 2020 to 20 November 2020. A break down by campus is not available.

Cohort	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West Regional College	Total
Staff	19	15	28	11	15	18	106
Learners	136	46	92	83	87	46	490
Total	155	61	120	94	102	64	596

Northern Ireland Assembly Commission

Miss Woods asked the Assembly Commission whether it is mandatory to wear face coverings within (i) Parliament Buildings; and (ii) the Assembly Chamber.

(AQW 10563/17-22)

Mr Butler (The Representative of the Assembly Commission): Since 18 March 2020, the Assembly Commission has implemented a wide range of COVID-19 mitigation measures throughout Parliament Buildings. These measures stem from the extant Regulations (including those that specially deal with wearing face coverings) and guidance and from the risk assessments that have been carried out within Parliament Buildings.

At all times, the Assembly Commission has ensured that its COVID-19 response has been in accordance with the Regulations issued by the Executive and the guidance issued by relevant agencies such as the Public Health Agency.

The Regulations that deal with face coverings do not include a provision that it is mandatory that face coverings must be worn in Parliament Buildings. The guidance that accompanies the Regulations strongly recommends that face coverings are worn in indoor public settings where social distancing of 2 metres or more cannot be maintained consistently.

The Assembly Commission has consistently maintained a regime of 2 metres social distancing in all areas of Parliament Buildings, including in the Assembly Chamber. This proactive action and the absence of a requirement in the Regulations means that the wearing of face coverings is not mandatory in Parliament Buildings.

Even though it is not mandatory to wear face coverings in Parliament Buildings or in the Assembly Chamber, the Assembly Commission will continue to respond to the challenges posed by COVID-19 through adherence to the prevailing Regulations and guidance.

Northern Ireland Assembly

Friday 11 December 2020

Written Answers to Questions

The Executive Office

Mr McGrath asked the First Minister and deputy First Minister what representations they have made to the US Government, through the Northern Ireland Bureau, relating to the actions of the police against the Black community and peaceful demonstrators.

(AQW 4691/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill (The First Minister and deputy First Minister): We are saddened by what we have seen taking place across the US and the underlying issues that have led to this. The particular issue of racial inequality is one that we all need to tackle and peaceful protests are an important part of a free Society.

In that context, the Bureau is continuing to work on behalf of the Executive, as it has done for many years, to promote the regions capability in policing, including community policing and reform, to US stakeholders, including the US Government.

The Bureau has engaged very recently with NI-CO, the not-for-profit public body that exports public sector capability abroad, to explore ways in which our public sector capability in this area could be highlighted at Federal or State level, particularly in current circumstances.

We have a virtual meeting with US Special Envoy, Mick Mulvaney, to discuss a number of issues of common concern.

Mr McGrath asked the First Minister and deputy First Minister what reviews of fair employment legislation have been carried out since publication of the Racial Equality Strategy 2015-2025.

(AQW 5174/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The Racial Equality Strategy 2015-2015 committed the Department to a review of our Fair Employment legislation to examine the case for requiring registered employers here, in addition to monitoring the community background and sex of their employees and job applicants, to collect monitoring information on nationality and ethnic origin.

The Strategy also committed the Department to examine where ethnic monitoring should be introduced. This is a process to collect, store and analyse data about people's ethnic background, which is critical for monitoring service usage and ensuring services are meeting users' needs.

To fulfil these commitments, research commissioned by the Department into ethnic monitoring also examined the case for amending Fair Employment legislation to require registered employers to collect monitoring information on nationality and ethnic origin.

The final research report is expected in the coming weeks and its findings will be considered by the Department to inform future policy proposals.

Mr O'Toole asked the First Minister and deputy First Minister when the Executive plans to discuss the provision of abortion services in Northern Ireland in line with the new legislative framework.

(AQW 10647/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The timing of any discussion on this matter would be subject to the submission of specific proposals by the Health Minister.

Dr Archibald asked the First Minister and deputy First Minister for an update on the implementation of the provisions of section 19 of the Employment Act 2016, including reporting on the gender pay gap and other statistics on workers such as ethnicity and disability across pay bands.

(AQW 11009/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Policy responsibility for gender matters rests with the Department for Communities (DfC) following the departmental reorganisation in 2016. DfC is currently working to develop a new Gender Strategy. The timing of the Employment Act did not allow for the allocation of the gender pay provisions to the DfC, however

a Transfer of Functions Order to transfer responsibility for the gender pay provisions to the DfC is currently making its way through the Assembly.

Under the Racial Equality Strategy 2015-2025 TEO committed to review the need for ethnic monitoring. A report was commissioned and officials will consider the recommendations and any connectivity with section 19 of the Employment Act.

Department of Agriculture, Environment and Rural Affairs

Mr Stalford asked the Minister of Agriculture, Environment and Rural Affairs what plans he has to strengthen legislation on graffiti.

(AQW 10705/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): There are powers available to district councils to tackle graffiti which the formal guidance stipulates they should use in the first instance so that they can claim the costs of removal from the perpetrators and pursue offenders. The pertinent legislation relating to graffiti is Article 18 of the Local Government (Miscellaneous Provisions) (NI) Order 1985. This legislation was transferred from the former Department of the Environment to the Department for Communities under the Departments (Transfer of Functions) Order (NI) 2016 (Schedule 5, Part 1).

The Clean Neighbourhoods & Environment Act (NI) 2011 enables district councils to serve a 'defacement removal notice' ("DRN") on the owners, occupiers, operators of 'relevant surfaces', statutory undertakers and educational institutions whose property is defaced with graffiti. However, DRNs are not intended to be used to deal with new cases of graffiti, rather to enable district councils to clear surfaces defaced by graffiti over time.

While I currently have no plans to amend the DRN legislation, DAERA is responsible for the anti-litter and dog fouling provisions of the Clean Neighbourhoods & Environment Act (NI) 2011 and my officials are currently completing a review of the Fixed Penalty Notices available to district councils for litter and dog fouling offences. The findings of this review will be included as part of the draft 'Environment Strategy for Northern Ireland' which will be consulted upon in the spring.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 5710/17-22, for an exact date on which we can expect the updated Biodiversity Strategy for Northern Ireland.

(AQW 11012/17-22)

Mr Poots: In my previous response, I highlighted that a first draft of the Biodiversity Strategy was anticipated to be complete by late 2021.

This timescale is dependant on a number of factors, including agreement of new post 2020 international targets; the level of detail and support from other Departments and a wide range of organisations in developing strategic objectives. Also, the range and timing of other initiatives which will have a bearing on the strategy and the internal resources available for developing the document.

Once a draft is developed, it will require formal consultation with all stakeholders; detailed scrutiny including the AERA Committee and, as the strategy is cross cutting, Executive agreement.

Given the above, it may be the beginning of 2022 before we will be in a position to publish a final Biodiversity Strategy for the period up to 2030. Therefore, unfortunately, it is not possible to provide you with an exact date for finalising a new strategy at this time.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs what recent progress has been made on the designation of (i) the East Coast (Northern Ireland); and (ii) Carlingford Lough marine proposed Special Protection Areas.

(AQW 11351/17-22)

Mr Poots: Recent progress related to the designation of these sites has been the ongoing liaison with officials in the Republic of Ireland to agree boundary delineation for the Carlingford Lough SPA extension. When completed, this and East Coast (Northern Ireland) marine SPA will be classified as soon as practicable.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs (i) what engagements he has had with the British Government regarding preparations of the implementation of a customs IT system for dealing with trade between the north of Ireland and GB from 1 January 2021; and (ii) for his assessment on the impacts on trade if the customs IT system is not ready post-Brexit.

(AQW 11401/17-22)

Mr Poots: My officials have regular and ongoing engagement with Her Majesty's Revenue and Customs regarding preparations of the implementation of a customs IT system for dealing with trade in relation to goods requiring Sanitary and Phytosanitary inspections between Northern Ireland and Great Britain from 1 January 2021.

DAERA officials have some concerns that the relevant HMRC systems may not be fully functional on 1 January 2021 however they have ensured that contingency plans are in place which will minimise the impact on the trade for goods requiring Sanitary and Phytosanitary controls.

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs how many complaints in relation to hedge cutting during the bird breeding season were received by his Department for the years (i) 2018; (ii) 2019; and (iii) 2020 to date. (AQW 11432/17-22)

Mr Poots: The Department can receive complaints from the public about hedge cutting during the bird-breeding season in relation to The Wildlife (Northern Ireland) Order 1985 as amended and the Cross Compliance Verifiable Standards.

Departmental officials have no legal powers of entry onto land to investigate reports of nesting bird disturbance. This part of the legislation is enforced by the PSNI and thus my Department's role is advisory. When appropriate, the Department advises complainants to contact the PSNI to log an official incident. The Department does not have access to PSNI statistics on officially logged incidents.

My Department has developed guidance for the public for wildlife crime reporting in conjunction with the PSNI and other stakeholders. This can be viewed at: <https://www.wildlifecrimeni.org/>

Cross-compliance Verifiable Standards relate to farm businesses in receipt of Area-based Scheme payments, and require their adherence to Statutory Management Requirements (SMR's) and Good Agricultural and Environmental Conditions (GAEC's).

GAEC 7 of the cross-compliance verifiable standards relates to Retention of Landscape Features. Amongst the various requirements of GAEC 7 is included the requirement for a farm business not to cut hedges, trees or scrub (with certain exceptions) between 1 March and 31 August.

My Department records incoming cross-compliance complaints centrally and issues these to relevant divisions and units for consideration and investigation. However, potential incidents from the public are not categorised and logged formally at this initial stage in a way that permits determination of numbers by SMR / GAEC type. Only when investigation of incidents have been considered and confirmed as breaches, are incidents formally assigned to the relevant Cross-compliance categories in a manner that permits determination of the number of incidents involved. The number of incidents that were confirmed breaches and penalised in relation to cutting hedges, trees and scrub between 1 March and 31 August for the years 2018, 2019 and 2020, were: 6, 8 and 13 respectively.

Mr Harvey asked the Minister of Agriculture, Environment and Rural Affairs for an update on the recently announced Forest for our Future programme. (AQO 1262/17-22)

Mr Poots: I announced the 'Forests for Our Future' programme, in March, which aims to plant 18 million trees to create 9,000 hectares of new woodland over the next decade. The programme has commenced and includes working across government departments and councils, encouraging and supporting public and private landowners, communities and individuals to plant trees to help meet the UK government net-zero carbon target. In addition, it will provide opportunities for economic growth, enhancement of biodiversity, and enable more people to improve their health and wellbeing through access to woodland.

Forests for our Future will be a foundation programme of the Executive's Green Growth strategy in which my Department is leading development. This aims to transform our society towards net zero carbon by 2050, protect and enhance our environment and to sustainably grow the economy.

I launched the 'Forests for Our Future' programme at a public tree planting event in March at which 500 school pupils planted the first 1000 trees.

I opened a revised Forest Expansion Scheme, in June, with a reduced minimum eligible area of 3 hectares. The response is encouraging with 92 applications received for 547 hectares of new woodland, approximately double the applications made last year. I visited a recent tree planting project in the Mourne supported by the Forest Expansion Scheme where a landowner has created 40 hectares of new native woodland (about 100,000 trees) in partnership with the Woodland Trust. I also planted a tree on NI Water land nearby, which signals the commencement of a large tree planting programme on their estate to off-set their carbon footprint.

I have commissioned the development of an additional Small Woodland Grant Scheme and established an Afforestation Forum to make plans for planting suitable public and council land.

Mr Buckley asked the Minister of Agriculture, Environment and Rural Affairs to outline the amount of public expenditure that has been allocated to the Lough Neagh Fishermen's Co-operative Society since 2010. (AQO 1267/17-22)

Mr Poots: The Lough Neagh Fishermen's Co-operative Society Ltd has received public money annually for the stocking of juvenile eels, referred to as glass eels, into Lough Neagh, which are sourced from other stocks in the UK or the European Union. This is an approved conservation measure to help conserve stocks of the 'Critically Endangered' European eel.

Since 2009/10 the Department has contributed over £850,000 in public funding and the European Union has contributed over £1.1 million. The Lough Neagh Fishermen's Co-operative Society Ltd has also made a significant financial contribution of over £1.3 million to this conservation measure.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the health of marine life in Belfast Lough.

(AQO 1266/17-22)

Mr Poots: My Department undertakes a comprehensive marine monitoring programme assessing chemical and biological indicators across Northern Ireland. Assessments within Belfast Lough show that marine life is at good or high status, with over 1,000 benthic species recorded. Outer Belfast Lough Marine Conservation Zone was deemed at unfavourable status in 2015 as a precaution due to observed damage and slow recruitment of the long-lived Ocean quahog. Assessments are on a six year rolling cycle with an overall classification for each water body given at the end of each cycle.

There are numerous Harbour seals in the sheltered waters of Belfast Lough. Grey seal populations are increasing on the Copeland Islands, in line with overall increases across Northern Ireland in the past 20 years. Dolphins and porpoises are regularly seen in the Lough.

Belfast Lough is also an internationally important site for wintering waterbirds and is protected by several designations. Some bird species are currently in unfavourable condition. However, these declines are on an international scale although site-specific factors may play some role too. In contrast, some species have increased substantially within the Lough since designation, particularly Eider and Black-tailed Godwit.

Ms Flynn asked the Minister of Agriculture, Environment and Rural Affairs what measures are being taken to protect and encourage the resurgence of native wildlife species.

(AQO 1265/17-22)

Mr Poots: There are a range of measures in place to protect and encourage native wildlife and the habitats they depend on. Legislation protects a number of native species, both directly and indirectly, by controlling the pressures and threats to them, such as illegal killing, disturbance and the spread of invasive alien species.

My Department's primary measure to protect and encourage native wildlife is the designation and management of habitats and species in areas important for nature conservation, such as Areas of Special Scientific Interest (ASSIs) and Special Areas of Conservation (SACs). These areas and their features are afforded special protection.

In addition, conservation actions for enhancing habitats and species are provided through my Department's Environmental Farming Scheme and Management of Sensitive Sites scheme (MOSS). My Department is currently progressing a comprehensive programme to develop conservation management plans for our SACs, which will define the necessary conservation measures to move the sites towards favourable condition.

My Department maintains lists of priority habitats and priority species which require conservation action and which can occur beyond designated (ie, protected) sites. These are used for regulatory and advisory purposes, e.g, for statutory planning advice and to target incentives for positive action, such the Environmental Farming Scheme and provision of grant-aid to conservation bodies for nature conservation projects through the Environment Fund.

My officials will work with stakeholders, including landowners, conservation bodies, local authorities and other Government Departments to ensure that key actions and practices are encouraged to protect and support our native species.

Mr T Buchanan asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of damage caused to waterways in West Tyrone as a result of a peat slide at Meenbog, County Donegal.

(AQO 1264/17-22)

Mr Poots: I visited the Meenbog site in the aftermath of the incident, and clearly the Mourne Beg and Derg rivers have each been affected by the landslide. It is not yet possible however to determine the full impact on the flora, fauna or fish stocks due to the high turbid flows in both rivers.

The Northern Ireland Environment Agency has commenced a programme of water sampling on the Mourne Beg and Derg Rivers to assess the impact on water quality. A further investigation into the impacts on the aquatic invertebrates will take place once water levels have subsided sufficiently to allow access to the rivers.

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of how the £34 million reduction in rural funding, proposed by the Treasury, will impact on rural affairs policy and the rural policy framework locally.

(AQO 1263/17-22)

Mr Poots: As you know I strongly disagree with the UK Government proposal to reduce the level of funding that Treasury should be providing in the coming budget period. I wrote to the Minister of Finance in October highlighting the concerns in respect of these Treasury proposals. More recently along with Devolved Ministers - Lesley Griffiths MS, Minister for Environment, Energy and Rural Affairs in the Welsh Government and Fergus Ewing MSP, Cabinet Secretary for Rural

Economy and Tourism in Scotland – we have written collectively to the UK Government calling for assurances that all lost EU funding will be fully replaced to provide certainty for the rural economy.

My officials have been drafting a new Rural Policy Framework which I hope to launch for public consultation early in the New Year. This work along with the developmental and preparatory work on the need to support agriculture and the environment will continue and I will work to secure the necessary resources to fund much needed interventions that are clearly evidenced.

Rural areas and rural communities make an important contribution to the social and economic life of the region and it is important that sufficient funding is made available to rural communities going forward to help sustain them; support balanced regional growth; and to help tackle rural disadvantage.

Department for Communities

Mr Durkan asked the Minister for Communities whether those people in receipt of Tax Credits, who applied unsuccessfully for Universal Credit during lockdown and subsequently lost their legacy benefit, will receive compensation.

(AQW 6491/17-22)

Ms Ní Chuilín (The Minister for Communities): The Department has updated public information, in particular for those who are receiving Tax Credits, before they make a claim to Universal Credit, that they cannot claim Universal Credit and Tax Credits at the same time, and if they are in receipt of Tax Credits they will stop when they or their partner applies for Universal Credit.

With regards to support for those impacted by the Covid-19 pandemic the Department is committed to supporting people at this difficult time and a series of changes have been put in place to ensure that the social security system is more flexible, to relieve hardship and to ensure people most in need get the help and support they require.

In response to the COVID-19 pandemic, on 24 March 2020 the Assembly approved the introduction of an amendment to the Discretionary Support legislation, which provides for a grant payment for short-term living expenses for people affected by COVID-19. Further enhancements to the Discretionary Support scheme include increasing the amount of individual living expenses awards by increasing the rate of benefit used when calculating awards and allowing discretion to pay for longer periods. All of these changes came into effect from 25 March 2020. Further information and an online application is available at www.nidirect.gov.uk/articles/extra-financial-support.

Ms P Bradley asked the Minister for Communities, from the Common waiting list as of 25 August 2020, how many applicants have been awarded intimidation points, broken down by the criteria set out by the Housing Selection Scheme points which is confirmed by the PSNI or Base 2 Northern Ireland Association for the Care and Resettlement of Offenders.

(AQW 6582/17-22)

Ms Ní Chuilín: The Housing Executive has provided the following table which details the number of Applicants with Intimidation Points on the Waiting List as at 1 September 2020, by Intimidation Reason under Rule 23 of the Housing Selection Scheme.

Intimidation Description	Number of Cases
Intimidation Paramilitary	234
Intimidation Sectarian	12
Intimidation Racial	<10*
Intimidation Sexual Orientation	<10*
Intimidation Disability	<10*
Intimidation ASB	23
Total Number of Applicants	283

***Note:** Numbers less than 10 and type of intimidation cannot be reported as to do so would potentially identify individuals.

Since Waiting List data is not available on a daily basis the question has been answered using the relevant data extracted from the most recent download (1 September 2020) closest to the 25 August 2020.

Mr McGrath asked the Minister for Communities to detail the timescales for the publication of the report of the innovation day held in March regarding the Syrian Vulnerable Persons Resettlement Scheme.

(AQW 6765/17-22)

Ms Ní Chuilín: This question is being answered by the Department for Communities as the report being referred to in the question was commissioned by us. To inform policy making in relation to the long-term integration of refugees here, a

Strategic Insight Lab was held on 3rd and 4th March 2020 to consider 'How we enable refugees and the communities in which they live build a cohesive sustainable future together.'

The event was attended by 50 stakeholders, including the voluntary and community sector. The Report was circulated to all attendees on 1 June 2020 and has been published on the Department for Communities website at: <https://www.communities-ni.gov.uk/publications/syrian-vulnerable-persons-relocation-scheme>.

Mr Allen asked the Minister for Communities on what date she had her first meeting with officials regarding a bespoke scheme for Northern Ireland, rather than implementing the Kickstart scheme announced by the Chancellor.

(AQW 6865/17-22)

Ms Ní Chuilín: I discussed my department's Labour Market Recovery response with officials on the 24th June 2020. On 8th July 2020, the Chancellor announced the Kickstart Scheme for Britain. This scheme does not apply here. Employability and Employment Schemes are a devolved matter and we cannot simply sign up to a British Scheme. Therefore, I communicated with my officials following the Chancellor's announcement, with regards to developing a bespoke Kickstart scheme.

Mr Allen asked the Minister for Communities for her assessment of Universal Credit.

(AQW 7038/17-22)

Ms Ní Chuilín: When Universal Credit was first discussed, there was widespread agreement on the need to make the benefit system more accessible and less complicated for people using it.

Unfortunately, over time it became clear the welfare reform policy was having a negative impact on some of the most vulnerable and marginalised people across society. My predecessor had already informed the British Prime Minister about the negative impact Welfare Reform was having on people living here. My party and I have consistently called for an end to an austerity driven Welfare Reform agenda from London.

Ms McLaughlin asked the Minister for Communities for an update on the removal and replacement of dangerous cladding on social housing accommodation; and how many social housing tenants are currently living in accommodation that uses cladding that is at risk of fire.

(AQW 7075/17-22)

Ms Ní Chuilín: For the purposes of this response I have interpreted that "dangerous cladding" as of the ACM (Aluminium Composite Material) type which was used on the Grenfell Tower. Based on this definition both the Housing Executive and Housing Associations have confirmed that to the best of their knowledge none of their accommodation has this type of cladding.

The Housing Executive also has a dedicated fire safety team currently reviewing all cladding types on its buildings, this is an ever evolving matter with updated guidance and information being issued on a regular basis.

Fire safety is of paramount importance not just to myself but to all social housing providers.

Mr Carroll asked the Minister for Communities whether she plans to abolish the Universal Credit five week wait.

(AQW 7096/17-22)

Ms Ní Chuilín: Universal Credit is paid in arrears and entitlement is calculated during an assessment period of 1 month. This allows for a Universal Credit award to be adjusted on a monthly basis to reflect an individual's circumstances such as any relevant household income for example, earnings, capital, or income from other benefits. Consequently a person has to wait at least 5 weeks before they receive their first payment.

However, no person has to go five weeks without receiving support, as advances, worth up to 100 per cent of a person's indicative award, are available up front, if there is need. Anyone experiencing financial difficulties can apply for an Advance Payment (an interest free payment).

Advance payments are deducted over a period of 12 months and from October 2021, the payback period for these advances will be extended further, up to 16 months.

From 22nd July 2020, people who move to Universal Credit will have their existing legacy benefit continue for two weeks with no requirement to repay

the overlay. A similar run-on is already in place for Housing Benefit claimants who move to Universal Credit as a result of a change of circumstances.

In addition a person can apply for a Contingency payment, which is a grant and is not repayable. From 1st January 2020, the Department removed the requirement that people must take out a Universal Credit advance payment before being eligible for a payment from the Universal Credit Contingency Fund.

Mr Carroll asked the Minister for Communities whether she plans to replace advance payments of Universal Credit with non-repayable grants instead of loans.

(AQW 7097/17-22)

Ms Ní Chuilín: All payments from the Universal Credit Contingency Fund are in the form of non-repayable grants.

The requirement to have claimed a Universal Credit Advance Payment before accessing the contingency fund was removed on 1 January 2020.

Mr Newton asked the Minister for Communities to detail the programme of legislation she intends to bring forward in the remainder of this mandate.

(AQW 7137/17-22)

Ms Ní Chuilín: In addition to the Pension Schemes Bill 2020, which is currently at Committee Stage, I am also progressing the Licensing and Registration of Clubs (Amendment) Bill, which completed its second stage on 3 November 2020.

My officials are progressing other potential legislative proposals, in line with my Department's New Decade New Approach and Programme for Government Commitments. Introduction of any new Bills to the Assembly will require Executive approval.

Mr Butler asked the Minister for Communities how many people in Lagan Valley on (i) employment support allowance; (ii) personal independence payments; (iii) universal credit; and (iv) job seekers allowance, have been added to the welfare assistance schemes since 1 April 2020.

(AQW 9174/17-22)

Ms Ní Chuilín: The Department publishes benefit statistics on a quarterly basis. The table below shows the number of Universal Credit (UC), Employment and Support Allowance (ESA), Jobseekers Allowance (JSA) and Personal Independence Payment (PIP) claimants in Lagan Valley at February, May and August 2020. Further details can be found at:

Benefits statistics | Department for Communities (communities-ni.gov.uk)

The next edition in this series will be released on 24 February 2021 and will cover the period ending November 2020.

Number of Claimants	February 2020	May 2020	August 2020
Universal Credit	2,350	5,330	5,700
ESA	4,830	4,780	4,810
JSA	470	560	580
PIP	5,790	5,820	5,960

Mr Allister asked the Minister for Communities what consideration is being given to an independent inquiry into the Charity Commissioners NI, in light of the Baume report.

(AQW 9391/17-22)

Ms Ní Chuilín: I have decided to commission an independent review of charity regulation in NI, including the effectiveness of the current regulator. A panel of experts is currently being assembled to take forward this important work which is scheduled to begin in the New Year.

Mr Newton asked the Minister for Communities to detail the programme of legislation she is planning to introduce over the remainder of this mandate.

(AQW 9629/17-22)

Ms Ní Chuilín: In addition to the Pension Schemes Bill 2020, which is currently at Committee Stage, I am also progressing the Licensing and Registration of Clubs (Amendment) Bill, which completed its second stage on 3 November 2020.

My officials are progressing other potential legislative proposals, in line with my Department's New Decade New Approach and Programme for Government Commitments. Introduction of any new Bills to the Assembly will require Executive approval.

Mr Durkan asked the Minister for Communities how many people in each constituency are waiting for a Personal Independence Payment appeal.

(AQW 10009/17-22)

Ms Ní Chuilín: My Department does not record information based on constituency. However, the table below details the number of Personal Independence Payment appeals pending per town as at 31 October 2020.

Town	Number of Personal Independence Payment Appeals Pending as at 31 October 2020
Armagh	87
Ballymena	322
Ballymoney	96

Town	Number of Personal Independence Payment Appeals Pending as at 31 October 2020
Banbridge	114
Belfast	2,993
Coleraine	226
Cookstown	45
Craigavon	258
Downpatrick	295
Enniskillen	118
Limavady	46
Derry	245
Magherafelt	65
Newry	314
Newtownards	368
Omagh	142
Strabane	84
Dungannon	140
Total	5,958

Ms McLaughlin asked the Minister for Communities (i) for an update on the regeneration of the Triangle area of Derry and the plans for the improvement of properties in Clooney Terrace, Dungiven Road and Duddy's Court, including the nature of outstanding challenges and their resolution; and (ii) whether sufficient funds for completion of the necessary work have now been obtained.

(AQW 10047/17-22)

Ms Ní Chuilín:

- (i) The business case for these improvements has been approved by both my Department and the Department of Finance.
- (ii) The Waterside Triangle scheme is currently programmed to start on site in late 2021/22, subject to the approvals mentioned above being secured and a successful tendering exercise being completed. Implementation of the scheme will extend beyond a single financial year and funding for the scheme will therefore be included in the annual bids made to my Department. Should these not be successful the scheme would be funded from the Housing Executive's Rental Income or its Reserves.

Mr McGrath asked the Minister for Communities how much money has been spent by the Northern Ireland Housing Executive to accommodate tenants temporarily in (i) hotels; (ii) bed and breakfasts; and (iii) hostels in the last five years, and broken down by broad rental market area.

(AQW 10313/17-22)

Ms Ní Chuilín: Temporary accommodation is predominantly provided to persons accepted as being 'statutorily homeless'. This includes the following accommodation types:

- a) Single Let properties (properties rented from the private sector)
- b) Hotel accommodation
- c) Bed and Breakfast accommodation
- d) Hostel accommodation (which can include either Housing Executive or externally run hostels)

By exception, temporary accommodation is used for Housing Executive tenants in instances where invasive works are being undertaken to their properties.

A summary of the cost of temporary accommodation for both statutorily homeless persons and Housing Executive tenants is included in the table below. For completeness this also includes costs payable for Single Let temporary accommodation. Please note the Housing Executive does not hold this information by broad market rental area.

Table 1 - Costs Associated with Temporary Accommodation (Statutorily Homeless persons and NIHE Tenants)

	2015/16 £'s	2016/17 £'s	2017/18 £'s	2018/19 £'s	2019/20 £'s	5 Year Total £'s
Single Let Properties	3,043,079	3,205,853	3,342,223	3,863,048	4,463,100	17,917,303
Hotels/B&B's	287,105	158,207	591,023	904,048	1,930,810	3,871,193
External Hostels	955,760	955,760	958,251	989,369	1,056,029	4,915,168
Sub Total	4,285,944	4,319,820	4,891,497	5,756,465	7,449,938	26,703,664
NIHE Tenants	570	4,525	16,525	7,172	10,513	39,305
Overall Total	4,286,514	4,324,345	4,908,022	5,763,637	7,460,451	26,742,969

Notes:

- 1 It is not possible to separately split out the costs of hotel and B&B Accommodation.
- 2 Costs associated with Hotels/B&B's and External Hostels are shown as gross and exclude any HB income that may be receivable on behalf of the occupant.
- 3 The above excludes running costs associated with the provision of NIHE run hostel accommodation which caters for approximately 172 bed spaces.

Mr M Bradley asked the Minister for Communities when the current 15 person restriction on outdoor sporting events will be reviewed.

(AQW 10329/17-22)

Ms Ní Chuilín: The Executive has announced that from Friday, 11 December, outdoor sports events can take place, subject to a risk assessment if more than 15 people attending and with measures in place to limit risk of virus transmission. An upper limit of 500 spectators is permitted. However, inter-school competitive sporting events are not permitted.

The review of the ongoing restrictions are a matter for the Executive and will be cognisant of the medical and scientific advice available at that time.

Mr Carroll asked the Minister for Communities how many people have received £500 or more from the COVID-19 Discretionary Support Grant.

(AQW 10494/17-22)

Ms Ní Chuilín: Analysis of the self-isolation grants awarded for the quarter ending 30 September 2020 shows that 1,543 grants were paid totalling £225k with 98% of these payments less than £500. The figures all relate to single payments and do not take account of people availing of more than one award.

In the majority of the cases examined, awards were made to single non-householders which attracts a lower daily rate, with average payments of £106. In 37% of awards, payments were made to families with children, with average payments of £221. The period of award in those cases averaged just below 8 days.

It is important to note that the scheme here provides for awards of up to 35 days depending on individual circumstances, with for example a couple with three children receiving £683 for a two week period. That is why I announced, on 16 November, greater flexibility to consider longer periods of awards, alongside increases to the daily rates payable.

It is also vitally important that people seek help as early as possible once self-isolating in order to maximise the awards available. The important work I announced with the Department of Health to include information on how to apply for Discretionary Support in self-isolation notifications will help to ensure, alongside the enhancements to the scheme, that the full range of support available is reaching all those in need.

The management information included in this response while accurate at the time it is provided may change when subjected to final reconciliation/verification checks prior to publication as applicable.

Further statistical information is available at <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-management-information-dfc-since-covid19-061120.pdf>

Mr Allen asked the Minister for Communities how many Housing Executive staff are currently on sick leave.

(AQW 10539/17-22)

Ms Ní Chuilín: The Housing Executive has advised that as at 30 October 2020, 108 employees were absent due to sickness, which equates to a percentage absence of 5.09% for the organisation for the month of October 2020.

Mr Carroll asked the Minister for Communities whether she has considered a rating system for appropriate standard in private rented sector housing.

(AQW 10585/17-22)

Ms Ní Chuilín: As set out in my statement to the Assembly, I will bring forward a range of measures to improve the standards of homes in the private rented sector.

Firstly, I will amend the Landlord Registration regulations to incorporate a fitness declaration at the point of registration. In time this will then be underpinned by a change to the fitness standard to improve the standard of these properties.

Legislation will also be brought forward in this mandate which will make it a mandatory requirement for private landlords to provide smoke and carbon monoxide detectors and to carry out periodic electrical checks.

Provisions in this Bill will also make an enabling power in primary legislation to take forward work so that any rented property has to have a minimum

Energy Performance Certificate rating. This work could commence with the potential to develop further detail later in secondary legislation.

Mr Givan asked the Minister for Communities whether she has considered a further community-based fund for local groups to help them develop COVID-19 resilience, training and operational adjustments.

(AQW 10659/17-22)

Ms Ní Chuilín: My Department recently launched a £3.3m Voluntary, Community and Social Economy Sector (VCSE) Covid Recovery Fund. This fund is currently open for applications and will provide essential support to organisations to enable safe re-opening and continued delivery of vital community services in addition to support for organisations to move services online and increase digital connectivity.

In addition my Department has administered a number of emergency funds which have supported Voluntary and Community Sector organisations throughout the pandemic including the COVID-19 Charities Fund and a dedicated £7m COVID Social Enterprise Fund. This was oversubscribed and following a successful bid to the Executive increased to £9.25m.

Although the Covid-19 Charities Fund closed on 21 August 2020, I am aware of the ongoing financial challenges. I plan to launch a further phase of funding in December 2020 with £6.7 million remaining from the first phase plus an additional allocation of £5 million approved by Executive colleagues on 23 November 2020. I would encourage as many charities as possible to apply for this funding.

Mr Carroll asked the Minister for Communities to detail the number of people under 35 in receipt of the Shared Accommodation Rate.

(AQW 10665/17-22)

Ms Ní Chuilín: The most recent statistics show that the number of people aged under 35 currently in receipt of the Shared Accommodation Rate is 4,557.

This is made up of 862 Housing Benefit claimants and 3,695 claimants receiving the housing costs element of Universal Credit

Mr Carroll asked the Minister for Communities to detail the number of Housing Executive properties renovated in each year from 2015 to 2019; and the associated cost.

(AQW 10667/17-22)

Ms Ní Chuilín: Given the difficulty in determining what number of improvements constitutes a renovated property the Housing Executive has provided the following tables detailing the total numbers of elemental improvements completed to its properties from 2015 to 2019, and the associated costs. This is not the number of individual dwellings.

It should be noted that Kitchen replacement and Bathroom replacement schemes were reported under revenue replacement until 2018/19.

Maintenance Workstream	2015/16	
	£k's	Completions
Bathroom, Kitchen, Rewiring (BKR)	895	4,184
Kitchen Replacement Schemes	17,142	
Bathroom Replacement Schemes	-	
External Cyclical Maintenance (ECM)	15,250	8,149
Windows	10,667	5,611
Heating	21,140	4,645
Total	65,094	22,589

Maintenance Workstream	2016/17	
	£k's	Completions
BKR	7,538	4,297
Kitchen Replacement Schemes	16,626	
Bathroom Replacement Schemes	-	
ECM	18,560	10,091
Windows	2,227	1,133
Heating	18,446	3,627
Total	63,397	19,148

Maintenance Workstream	2017/18	
	£k's	Completions
BKR	14,442	3,877
Kitchen Replacement Schemes	13,116	
Bathroom Replacement Schemes	-	
ECM	16,625	9,460
Windows	3,767	2,133
Heating	16,233	3,684
Total	64,183	19,154

Maintenance Workstream	2018/19	
	£k's	Completions
BKR	17,988	433
Kitchen Replacement Schemes	7,090	2,375
Bathroom Replacement Schemes	4,822	719
ECM	22,152	11,239
Windows	4,306	2,461
Heating	19,989	5,232
Total	76,347	22,459

Maintenance Workstream	2019/20	
	£k's	Completions
BKR	5,780	2,540
Kitchen Replacement Schemes	1,242	927
Bathroom Replacement Schemes	2,649	1,403
ECM	23,471	8,984
Windows	1,667	990
Heating	21,834	5,910
Total	56,643	20,754

Maintenance Workstream	Overall Total 2015/16 to 2019/20	
	£k's	Completions
BKR	46,643	15,331
Kitchen Replacement Schemes	55,216	3,302
Bathroom Replacement Schemes	7,470	2,122
ECM	96,058	47,923
Windows	22,634	12,328
Heating	97,642	23,098
Total	325,662	104,104

Mr Easton asked the Minister for Communities how many claimants' housing benefit payments are in arrears.
(AQW 10731/17-22)

Ms Ní Chuilín: The Housing Executive has advised that there are 6,052 housing benefit claimants who have an outstanding housing benefit overpayment which is currently being recovered from ongoing housing benefit entitlement.

In addition there are 23,697 debtors who have an outstanding housing benefit overpayment but are no longer in receipt of housing benefit. Recovery in these cases is mainly being achieved via a voluntary agreement, or recovery from other social security benefits.

Ms Sugden asked the Minister for Communities what initiatives she has created to help older and more vulnerable people better use online technology to keep in touch with friends and family and access goods and services.
(AQW 10757/17-22)

Ms Ní Chuilín: My Department has created a number of initiatives to help older and more vulnerable people better use online technology to keep in touch with friends and family, and to access goods and services as set out below:

My Department leads on the Executive's Active Ageing Strategy, which contains a number of actions from across departments focused on the digital inclusion of older people. These can be found on pages 22-23 of the Strategy (available at www.communities-ni.gov.uk/publications/active-ageing-strategy-2016-2022).

£800k has been ring-fenced for the purchase of digital devices within VCSE COVID-19 Recovery Fund that I launched recently and will be available to organisations seeking to support older and vulnerable people within our community.

As part of the rollout plan for Universal Credit to support people and to improve their digital skills, a series of events were held in Jobs & Benefits offices. My Department worked in partnership with advice organisations and LibrariesNI to provide digital support. Staff in Jobs & Benefits offices provide help to people to improve their digital skills on a daily basis, and work closely with grass roots organisations to improve digital inclusion across our communities.

The Housing Executive has been involved in delivering or partnering a number of initiatives aimed at assisting older and more vulnerable people to become or remain connected online, such as the 2016/17 Digital Inclusion Pilot exercise, part-funded by the DFP/Digital Inclusion Unit & DSD (DfC). Supporting Communities provided training to tenants and residents including the elderly on using social media platforms and engaging with public services online, as well as encouraging them to use online services, for example, to report repairs.

Community Grants and COVID-19 Response funding supported the provision of digital equipment to a range of community organisations and residents.

83 refurbished laptops were made available to the Housing Executive's Housing Community Network organisations, and tablets were provided to Central Housing Forum (CHF) members who represent a network of over 500 community organisations. This helped older and vulnerable people to access to online services.

Housing Executive provided the 12 members of the Disability Housing Forum with new tablets and digital training sessions during late June 2020.

Supporting People (SP) service providers have used online activities such as virtual classes, online socialising, newsletters, befriending schemes and referrals to community support to help service users.

This year, the Housing Executive has been involved in the ONSIDE (Outreach and Navigation for Social Inclusion and Digital Engagement) project aimed at supporting individuals with a disability to improve their health and wellbeing through increased social and digital involvement in the community, and to reduce social isolation by creating community connections in their local area and digital connections online. This is a cross border funded project led by Disability Action NI in partnership with the Housing Executive, the Independent Living Movement Ireland (ILMI), and Supporting Communities (SC). Since June, the Housing Executive has placed 300 digital devices with individuals who are now completing online training sessions aimed at supporting individuals to use IT to complete tasks and remain connected.

In 2020/21 the SP Provider Innovation Fund was specifically aimed at innovative projects that support clients to make the best use of technology, with £0.5m of funding provided annually. It has been evident through successful applications to the fund that greater levels of digital connectivity and digital inclusion have been realised.

The Housing Executive has implemented an 'Assisted Living' pilot scheme in Derry with the aim of improving the quality of life and social interaction for tenants who are living with disabilities or mobility issues, aged between 16 and 68. This pilot is a joint initiative with the Health and Social Care Trust Occupational Therapy Service and Hive Studios for a group of 18 households with elderly, disabled and/or vulnerable tenants. Working together to identify assisted technologies to support the circumstances of each individual tenant, the partnership has deployed a range of fully customisable, broadband-enabled 'smart devices' to each of the scheme's participants.

A further project is currently being developed, involving Assisted Living Technology in a vacant block of flats in Lisnafin in Strabane. I understand that the business case for the scheme will shortly be referred to my Department for consideration.

Mr Newton asked the Minister for Communities to detail the level of departmental investment to address loneliness in East Belfast; and by which channels this investment is delivered.

(AQW 10785/17-22)

Ms Ní Chuilín: My Department has invested directly in a range of services to address loneliness in East Belfast, the detail of which is set out below.

Housing Support Services:

Services delivered by the Housing Executive through the Supporting People (SP) Programme which can promote confidence and independence include:

- practical interventions such as access to local transport and signposting service users at risk of being lonely and/or socially isolated to support such as groups, clubs and activities etc.;
- internet connectivity to maintain contact online;
- activities such as virtual classes, distant socialising, newsletters, befriending schemes and referrals to community support.

In 2019/20 in the Belfast City council area, the SP programme funded;

- 211 accommodation based services for disabled, homeless, older and young people with a total spend of over £18.9m; and
- 16 Floating Support services with a total spend of over £2.9m to deliver housing related support.

A total of £11,200 in COVID-19 Grants has been awarded to community based organisations within the East Belfast community,

Community based programmes

£1,058,752 of funding in 2019/2020 and £1,067,324 in 2020/2021 has been awarded to the East Belfast area through various community based programmes:

Community Investment Fund (CIF): a total of £327,808 in the last two years to provide support for core costs of local community development groups, particularly where this leads to improved services to local communities.

Oasis Good Morning Fund: funding of £24,067 to Oasis Good Morning Service in East Belfast which is a telephone service to around 290 vulnerable and elderly residents providing practical and emotional support.

Women's Centre Childcare Fund (WCCF): funding of £118,303 to WCCF for the provision of free childcare places to those on a low income and to help a significant number of parent's access employment and training opportunities.

Regional Support for Women in Disadvantaged and Rural Areas (W-RISP): A total of £611,139 to the 'Women's Regional Consortium for Women in Disadvantaged and Rural Areas', which comprises seven established women's sector organisations who deliver support to women in disadvantaged urban areas and rural areas. While Training for Women Network, located in East Belfast, is the lead partner, these funds are distributed across Northern Ireland.

Other funding and support

My Department also supports a range of other programmes delivered by strategic business partners which groups in East Belfast may have benefitted from directly or indirectly, including:

The Volunteering Infrastructure Support Programme (VISIP) – we have provided funding of £909,480 over the last two years to Volunteer Now to deliver this programme.

The Innovation and Research Fund (Skills Match Programme) – we have provided funding of £159,346 over the last two years to Business in the Community and Volunteer Now to deliver this programme, which will focus on building relationships between all sectors that will last beyond an initial skills match project.

Warm Well Connected Fund

Emotional wellbeing issues are affecting communities across the region, and I am keen to understand and respond to the impacts at a local level within communities like those in East Belfast. I will be allocating additional funding to help bolster

existing programmes of work and new interventions aimed at supporting those in most acute need with specific targets relating to those experiencing loneliness over winter 2020/21

COVID-19 Community Support Fund

This fund was introduced in March 2020 to address anticipated needs of those impacted by the pandemic and included support towards food, finance and connectivity.

Independent Advice Sector

Significant annual funding in the region of £6.4million has been allocated by my Department for the provision of independent community based advice services to citizens which is critical in providing support and reassurance to people experiencing loneliness and social isolation.

Mr Dunne asked the Minister for Communities to detail the amount of funding allocated to each local Council since the COVID-19 pandemic began.

(AQW 10828/17-22)

Ms Ní Chuilín: The Executive has allocated £85.3m to my Department to support local councils with their financial pressures as a result of the COVID-19 pandemic. In June 2020 my Department allocated £20.3m to councils and on 26 November 2020 a further £20m was allocated to councils. The remaining £45.0m will be allocated to councils when my Department has carried out an analysis of the figures provided by each council reflecting their projected financial losses and COVID-19 costs for the period October 2020 to March 2021 and updated estimates / actual spend.

My Department also activated the Scheme of Emergency Financial Assistance (SEFA) - COVID-19 for the period 3 April 2020 to 3 October 2020, and then from 4 October 2020 to 31 March 2020 to reimburse councils with other costs due to the Covid-19 crisis. My Department has allocated £75k to councils under this scheme.

Councils have also received funding from my Department of £3.25m for a COVID-19 Community Support Fund through the existing Community Support Programme.

Payments totalling £10.6m for the COVID-19 Recovery Revitalisation Programme have been made to councils by my Department to provide much needed support to local businesses as they recover and adapt to the impact of Covid-19.

Details of the allocations to each council are shown below:

Council	COVID-19 Allocation	SEFA	Community Support Fund	Recovery Revitalisation Scheme
Antrim & Newtownabbey	£2,421,837	£4,812.63	£164,981.46	£456,000
Ards & North Down	£3,227,422	£3,464.48	£168,656.19	£1,068,000
Armagh, Banbridge, Craigavon	£3,536,026	£6,037.00	£283,059.30	£1,155,000
Belfast	£9,610,616	£5,214.48	£971,400.00	£2,832,000
Causeway Coast & Glens	£3,567,614	£13,434.45	£206,926.54	£721,000
Derry & Strabane	£3,115,933	£16,104.34	£561,900.00	£965,000
Fermanagh & Omagh	£2,101,064	£3,004.77	£163,188.46	£553,000
Lisburn & Castlereagh	£2,998,705	£7,369.43	£165,000.00	£577,000
Mid & East Antrim	£3,974,542	£5,646.06	£175,378.69	£759,000
Mid Ulster	£3,558,182	£6,795.84	£148,848.08	£596,000
Newry Mourne & Down	£2,188,059	£3,555.55	£241,924.86	£918,000
Total	£40,300,000	£75,439.03	£3,251,263.59	£11,600,000

Mr Clarke asked the Minister for Communities how many people are currently on the Housing Executive waiting list in South Antrim for new-build, bespoke accommodation due to having severely complex physical needs.

(AQW 10904/17-22)

Ms Ní Chuilín: The Housing Executive has provided the following table detailing the current waiting list figures for those applicants in South Antrim requiring bespoke accommodation due to having severely complex physical needs.

Applicants requiring bespoke accommodation*	62
Applicants pending final decision for bespoke accommodation**	9*

*Cases which require either wheelchair or bespoke accommodation due to having severely complex physical needs.

**These cases are still pending a final decision, however it is likely that they will require a bespoke new build solution.

Mr O'Toole asked the Minister for Communities what the process of consultation will look like for existing Housing Executive tenants who will be affected by the move to a mutual/cooperative.

(AQW 10919/17-22)

Ms Ní Chuilín: My revitalisation plans are at an early stage, but I want to reassure tenants that I am committed to a co-design approach in developing these options, and engagement with tenants and their representatives will be central to this process.

My officials have commenced work to assess options to effect this change. I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants.

I intend to bring proposals to the Executive before the end of this mandate.

Mr O'Toole asked the Minister for Communities whether tenants will be automatically allocated full membership within the body should the Housing Executive move to a mutual/cooperative body.

(AQW 10920/17-22)

Ms Ní Chuilín: My officials have started work to assess options to take forward this work. I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants.

I am committed to a co-design approach in developing these options and engaging with tenants. These plans are in their early stages, and will consider issues such as the one you raise. I can assure you that I intend to bring a recommendation to the Executive before the end of this mandate.

Mr O'Toole asked the Minister for Communities why the restriction on borrowing for the Northern Ireland Housing Executive was not lifted through extending the Prudential Borrowing rules as introduced in 2011 for local authorities.

(AQW 10921/17-22)

Ms Ní Chuilín: As the Housing Executive Landlord function is classified by the Office for National Statistics (ONS) as a Central Government-controlled Public Corporation, in line with the Consolidated Budget Guidance, any borrowing it undertakes scores against the Capital budget of the sponsor Department. Hence the need to restrict borrowing activities.

Local Councils are classified outside of Central Government and as such any borrowing they undertake does not impact on the Executive Budget.

Mr McNulty asked the Minister for Communities to detail any capital investment plans Libraries NI has for the next three years.

(AQW 10954/17-22)

Ms Ní Chuilín: Libraries NI have an extensive asset management plan which assists the organisation in bringing forward capital investment proposals to the Department for consideration. Subject to approval of appropriate business cases and the availability of funding, Libraries NI plan to advance the development of a range of capital investment projects over the next three years.

It is anticipated the following projects will be substantially delivered by 2024:

- Upgrading and replacement of I.T infrastructure including public access services
- Replacement library facilities in Enniskillen and Fivemiletown.

Libraries NI also plan to bring forward business cases for a number of projects aimed at improving the public library infrastructure including:

- A replacement library facility for Newtownards town
- Redevelopment of the Banbridge library provision
- Relocation of Chichester library (Belfast)
- Restoration and upgrading of Belfast Central Library
- Replacement of out of life library vehicles
- Addressing various minor works improvement schemes

Over the next three years Libraries NI plan to evaluate and develop options for the upgrading or replacement of a range of local library facilities. Working in conjunction with local Councils and other partner agencies they plan to take forward work on:

- Exploring with Armagh, Craigavon and Banbridge Council options for consolidating library services in Armagh City which are currently delivered across a number of sites
- Developing accommodation proposals for Colin Glen, Coalisland, Ardoyne, Ballycastle and Carryduff libraries.

Mr McNulty asked the Minister for Communities when she plans to bring alternative proposals for dealing with intimidated or harassed applicants for social housing.

(AQW 10955/17-22)

Ms Ní Chuilín: I have publicly stated that I want to see alternative mechanisms to significantly strengthen the verification of intimidation points. I want to prevent abuse and ensure those who are being intimidated receive the priority they deserve.

I will soon publish the consultation outcome report on the Fundamental Review of Social Housing Allocations which includes a preliminary timeframe for implementation. Officials will now work with the Housing Executive to explore options as part of the implementation phase. Once options have been developed, I will consider the best way forward.

Mr Durkan asked the Minister for Communities to detail the average success rate of personal independence payment claims via (i) telephone assessments; and (ii) face-to-face assessments.

(AQW 10990/17-22)

Ms Ní Chuilín: As a result of the COVID -19 outbreak and in order to safeguard vulnerable people, face-to-face assessments for all benefits were suspended and from 23 March 2020 assessments for Personal Independence Payment (PIP) were undertaken by telephone.

The IT system used to administer PIP records successful and unsuccessful PIP claims but does not capture by category how the assessment was completed i.e. by Paper Based review, face to face or telephone assessment.

Prior to telephone assessments being introduced, figures from the PIP published statistics which covered the period from June 2016 up to 28 February 2020, showed an average PIP award success rate of 48%.

The most recent PIP statistics were published on 25 November 2020, covering from June 2016 up to 31 August 2020, show an average success rate of 48%.

Mr Durkan asked the Minister for Communities to detail her Department's projections on the level of homelessness over the next 12 months.

(AQW 10992/17-22)

Ms Ní Chuilín: The Housing Executive has statutory responsibility for responding to homelessness and has provided the following information.

The Housing Executive has published its response to the ongoing pandemic, which includes modelling assumptions that will inform the delivery of homelessness services over the next 12 months. This can be found in 'The Way Home - Homelessness response to Covid-19' on <https://www.nihe.gov.uk/Documents/Homelessness/homelessness-reset-plan-the-way-home>

Pages 8 to 11 of this document outline the impacts of Covid-19 and the homelessness response to it. Pages 14 to 21 outline the modelling assumptions that will inform the delivery of homelessness services over the next 12 months.

Mr Durkan asked the Minister for Communities whether she will take measures to extend the one-year personal independence payment supplementary mitigation payment limit, in light of the extension that has been made to the payment of welfare mitigations.

(AQW 10993/17-22)

Ms Ní Chuilín: Several of the existing welfare mitigation payment schemes include a maximum entitlement period of 12 months. This is in accordance with the recommendations of the Welfare Reform Mitigations Working Group.

The twelve month limit applies to payments for people who are affected by:

- A loss of entitlement to carer's benefits
- A loss of a disability premium(s)
- The time limiting of contribution-based Employment and Support Allowance
- An award of Personal Independence Payment at a rate of at least £10 per week less than the previous award of Disability Living Allowance.

The Welfare Mitigation schemes were due to end on 31 March 2020 however the Executive committed to extending the current schemes beyond this date in the New Decade, New Approach Deal. The extension of the existing welfare mitigation schemes will ensure that people continue to receive mitigation payments after 31 March 2020 if they are eligible under the current policy. However, the extension does not provide for the maximum period of entitlement of 12 months to be extended. There are currently no plans to change this policy for any of the affected mitigation schemes.

Mr Middleton asked the Minister for Communities to detail the number of people in housing stress in the Foyle constituency, broken down by patch area.

(AQW 11007/17-22)

Ms Ní Chuilín: The Housing Executive has provided the following table detailing the number of applicants in housing stress in the Foyle Parliamentary Constituency. As the Housing Executive does not record this information by patch area it has instead provided this by housing need area, as at September 2020.

Housing Need Area	Applicants in Housing Stress
Ardmore	<10
Coshquin	<10
Culmore	16
Currynerin	22
Drumahoe	20
Eglinton	91
Fountain Derry	12
Lettershandoney	10
Maydown	<10
Newbuildings	24
Nixons Corner	<10
Strathfoyle	42
Tullyally	11
Waterside 1	220
Waterside 2	279
Waterside 3	172
Westbank Collon Tce	1218
Westbank Waterloo	1059
Grand Total	3216

NB: It is the practice of the Housing Executive not to release data which has the potential of identifying an individual – e.g. those on the waiting list or who have identified their community background. The Housing Executive normally classify any number of applicants or individual households that amounts to less than 10 as <10.

Mr Clarke asked the Minister for Communities how she plans to deal with the shortage of one bedroom properties in the social housing sector.

(AQW 11011/17-22)

Ms Ní Chuilín: The housing waiting list indicate that there is a need for one bedroom properties as this is the largest household type requiring accommodation.

In previous years, the delivery of small units of accommodation, especially one-bedroom properties, has been challenging.

In 2019/20, my Department re-introduced a target for a minimum of 200 new one-bed social housing Starts, to be delivered annually through the Social Housing Development Programme (SHDP), to address the challenges around provision of one bedroom properties. Although this target was not achieved in 2019/20 due to the overall number of SHDP Starts being curtailed by the Covid-19 pandemic, starts were secured for a further 120 new one-bed social homes.

The target for new social housing to be delivered through the SHDP in 2020/21 is a minimum of 1,850 starts, including a target for 200 new one-bed social homes. Based on the current delivery risk assessment, it is expected that around 350 new one-bed units will start on-site before the end of March 2021.

The Housing Executive will continue to work closely with housing associations to support sustainable levels of one-bed provision through the SHDP over the next programme period (2021/22 – 2023/24).

Mr Easton asked the Minister for Communities whether she will drop the criteria for charities grants for those charities that have reserves who cannot apply.

(AQW 11020/17-22)

Ms Ní Chuilín: I am pleased to say that charities haven't been excluded from seeking or receiving financial support from the Covid-19 Charities Fund because they held reserves. Where a charity has exercised proper governance in the creation of

reasonable reserves to meet liabilities and this is supported by a clear documented policy, then a funding application should not be adversely affected.

However, where a charity held unrestricted reserves which were well in excess of their written policy, an assessment was made in the Covid-19 Charities Fund to determine (a) financial need, and (b) the amount of the available reserves that it was reasonable in the circumstances to use to meet the funding gap. Depending on the excess level of reserves, this may have resulted in no grant award being made on some occasions.

I am pleased to say that I will shortly announce a further phase of Covid-19 Charities funding. In advance of this, I am looking again at the policy framework, including around reserves, to see if any further adjustments should be made.

Mr Carroll asked the Minister for Communities (i), in the event that the Northern Ireland Housing Executive becomes a housing mutual, whether it will be outside of ministerial control; and (ii) whether she will ensure ring-fenced funding for new builds will be spent on housing.

(AQW 11031/17-22)

Ms Ní Chuilín: The objective set out in my statement is to change the landlord part of the Housing Executive so that it may borrow, invest and provide a sustainable future for its homes. I am clear that I want to maintain the maximum degree of public accountability consistent with that objective. Hence my preference for a mutual or co-operative model.

I intend to bring proposals to the Executive before the end of this mandate which will include details for implementation of the new proposed structures.

A key element of my plan to increase the supply of social housing to deal with areas of acute demand is to ring-fence part of the housing budget for those areas. Ring-fenced social housing budgets will be spent on social housing.

Mr Durkan asked the Minister for Communities how many (i) households; and (ii) households with children, are affected by the bedroom tax and do not qualify for mitigation payments.

(AQW 11061/17-22)

Ms Ní Chuilín: The latest available information is that is approximately 227 households in receipt of Housing Benefit are affected by the "bedroom tax" policy and do not qualify for a mitigation payment. This includes 170 Housing Executive tenants and an estimated 57 Housing Association tenants.

A breakdown of the number of affected households with children is not currently available.

Mr Carroll asked the Minister for Communities (i) from whom the new mutual housing organisation will borrow money; (ii) whether it will issue corporate bonds; and (iii) whether it will engage with private equity firms.

(AQW 11097/17-22)

Ms Ní Chuilín: In my recent Housing Policy Statement to the Assembly, I set out my plans to deal with the very significant investment challenge facing the Housing Executive. The objective is to change the landlord part of the Housing Executive so that it may borrow, invest and provide a sustainable future for its homes. It is vital that we invest in current stock as well as building more social homes.

My officials have commenced work to update the analysis of the scale of the investment challenge required, and then to explore options for revitalisation.

I intend to bring a recommendation to the Executive before the end of this mandate which will include details for implementation.

Mr Carroll asked the Minister for Communities whether the new mutual housing organisation will have a private, full market development company.

(AQW 11098/17-22)

Ms Ní Chuilín: My revitalisation plans are at an early stage. My officials have commenced work to update the analysis of the scale of the investment challenge required, and then to assess options. I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants.

I can assure you that I intend to bring proposals to the Executive before the end of this mandate.

Mr Carroll asked the Minister for Communities how many social, affordable and full market homes the new housing body will build; and to detail the timeframe for this.

(AQW 11099/17-22)

Ms Ní Chuilín: When work is more advanced and when it may foresee how the investment challenge of the Housing Executives existing 85, 000 social homes may be met, then it may also be possible to consider how, at what rate, and at what scale, the revitalised landlord may develop new homes.

I can assure you that I intend to bring proposals to the Executive before the end of this mandate.

Mr McNulty asked the Minister for Communities (i) on what date the Heritage Recovery Fund opened for applications; (ii) on what date the first payment was made; (iii) how many applications from organisations in each constituency were made up to and including Friday 27 November 2020; (iv) how many payments were made by this date; and (v) what was the total amount paid.

(AQW 11106/17-22)

Ms Ní Chuilín: Applications to the Heritage Recovery Fund have been received from 62 organisations and 42 individuals. The Fund opened on 2 November 2020 and closed on 27 November 2020. You will appreciate that it will take some time to complete initial processing of the applications and carry out initial checks to determine eligibility; I am therefore not at this stage in a position to provide you with a geographic breakdown of applications.

When eligibility checks has been completed, applications will be assessed during December and early January, with final decision made by the end of January 2021. I anticipate that payments will reach bank accounts in February 2021. A list of all awards made from the Fund will be published at that stage.

Mr Durkan asked the Minister for Communities whether her Department intends to introduce a carer's allowance supplement, similar to the one-off payment rolled out in Scotland, to provide additional support for carers impacted by the pandemic.

(AQW 11135/17-22)

Ms Ní Chuilín: I recognise the vital contribution made by carers in supporting the most vulnerable in society and value their dedication to those whom they care for, especially during these unprecedented times.

In direct response to the coronavirus pandemic my Department introduced temporary measures in Carer's Allowance, to help unpaid carers through the current emergency. These included waiving restrictions on breaks in care and ensuring 'emotional' support would be counted towards the care threshold in the benefit. With the continuing impact of the coronavirus pandemic, these temporary easements in Carer's Allowance have been extended until 12 May 2021.

In addition, those in receipt of Carer's Allowance here may, depending on their circumstances, be eligible to access the range of other emergency financial support that my Department is providing during the COVID-19 crisis, including Discretionary Support.

These measures have included the introduction of a specific Self-Isolation grant through Discretionary Support to financially support those who are impacted by having to self-isolate. Payments can also be made to people who live in the same household as a person showing symptoms of COVID-19. To be eligible for this non-repayable grant a person must be in a crisis situation and have an annual income of less than £20,405.

I have also recently introduced further enhancements to the Self-isolation grant that should ensure that people receive more appropriate financial support during a time of crisis. There is also no limit on the number of Self-isolation grants that can be awarded.

It is anticipated that longer term financial support for carers will be considered as part of the upcoming welfare mitigations review and, until the review is finalised, my Department will continue to examine how we can best support carers throughout this COVID-19 pandemic.

Miss Woods asked the Minister for Communities (i) whether further funding will be made available for the Business Adaptation and Improvement Grants administered by local councils; and (ii) whether she will consider including flexibility in the town centre boundaries to enable businesses to apply for support that are not located within a town centre.

(AQW 11164/17-22)

Ms Ní Chuilín: My Department's COVID-19 Recovery Revitalisation Programme has allocated £17.6 million to councils to enable them to create a safer environment for shoppers, visitors and workers. Every council has included a small grant scheme to help businesses make adaptations and improvements to their premises to provide a more COVID-secure environment for customers. The feedback from councils is that these grant schemes have proven very popular and are often oversubscribed. I will be providing councils with an additional £1.7m in capital towards their grant schemes to meet this additional demand.

My Department has been very flexible in its approach to eligibility for this Programme. We have advised councils that we do not expect a rigid adherence to town centre boundaries, and the inclusion of DAERA funding in the Programme has allowed the interventions to extend to the smaller rural settlements. However, the eligibility criteria and value of these grants is determined by each council in consultation with local stakeholders.

Ms Hunter asked the Minister for Communities what steps her Department is taking to reduce the number of people who find themselves homeless this Christmas.

(AQW 11170/17-22)

Ms Ní Chuilín: The Housing Executive has statutory responsibility for homelessness. It has set out its approach to assisting those who are homeless or threatened with becoming homeless in the Homelessness Strategy 2017-22, which can be accessed at

[https://www.nihe.gov.uk/Documents/Homelessness/homelessness-strategy-northern-ireland-2017-2022.aspx?ext=.](https://www.nihe.gov.uk/Documents/Homelessness/homelessness-strategy-northern-ireland-2017-2022.aspx?ext=)

The strategy outlines how, in order to prevent homelessness, Housing Executive staff will provide person centred services which are tailored to meet the needs of individual customers and support them to achieve sustainable housing solutions. They also seek to address homelessness when it cannot be prevented. Staff in the Housing Solutions and Support Teams will work with clients and avail of the necessary support from other agencies to ensure clients are supported as necessary. This support can include floating support to prevent homelessness or temporary accommodation in cases where emergency accommodation is required.

Over the Christmas period the Housing Executive will continue to deliver homeless services through an out-of-hours emergency homelessness service on evenings/weekends and any days on which their offices are closed.

For any individuals who are identified as rough sleeping the Housing Executive confirms that the 'Everyone in' approach continues to be adopted including for those with no recourse to public funds. The 'Everyone In' approach seeks to ensure that any individual sleeping rough is offered appropriate support and accommodation if required.

As part of the Housing Executive Homelessness Prevention Fund, the Housing executive has provided £838k of funding to 39 projects. These projects support a range of organisations across the voluntary and community sectors to deliver homelessness prevention activities during 2020/21.

Ms Hunter asked the Minister for Communities what steps her Department is taking to reduce the number of people living in fuel poverty.

(AQW 11172/17-22)

Ms Ní Chuilín: The Department for Communities' approach has been to tackle the effects of fuel poverty both through direct interventions and behavioural changes within households.

Current Programmes include the Affordable Warmth Scheme, Boiler Replacement Scheme, the Energy Advice Service, Winter Fuel Payments, Oil Buying Clubs and the School Education Programme.

I have recently approved changes to the eligibility criteria for the Affordable Warmth Scheme increasing the income threshold from £20,000 to £23,000 and removing disability benefits from the calculation of income for the Scheme. Work is now ongoing to amend the relevant Scheme Regulations and these changes to scheme eligibility will then be implemented.

A Covid-19 Heating Payment will be issued as a one-off payment to provide financial support to people in receipt of Pension Credit as well as those receiving the highest rates of Attendance Allowance, Personal Independence Payment and Disability Living Allowance, including children.

This payment is in addition to any other payments, including the annual Winter Fuel Payment. There is no application process; the payment will be made automatically via existing payment channels.

Mr Carroll asked the Minister for Communities what quality standard is being used for clearing the backlog of repairs and maintenance by the new mutual housing organisation.

(AQW 11182/17-22)

Ms Ní Chuilín: The commitment within New Decade, New Approach to tackle the maintenance backlog for Housing Executive's properties reflects a much wider revitalisation programme aimed at securing the long term future of social housing stock.

My revitalisation plans are at an early stage. My officials have commenced work to update the analysis of the scale of the investment challenge required, and then to assess options. I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants.

I can assure you that I intend to bring proposals to the Executive before the end of this mandate.

Mr Carroll asked the Minister for Communities whether the new housing executive mutual body will have tenants and employees on its board; and whether there will be any other reserved places on the board.

(AQW 11183/17-22)

Ms Ní Chuilín: My revitalisation plans are at an early stage, but I want to reassure tenants and staff that I am committed to a co-design approach in developing options. Engagement with tenants and staff including their representatives and Trade Unions will be central to this process.

My officials have commenced work to assess options to effect this change. This work will include considerations of governance arrangements. I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants.

I intend to bring proposals to the Executive before the end of this mandate.

Mr Carroll asked the Minister for Communities whether tenants and employees of the new housing executive mutual body will have a right to vote on the change of structure.

(AQW 11184/17-22)

Ms Ní Chuilín: My revitalisation plans are at an early stage, but I want to reassure Housing Executive tenants and staff that I am committed to a co-design approach in developing these options, and engagement with tenants, staff and their representatives will be central to this process.

My officials have commenced work to assess options to effect this change. I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants.

I intend to bring proposals to the Executive before the end of this mandate.

Mr Carroll asked the Minister for Communities whether the the reclassification of the Housing Executive will happen as one body, or will the landlord function be broken into smaller business units.

(AQW 11185/17-22)

Ms Ní Chuilín: My officials have commenced work to assess revitalisation options and, while these plans are at an early stage, I am clear that in order to be considered, options must maintain the regional scale of the current landlord function, i.e. not break up the Housing Executive's stock portfolio, and must not transfer the landlord function and stock to another organisation.

I intend to bring proposals to the Executive before the end of this mandate.

Ms S Bradley asked the Minister for Communities (i) for an update on work within her Department to help with the prevention of loneliness; and (ii) whether her Department would be supportive of the development of a preventing loneliness strategy.

(AQW 11188/17-22)

Ms Ní Chuilín:

- (i) My Department leads on the development of the social inclusion strategies referenced in "New Decade, New Approach". These strategies may include actions which contribute to addressing loneliness and social isolation issues faced by their target groups.

Through its Neighbourhood Renewal Investment Fund my Department provides funding of around £284k to 'Good Morning' projects in Belfast and Derry with the aim of reducing a feeling of isolation by elderly and vulnerable citizens, by providing practical and emotional support.

Supporting People (SP) promotes confidence and independence and offers practical and signposting support where someone is isolated. Online support has been maintained during the pandemic.

Additionally, service users have been positively impacted through projects funded through the SP Provider Innovation Fund, providing greater levels of digital connectivity and digital inclusion helping with loneliness and isolation.

The ONSIDE (Outreach and Navigation for Social Inclusion and Digital Engagement) project is a cross border funded project led by Disability Action NI in partnership with The Housing Executive, the Independent Living Movement Ireland, and Supporting Communities. The aim of the ONSIDE project is to improve the health and well-being of disabled people through increased social and digital involvement in the community. Since June, The Housing Executive has placed 300 digital devices with individuals.

Anyone in need of support, including those who are experiencing loneliness, can contact the COVID-19 Community Helpline (Freephone 0808 802 0020, Email: covid19@adviceni.net, Text: ACTION to 81025) which will provide personalised advice and referral to appropriate support depending on an individual's circumstances.

- (ii) Whilst my Department has no statutory remit to deal with loneliness, I am supportive of the development of a strategy to prevent loneliness. The lead department for a preventing loneliness strategy would be a matter for the Executive to decide.

Mrs D Kelly asked the Minister for Communities (i) on what date the Heritage Recovery Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications have been received from the Upper Bann constituency up to and including Friday 27 November 2020; (iv) how many payments were made by this date; and (v) what is the total amount paid.

(AQW 11209/17-22)

Ms Ní Chuilín: The Heritage Recovery Fund have been received from 62 organisations and 42 individuals. The Fund opened on 2 November 2020 and closed on 27 November 2020. You will appreciate that it will take some time to complete initial processing of the applications and carry out initial checks to determine eligibility; I am therefore not at this stage in a position to provide you with a geographic breakdown of applications.

When eligibility checks has been completed, applications will be assessed during December and early January, with final decision made by the end of January 2021. I anticipate that payments will reach bank accounts in February 2021. A list of all awards made from the Fund will be published at that stage.

Mrs D Kelly asked the Minister for Communities (i) on what date the Stability and Renewal for Arts Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications have been received

from the Upper Bann constituency up to and including Friday 27 November 2020; (iv) how many payments were made by this date; and (v) what is the total amount paid.

(AQW 11210/17-22)

Ms Ní Chuilín: The Stability & Renewal Programme for Organisations opened for applications on 28th October 2020 with a closing deadline for applications of 27th November. To date no payments have been made. Decisions will be made at the end of January 2021. Up to and including Friday 27th November 2020 three applications have been received from the Upper Bann constituency.

Mr Durkan asked the Minister for Communities (i) on what date the Heritage Recovery Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications from organisations were made up to and including Friday 27 November 2020; (iv) how payments were made by this date; and (v) what is the total amount paid.

(AQW 11215/17-22)

Ms Ní Chuilín: Applications to the Heritage Recovery Fund have been received from 62 organisations and 42 individuals. The Fund opened on 2 November 2020 and closed on 27 November 2020. You will appreciate that it will take some time to complete initial processing of the applications and carry out initial checks to determine eligibility; I am therefore not at this stage in a position to provide you with a geographic breakdown of applications.

When eligibility checks has been completed, applications will be assessed during December and early January, with final decision made by the end of January 2021. I anticipate that payments will reach bank accounts in February 2021. A list of all awards made from the Fund will be published at that stage.

Mr Durkan asked the Minister for Communities (i) on what date the Stability and Renewal for Arts Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications were made up to and including Friday 27 November 2020; (iv) how many payments were made by this date; and (v) what is the total amount paid.

(AQW 11216/17-22)

Ms Ní Chuilín: The Stability & Renewal Programme for Organisations opened for applications on 28th October 2020 with a closing deadline for applications of 27th November. To date no payments have been made. Decisions will be made at the end of January 2021. Up to and including Friday 27th November 2020 197 applications have been received.

Mr Durkan asked the Minister for Communities how many people will be eligible for the one-off COVID-19 heating payment; and on what date the first payments will be made.

(AQW 11217/17-22)

Ms Ní Chuilín: There are currently 220,780 people eligible for the Covid-19 Heating Payment. My Department plans to make the payments during the week commencing the 25 January 2021.

Mr Butler asked the Minister for Communities, pursuant to 10317/17-22, whether there was Ministerial input to the Consultation on Regulation of Gambling in Northern Ireland that opened in December 2019.

(AQW 11225/17-22)

Ms Ní Chuilín: I can confirm that the consultation on the "Regulation of Gambling" which launched on 16 December 2019, had no Ministerial input as no Ministers were in post at that time. However, I have since fully considered the consultation responses and published the Outcome Report on 2 November.

I intend to announce the way forward shortly as soon as I have secured Executive approval to my proposals.

Mr Butler asked the Minister for Communities whether she intends to consult the public on her legislative proposals for a new regulatory framework for gambling.

(AQW 11226/17-22)

Ms Ní Chuilín: The Department for Communities undertook a public consultation on areas for consideration for future regulation of gambling between December 2019 and February 2020.

As part of the legislative development process, I anticipate the Assembly's Committee for Communities will issue a call for evidence as part of their scrutiny of the proposed Bill. This will give the public a further opportunity to make their views known about my proposed changes.

Mr Butler asked the Minister for Communities why the Gambling (Licensing and Advertising) Act 2014 permits online operators to advertise to the public in Northern Ireland, provided they hold the appropriate Gambling Commission licence, when the Betting, Gaming, Lotteries and Amusements (NI) Order 1985 does not permit online gambling in this jurisdiction.

(AQW 11227/17-22)

Ms Ní Chuilín: As stated in my answer to AQW 6953/17, the Betting, Gaming, Lotteries and Amusements (NI) Order 1985 predates the introduction of the internet. Therefore, in order to afford consumers here the same protections as elsewhere,

Section 5 of the Gambling (Licensing and Advertising) Act 2014 was extended, with the agreement of the Assembly (by virtue of a Legislative Consent Motion) to include consumers here.

Mr Butler asked the Minister for Communities, pursuant to 9494/17-22, whether the Committees of Advertising Practice and Advertising Standards Authority are subject to statutory regulation.

(AQW 11228/17-22)

Ms Ní Chuilín: The Advertising Standards Authority (ASA) is an independent self-regulatory body, the Committee on Advertising Practice is a sister organisation responsible for writing the Advertising Codes.

The ASA works within a regulatory framework primarily driven by the EU consumer protection directive the Unfair Commercial Practices Directive, designed to prevent misleading or unfair trading practices. This Directive has been translated into law by the Consumer Protection from Unfair Trading Regulations 2008 and the Business Protection from Misleading Marketing Regulations 2008 - both of which apply here.

The Advertising Standards Authority is able to refer advertisers who persistently break the Advertising Codes and who do not work with them to other bodies for further action, such as Trading Standards (or Department for the Economy).

Further information is available from their website:-

<https://www.asa.org.uk/about-asa-and-cap/about-regulation/self-regulation-and-co-regulation.html>

Mr Butler asked the Minister for Communities, pursuant to AQW 9494/17-22 how the Committees of Advertising Practice and Advertising Standards Authority are funded.

(AQW 11229/17-22)

Ms Ní Chuilín: The Committee on Advertising Practice (CAP) is the sister organisation of the Advertising Standards Authority (ASA) and is responsible for writing the Advertising Codes. The ASA is an independent self-regulatory body, funded by a voluntary levy on advertising space.

Further information is available from their website:- <https://www.asa.org.uk/>

Mr Catney asked the Minister for Communities (i) on what date the Heritage Recovery Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications have been received from the Lagan Valley constituency up to and including Friday 27 November 2020; (iv) how payments were made by this date; and (v) what is the total amount paid.

(AQW 11240/17-22)

Ms Ní Chuilín: Applications to the Heritage Recovery Fund have been received from 62 organisations and 42 individuals. The Fund opened on 2 November 2020 and closed on 27 November 2020. You will appreciate that it will take some time to complete initial processing of the applications and carry out initial checks to determine eligibility; I am therefore not at this stage in a position to provide you with a geographic breakdown of applications.

When eligibility checks has been completed, applications will be assessed during December and early January, with final decision made by the end of January 2021. I anticipate that payments will reach bank accounts in February 2021. A list of all awards made from the Fund will be published at that stage.

Mr Catney asked the Minister for Communities (i) on what date the Stability and Renewal for Arts Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications have been received from the Lagan Valley constituency up to and including Friday 27 November 2020; (iv) how payments were made by this date; and (v) what is the total amount paid.

(AQW 11241/17-22)

Ms Ní Chuilín: The Stability & Renewal Programme for Organisations opened for applications on 28th October 2020 with a closing deadline for applications of 27th November. To date no payments have been made. Decisions will be made at the end of January 2021. Up to and including Friday 27th November 2020 seven applications have been received from the Lagan Valley constituency.

Miss Woods asked the Minister for Communities whether she will consider adding a needs assessment to the eligibility criteria for the Winter Fuel Payment.

(AQW 11250/17-22)

Ms Ní Chuilín: The Winter Fuel Payment is made on a near-universal basis and most payments are sent out automatically with no need to claim. This is the most simple and efficient way of administering the payment and ensures that vulnerable older people do not miss out. Means-testing or needs assessment of the payment would introduce both complexity and cost in to the system.

However, customers who wish to opt out of receiving a Winter Fuel Payment are free to do so.

Further information on the Winter Fuel Payment can be found at: <https://www.gov.uk/winter-fuel-payment>

Mr O'Toole asked the Minister for Communities how many applications for National Insurance numbers are awaiting processing for the period 17 March 2020 to 30 November 2020; and what is the increase for the same corresponding time period in 2019.

(AQW 11264/17-22)

Ms Ní Chuilín: On 30 November 2020 there were 855 applicant's awaiting the allocation of a National Insurance Number, an increase of 653 compared to the same date last year.

In order for a National Insurance Number to be allocated an individual's identity needs to have been verified.

My Department has continued to allocate National Insurance Numbers to those who require one for benefit purposes and for those who are entitled to Student Finance.

We are also offering a National Insurance Number allocation service to non EU individuals who enter on a visa and have already had their identity verified as part of that process.

Due to the pandemic, face to face interviews for what is known as employment related National Insurance Number application have been suspended as Jobs & Benefits Offices have been closed except for specific emergencies although work is currently ongoing to review that position.

However, you can start work without a National Insurance Number if you can prove you have the right to work and it is not needed as evidence for the EU Resettlement Scheme.

It is hoped a digital solution will be in place for residents here during 2021.

The Department's National Insurance registration helpline is recording applicant's contact details who require a National Insurance Number for employment purposes and will progress applications as soon as we are able to resume face-to-face interviews.

Mr O'Toole asked the Minister for Communities whether she has explored the option of moving face-to-face interviews in the National Insurance number application process to an online video-calling platform.

(AQW 11265/17-22)

Ms Ní Chuilín: In order for a National Insurance Number to be allocated an individual's identity needs to have been verified.

My Department has continued to allocate National Insurance Numbers to those who require one for benefit purposes and for those who are entitled to

The application process for National Insurance Numbers requires a face to face interview which is carried out in a Jobs and Benefits Office as staff have to physically examine documentary evidence provided to ensure it is both genuine and relevant to that person. That part of the process cannot be carried out through a video calling platform.

Due to the pandemic, interviews have been suspended as Jobs & Benefits Offices have been closed except for specific emergencies although work is currently ongoing to review that position. People do not need a National Insurance Number to start work or as evidence for the EU Resettlement Scheme. It is hoped a digital solution will be in place during 2021.

Mr Easton asked the Minister for Communities when the COVID-19 Charities Fund will be open for applications.

(AQW 11270/17-22)

Ms Ní Chuilín: Winter Fuel Payment

Mr Dunne asked the Minister for Communities to detail the number of recipients in North Down of the Winter Fuel Payment in each of the last five years.

(AQW 11281/17-22)

Ms Ní Chuilín: The number of recipients in North Down of the Winter Fuel Payment in each of the last five years is provided in the following table.

Year	Recipients in North Down
2015-16	20,490
2016-17	20,220
2017-18	20,000
2018-19	19,670
2019-20	19,550

Mr Carroll asked the Minister for Communities whether tenants of the new housing executive mutual body will have the same rights as they currently have, including secured tenancies.

(AQW 11284/17-22)

Ms Ní Chuilín: My officials have commenced work to assess options to revitalise the Housing Executive and I have stated my preference for a co-operative or mutual model or one which enhances the role/ownership of tenants.

I do not anticipate that this work will involve changes to tenants' rights including secure tenancies, I have set out my intention to consult on the Housing Executive's House Sales Scheme to deal with the inequity in social tenants' rights as a consequence of the Housing (Amendment) Act 2020.

I intend to bring proposals to the Executive before the end of this mandate.

Mr Carroll asked the Minister for Communities whether employees' pension rights will be protected in the new mutual body being created for housing.

(AQW 11286/17-22)

Ms Ní Chuilín: My revitalisation plans are at an early stage. My officials have commenced work to update the analysis of the scale of the investment challenge required, and then to assess options.

I will ensure that guarantees and protections are included in the proposals that I bring back to the Executive. I will also give assurances that staff and their representatives will be consulted on the changes.

I intend to bring proposals to the Executive before the end of this mandate.

Ms S Bradley asked the Minister for Communities whether he plans to introduce a regulatory debt respite scheme, similar to the scheme in the Breathing Space Moratorium & Mental Health Crisis Moratorium England & Wales Regulations 2020, which gives people more access to professional debt advice services and allows for more time by pausing creditor enforcement action, interest and charges.

(AQW 11298/17-22)

Ms Ní Chuilín: The Department for Communities has agreed to answer this question as policy responsibility for a debt respite scheme lies within its remit of debt advice.

Discussions are currently ongoing between my officials, the Department of Finance and Treasury regarding provision of a 'Breathing Space' equivalent debt respite scheme. Implementation of a debt respite scheme will have impacts across Government departments, both in respect of delivery and as creditors in any scheme.

Ms Sugden asked the Minister for Communities what contact she has had with (i) musicians; and (ii) the UK Parliament's Digital, Culture, Media and Sport Select Committee regarding the economics of music streaming, as well as the state of revenue distribution on streaming platforms, to ensure that local musicians are receiving fair remuneration for the work they produce.

(AQW 11305/17-22)

Ms Ní Chuilín: I have had no contact with musicians or DCMS regarding the economics of music streaming, or the state of revenue distribution on streaming platforms.

Ms Sugden asked the Minister for Communities (i) for a definition of elite sports as per the current COVID-19 regulations; (ii) whether clay pigeon shooting may be allowed to continue under current guidelines; and (iii) to detail the rationale for this decision.

(AQW 11306/17-22)

Ms Ní Chuilín: I can advise that under the current regulations, an "Elite athlete" means an individual who meets one of the following criteria:

- (i) derives a living from competing in a sport,
- (ii) plays in a professional league or competition,
- (iii) is a senior representative nominated by a relevant sporting body,
- (iv) is a member of the senior training squad for a relevant sporting body, or
- (v) is aged 16 or above and on an elite development pathway.

The Executive agreed to introduce a two-week circuit breaker to slow the spread of Coronavirus in the community and protect the health service. The new restrictions will cover two weeks from November 27. Under these new restrictions, indoor and outdoor sporting activities including clay pigeon shooting are not permitted, other than at elite level.

For further information and guidance on the regulations including a comprehensive definition of an 'elite athlete' please visit the following link on the Sport NI website: [FAQ-Guidance-for-sports-for-new-regulations-19-Oct-2020.pdf](https://www.sportni.net/FAQ-Guidance-for-sports-for-new-regulations-19-Oct-2020.pdf) (sportni.net)

Mr McCrossan asked the Minister for Communities (i) on what date the Heritage Recovery Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications have been received from the West

Tyrone constituency up to and including Friday 27 November 2020; (iv) how payments were made by this date; and (v) what is the total amount paid.

(AQW 11312/17-22)

Ms Ní Chuilín: The Heritage Recovery Fund have been received from 62 organisations and 42 individuals. The Fund opened on 2 November 2020 and closed on 27 November 2020. You will appreciate that it will take some time to complete initial processing of the applications and carry out initial checks to determine eligibility; I am therefore not at this stage in a position to provide you with a geographic breakdown of applications.

When eligibility checks has been completed, applications will be assessed during December and early January, with final decision made by the end of January 2021. I anticipate that payments will reach bank accounts in February 2021. A list of all awards made from the Fund will be published at that stage.

Mr McCrossan asked the Minister for Communities (i) on what date the Stability and Renewal for Arts Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications have been received from the West Tyrone constituency up to and including Friday 27 November 2020; (iv) how many payments were made by this date; and (v) what is the total amount paid.

(AQW 11313/17-22)

Ms Ní Chuilín: The Stability & Renewal Programme for Organisations opened for applications on 28th October 2020 with a closing deadline for applications of 27th November. To date no payments have been made. Decisions will be made at the end of January 2021. Up to and including Friday 27th November 2020 six applications have been received from the West Tyrone constituency.

Mr Durkan asked the Minister for Communities to detail the number of (i) children deemed to be living in poverty; and (ii) individuals deemed to be living in fuel poverty in every year between 2015 and 2020, broken down by constituency.

(AQW 11322/17-22)

Ms Ní Chuilín:

- (i) Official measures of absolute and relative poverty are derived from the Family Resources Survey (FRS). Both measures can be presented on a before and after housing costs basis. The number of children estimated to be living in poverty are presented in the table below.

Child Poverty Type	2015/16	2016/17	2017/18	2018/19
Relative Poverty Before Housing Costs	93,000	99,000	85,000	107,000
Relative Poverty After Housing Costs	103,000	118,000	102,000	122,000
Absolute Poverty Before Housing Costs	78,000	82,000	69,000	92,000
Absolute Poverty After Housing Costs	92,000	94,000	87,000	109,000

Further information regarding the Family Resources Survey (Households Below Average Income) can be found at the link below.

<https://www.communities-ni.gov.uk/publications/households-below-average-income-northern-ireland-201819>

Households below Average Income Northern Ireland 2018/19 | Department for Communities (communities-ni.gov.uk)

- (ii) Figures relating to Fuel Poverty are published every five years by the Housing Executive via the House Condition Survey. The 2016 report (most recently reported results) estimated that approximately 22% (160,000) households were in fuel poverty. These figures are not currently available at the constituency level.

Further information regarding the House Condition Survey can be found at the link below.

<https://www.nihe.gov.uk/Documents/Research/HCS-2016-Main-Reports/HCS-Main-Report-2016.aspx>

Mr McGrath asked the Minister for Communities (i) on what date the Heritage Recovery Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications have been received from the South Down constituency up to and including Friday 27 November 2020; (iv) how many payments were made by this date; and (v) what is the total amount paid.

(AQW 11325/17-22)

Ms Ní Chuilín: The Heritage Recovery Fund have been received from 62 organisations and 42 individuals. The Fund opened on 2 November 2020 and closed on 27 November 2020. You will appreciate that it will take some time to complete initial

processing of the applications and carry out initial checks to determine eligibility; I am therefore not at this stage in a position to provide you with a geographic breakdown of applications.

When eligibility checks has been completed, applications will be assessed during December and early January, with final decision made by the end of January 2021. I anticipate that payments will reach bank accounts in February 2021. A list of all awards made from the Fund will be published at that stage.

Mr McGrath asked the Minister for Communities (i) on what date the Stability and Renewal for Arts Fund opened for applications; (ii) on what date the first payment under the scheme was made; (iii) how many applications have been received from the South Down constituency up to and including Friday 27 November 2020; (iv) how many payments were made by this date; and (v) what is the total amount paid.

(AQW 11326/17-22)

Ms Ní Chuilín: The Stability & Renewal Programme for Organisations opened for applications on 28th October 2020 with a closing deadline for applications of 27th November. To date no payments have been made. Decisions will be made at the end of January 2021. Up to and including Friday 27th November 2020 six applications have been received from the South Down constituency.

Mr McGrath asked the Minister for Communities how many people in South Down are eligible for the one-off heating payment of £200 for disabled people on higher rate allowance and older people in receipt of pension credit; and when this payment will be made.

(AQW 11327/17-22)

Ms Ní Chuilín: High level analysis shows there are approximately 221,000 people eligible for the Covid-19 Heating Payment. The qualifying week for this payment is the 30th November to 6th December 2020 inclusive. Data is not yet available for this period to indicate the number of eligible recipients, including any geographical breakdowns. Once this information is available, my Department will be happy to provide this.

My Department plans to make the payments during week commencing the 25 January 2021.

Mr McGrath asked the Minister for Communities (i) how many applications were made from the South Down constituency to the Social Enterprise Fund; (ii) how many were approved; (iii) how many were declined; and (iv) how many payments have been made.

(AQW 11329/17-22)

Ms Ní Chuilín: The Social Enterprise Fund opened on 28 September 2020 and closed on 23 October 2020; in total it received 394 applications. I am unable to provide a breakdown of information by constituency but I am able to provide this by district council area.

In the Newry, Mourne and Down district council area, there were 45 applications received with 33 of these being approved and 12 being declined. As of 3pm on Thursday 3 December 2020, 21 of the approved applications had been paid out, 7 were awaiting payment and 5 were awaiting return of the letter of offer by the applicant.

Ms Bailey asked the Minister for Communities when the development brief on Writers Square will be published.

(AQW 11341/17-22)

Ms Ní Chuilín: I am currently giving consideration to Writers' Square and wish to consider carefully. This includes consideration of much needed Social and Affordable Housing in the city centre. I will make my decision in due course.

Ms Bailey asked the Minister for Communities to detail any plans to lower the age limit for those considered an elite athlete.

(AQW 11342/17-22)

Ms Ní Chuilín: I can advise that under the current regulations, an "Elite athlete" means an individual who meets one of the following criteria:

- (vi) derives a living from competing in a sport,
- (vii) plays in a professional league or competition,
- (viii) is a senior representative nominated by a relevant sporting body,
- (ix) is a member of the senior training squad for a relevant sporting body, or
- (x) is aged 16 or above and on an elite development pathway.

That being said, Sport NI has advised that if an athlete is under the age of 16 but can meet other aspects of the elite athlete definition they may be able to claim elite status.

If elite status is claimed, the High Performance Director/Manager in the sport's Governing Body can make a submission to Sport NI explaining why the named athlete should be granted this status. Sport NI will ask for evidence that this athlete is a

realistic candidate for a major international competition in 2021/22, for example, the Olympics, Paralympics, Commonwealth Games, European Championships or World Championships.

Mr Easton asked the Minister for Communities how many cases of anti-social behaviour have been recorded by the NI Housing Executive over the last three years in North Down.

(AQW 11370/17-22)

Ms Ní Chuilín: The Housing Executive has provided the following figures for the number of anti-social behaviour cases it has registered in North Down over the last three years.

- Year 17/18 – 73 cases registered.
- Year 18/19 – 100 cases registered.
- Year 19/20 – 47 cases registered.

Mr McNulty asked the Minister for Communities whether she has any plans to extend the £200 Fuel Grant announced by the Minister of Finance to those in receipt of (i) Universal Credit; (ii) the COVID-19 Support Grant; or (iii) families entitled to free school meals.

(AQW 11387/17-22)

Ms Ní Chuilín: The Covid-19 Heating Payment will be issued as a one-off payment of £200 to people in receipt of Pension Credit as well as those receiving the highest rates of Attendance Allowance, Personal Independence Payment and Disability Living Allowance, including children. There are no plans to extend the Scheme to other groups.

The Scheme has been approved by the Executive, and high level analysis shows there are approximately 221,000 people eligible for the payment.

Ms Armstrong asked the Minister for Communities whether people have to receive both the Carer and Mobility elements at the higher rate to qualify for the Covid Winter Heat payment of £200, or whether a recipient on Higher Carer Rate, not the Mobility element be included.

(AQW 11394/17-22)

Ms Ní Chuilín: Those in receipt of Disability Living Allowance will be eligible for the Covid-19 Heating Payment if they receive either the highest rate care element or the higher rate mobility element, or both.

Those in receipt of Personal Independence Payment will be eligible if they receive either the enhanced rate daily living element or the enhanced rate mobility element, or both.

Mr McGrath asked the Minister for Communities to detail the number of (i) children deemed to be living in poverty; and (i) individuals deemed to be living in fuel poverty, in the South Down constituency in each of the last five years.

(AQW 11413/17-22)

Ms Ní Chuilín:

- (i) Official measures of absolute and relative poverty are derived from the Family Resources Survey (FRS). Both measures can be presented on a before and after housing costs basis. The number of children estimated to be living in poverty are presented in the table below. Due to the uncertainty around estimates at lower levels, the Department does not present results for child poverty at constituency level.

Child Poverty Type	2014/15	2015/16	2016/17	2017/18	2018/19
Relative Poverty Before Housing Costs	109,000	93,000	99,000	85,000	107,000
Relative Poverty After Housing Costs	122,000	103,000	118,000	102,000	122,000
Absolute Poverty Before Housing Costs	100,000	78,000	82,000	69,000	92,000
Absolute Poverty After Housing Costs	116,000	92,000	94,000	87,000	109,000

Further information regarding the Family Resources Survey (Households Below Average Income) can be found at the link below.

Households below Average Income Northern Ireland 2018/19 | Department for Communities ([communities-ni.gov.uk](https://www.communities-ni.gov.uk))

<https://www.communities-ni.gov.uk/publications/households-below-average-income-northern-ireland-201819>

- (ii) Figures relating to Fuel Poverty are published every five years by the Housing Executive via the House Condition Survey. The 2016 report (most recently reported results) estimated that approximately 22% (160,000) households here were in fuel poverty. These figures are not currently available at the constituency level.

Further information regarding the House Condition Survey can be found at the link below.

<https://www.nihe.gov.uk/Documents/Research/HCS-2016-Main-Reports/HCS-Main-Report-2016.aspx>

Mr Middleton asked the Minister for Communities to detail how her Department is engaging with the High Street Task Force.
(AQW 11423/17-22)

Ms Ní Chuilín: Since the announcement by the Executive, on the 6th of August 2020 to establish a High Street Task Force, officials from my Department have been fully engaged with The Executive Office and others in taking forward the necessary preparatory work.

Mr McNulty asked the Minister for Communities, pursuant to AQW 11038/17-22, whether she will remove the £21,405 threshold from the COVID-19 Discretionary Support Grant.
(AQW 11478/17-22)

Ms Ní Chuilín: I would direct you to my response of 2 December 2020.

To be eligible for a Discretionary Support Self-isolation grant a household's annual income must be no higher than £20,405. This income threshold was increased in response to the pandemic and means that more people in low paid employment can access Discretionary Support.

The Self-isolation grant is designed to assist with short term living expenses where a person, or any member of their immediate family, is diagnosed with COVID-19 or has been advised to self-isolate in accordance with the latest guidance from the Public Health Agency. Importantly, there is no limit on the number of Self-Isolation grants that can be awarded.

I announced enhancements to the Self-isolation grant on 17 November 2020 and I am continuing to review the Discretionary Support scheme to ensure that it delivers financial support to those most in need during the pandemic.

Mrs D Kelly asked the Minister for Communities how many people in Upper Bann are eligible for the one-off heating payment of £200 for disabled people on higher rate allowance and older people in receipt of pension credit; and when this payment will be made.
(AQW 11492/17-22)

Ms Ní Chuilín: High level analysis shows there are approximately 221,000 people eligible for the Covid-19 Heating Payment. The qualifying week for this payment is the 30th November to 6th December 2020 inclusive. Data is not yet available for this period to indicate the number of eligible recipients, including any geographical breakdowns.

Mr McGrath asked the Minister for Communities how many charities have received funding from the COVID-19 Charities Fund.
(AQO 1280/17-22)

Ms Ní Chuilín: I am pleased to say that five hundred and one (501) applicants received a total of just under nine million pounds (£9m) from the Covid-19 Charities Fund.

All eligible charities that applied were supported. The Fund opened for applications on 15 June 2020 for four weeks and again for three weeks from 3 August 2020.

The Fund was administered by the National Lottery Community Fund and I am grateful to their team for the work they did to support charities during this difficult period.

Individually tailored awards were made to provide enough funding for each charity to meet essential, unavoidable costs in the period 1 April to 30 September 2020 to stabilise their reserves position.

The majority of the 129 ineligible charities which applied were not in financial difficulty. Others did not meet the basic eligibility criteria required.

This support helped preserve vital charities and ensure that their services can continue now and in the future.

Ms Sugden asked the Minister for Communities for an update on her plans for the Sub-Regional Stadia Programme for Soccer.
(AQO 1282/17-22)

Ms Ní Chuilín: The Sub Regional Stadia Programme is a priority in the New Decade New Approach Deal. The delivery of the Programme provides a real opportunity to contribute to the delivery of wider government priorities and to address a range of social, economic and cultural needs, whilst also meeting the needs of the football family.

Currently my officials are undertaking work to provide a robust and up-to-date evidence base for the Programme. This includes a club survey and a series of strategic discussions with the key stakeholders who oversee the game, operate the facilities, support football and play the sport at all levels.

A Working Group has also been established with representatives from the key stakeholders involved, including Councils, IFA, NIFL, SportNI and the Department. This will ensure a collaborative approach to developing the shape and scope of the programme.

This work aims to ensure that the programme reflects the current and future needs of local football.

A full analysis of the outcomes of both of these exercises, along with benchmarking and research, will inform my proposals on the future of this Programme.

Following this work I will present recommendations to Executive colleagues on the future implementation of the Programme including the timetable for delivery.

Mr Nesbitt asked the Minister for Communities for her assessment of the importance of Scrabo Tower.
(AQO 1283/17-22)

Ms Ní Chuilín: The tower sits upon an Iron Age Hillfort (c. 500 BC - AD 300) and adjacent to an earlier Bronze Age (c. 2500-1500 BC) settlement, making the site of considerable archaeological importance.

Due to the significance of the tower and its setting, the site is afforded statutory protection, being a scheduled historic monument under the Historic Monuments and Archaeological Objects (NI) Order 1995, as well as a B+ listed structure under the Planning Act (NI) 2011. It is also a monument in state care.

The tower holds great importance for the local community and is a popular location for outdoor recreation, in conjunction with the DAERA-operated Scrabo Country Park which is immediately adjacent.

The site is also an important local tourist attraction; between 2017 and 2019 the average annual visitor numbers were 4,454 persons.

From 2017 opening of the tower during the summer months has been facilitated through a successful partnership arrangement between my Department and the National Trust. This partnership was set to continue in 2020, but opening has been prevented by the COVID-19 pandemic. It is intended to continue to build upon this relationship with the National Trust, once restrictions are lifted.

My Department is aware that substantive work is required to address water ingress which has been a persistent problem at the tower, dating back to changes to the design which were implemented during its construction to reduce the cost. We aim to seek resources to address this issue in the coming years.

Mr McCrossan asked the Minister for Communities whether she will consider postponing Personal Independence Payment award reviews until at least April 2021.
(AQO 1284/17-22)

Ms Ní Chuilín: Earlier in the year I suspended reviews for 4 months and in order to ensure those impacted continued to receive their PIP payments, I extended their awards for a further 6 months.

When PIP award reviews restarted in July it was in a measured and controlled manner. The issue of all award review forms was pushed back by 4 months

As an additional safeguard I extended all PIP awards by 9 months.

These actions are intended to ensure that vulnerable people continue to receive financial protection and have enough time to fill in their forms before their existing award ends.

It also ensures that there is no spike in workloads for those independent groups who support people in the PIP process and for the Department in making decisions.

All people with a scheduled PIP review have already been notified of their new award end date.

To suspend reviews until April 2021 and to issue further letters would only cause additional difficulties for people, with many at different stages of this process.

All PIP recipients will continue to receive their normal PIP payments while they are going through the award review process.

Many people may receive an increased award following this review.

Mr Buckley asked the Minister for Communities for an update on the provision of Winter Fuel Payments.
(AQO 1285/17-22)

Ms Ní Chuilín: The Department for Work and Pensions administers Winter Fuel Payments on behalf of my Department.

Winter Fuel Payment notification letters issued to customers between 12 October and 27 November.

These notification letters inform customers of their Winter Fuel Payment amount in advance of payments being made to provide customers with notice to inform the Department for Work and Pensions if they think the decision is incorrect. This means that an original decision can be revised if necessary before a payment is issued reducing the likelihood of an under/overpayment.

Winter Fuel Payments commenced on 9 November 2020 with all automatic payments due to be received by customers by 23 December 2020.

As at 27 November 2020, approximately 50% of automatic Winter Fuel Payments had been made.

Mr Dickson asked the Minister for Communities whether she will expand support for home insulation and energy efficiency schemes, to address fuel poverty and the climate crisis.

(AQO 1286/17-22)

Ms Ní Chuilín: The Affordable Warmth Scheme is the Executive's main fuel poverty scheme. It provides a range of energy efficiency improvement measures which include cavity and loft insulation as well as new and replacement heating systems and windows where appropriate.

I have recently approved changes to the eligibility criteria for the Scheme. Increasing the income threshold from £20,000 to £23,000 and removing disability benefits from the calculation of income will increase the number of households eligible for support. Work is ongoing to amend the relevant Scheme Regulations to enable these changes to be implemented.

This Scheme is delivered in partnership between the Department, all eleven local Councils and the Housing Executive. It has a targeted approach, aimed at private sector households most at risk of fuel poverty.

The Boiler Replacement Scheme also provides a grant of up to £1,000 to eligible households towards the cost of replacing old and inefficient boilers over 15 years old.

The Housing Executive is aware of the significant level of funding that will be required to bring its stock up to a standard at which it can make a marked contribution to addressing climate change.

The Housing Executive recently commissioned research into the cost of retro-fitting housing to improve energy efficiency standards here (regardless of tenure). The research findings will help to inform policy going forward, but the common challenge for all providers remains the availability of funding to facilitate works to deliver improved energy efficiency standards.

A new Fuel Poverty Strategy, which is in the early stages of development, will align with the new Energy Strategy and associated Energy Efficiency Strategy and Clean Air Strategies.

Department of Education

Mr Carroll asked the Minister of Education to detail the total figure of COVID-19 cases in schools.

(AQW 8204/17-22)

Mr Weir (The Minister of Education): The PHA publishes information on COVID-19 cases including those in schools in their weekly bulletin which is available here:

<https://www.publichealth.hscni.net/publications/coronavirus-bulletin>

To date there has been 2054 cases in pupils, this does however only represent 0.6% of school aged children in Northern Ireland. The figures give confidence that the range of mitigating factors put in place are working and school remains a safe place for pupils and staff.

Ms McLaughlin asked the Minister of Education to detail (i) in what circumstances parents may withhold their children from attending school during the COVID-19 crisis; (ii) whether they should stop their children attending if an adult in their home is isolated as they may have become infected; (iii) whether they should stop their children attending if an adult in their home is regarded as vulnerable or high risk; and (iv) what resources schools will be required or expected to provide if a child is not attending school in order to protect an adult at home.

(AQW 9737/17-22)

Mr Weir:

- (i) If someone is showing symptoms of COVID-19 (a new continuous cough or fever or loss of taste/smell) or has someone in their household who is displaying symptoms, they should not be in an educational setting. These individuals should be at home, in line with the guidance for households with possible coronavirus infection, and should follow guidance on the Public Health Agency website. In summary, pupils should not attend school if they are ill and have any COVID-19 symptoms. As per DE Circular 2020/08, if a pupil chooses not to attend school or parent chooses not to send their child to school on the advice of a medical professional as the child is self-isolating due to a significant underlying medical condition, and the pupil is learning remotely, then Code 8 should be used. This will not impact on the pupil's attendance record as it is an Approved Educational Activity. In such cases, medical evidence is required by the school to authenticate circumstances. Only in extreme circumstances and on the advice of a medical professional should this code be used where the parent has a significant underlying medical condition which would warrant the child having to learn from home. Unless the child is ill, is displaying symptoms of COVID-19, or has tested positive, there are no other circumstances that a child should refrain from school.

- (ii) If someone is showing symptoms of COVID-19 (a new continuous cough or fever or loss of taste/smell) or has someone in their household who is displaying symptoms, they should not be in an educational setting. These individuals should be at home, in line with the guidance for households with possible coronavirus infection, and should follow guidance on the Public Health Agency website.
- (iii) The New School Day guidance states that if a child or young person lives with someone who is clinically vulnerable, including those who are pregnant, they can attend their education or childcare setting. If in doubt, advice should be sought from the Hospital Consultant or GP of the clinically vulnerable person. For pupils living with someone who was previously shielding (clinically extremely vulnerable people), these restrictions eased over time and as of 1 August 2020 'shielding' has been paused. Such pupils should have an individual risk assessment conducted before return. Individual risk assessments should be conducted in conjunction with parents, health professionals and school leaders. The Education Authority (EA) Health and Safety Team have developed risk assessment templates for Clinically Extremely Vulnerable (CEV) pupils and also for those pupils who are living with someone who is CEV during the Covid-19 pandemic.
- (iv) Due to the continuing impact of the pandemic, we have asked all schools to have contingency plans in place to deliver remote learning in the event of a school closure, or that a class or group of pupils need to self-isolate. Feedback from our Inspectorate indicates that all schools they surveyed have contingency plans in place and the majority have enacted them at some point. My key priority is keep our children in school wherever and whenever possible but to support and empower schools to deliver high quality remote learning when it is required. Last week, all schools were provided with a checklist of readiness for remote learning. The EA and Catholic Controlled Maintained Schools (CCMS) have developed this in conjunction with Principals to support schools to plan and reflect on their remote learning, i.e. what they have in place and key areas of development.

Mr McCrossan asked the Minister of Education whether his Department has any plans to gather relevant, comprehensive disaggregated data about the adverse equality impacts upon children with disabilities the COVID-19 pandemic has caused, particularly due to the closure of schools and the isolation of children.

(AQW 10299/17-22)

Mr Weir: Throughout June 2020, the Education and Training Inspectorate met with reference groups of curricular coordinators, Heads of Departments and leaders on a cross-sectional basis from across Northern Ireland to seek their views on the challenges of remote learning and teaching, and what approaches they might take in moving towards the return to school with as many children and young people as possible, complemented by blended learning where necessary.

The findings are available at: <https://www.etini.gov.uk/sites/etini.gov.uk/files/publications/special-schools-curricular-challenges-and-approaches-taken.pdf>

As part of the ongoing work between health and education the Joint Health/Education Oversight Group is currently considering plans for a review of learning from experiences of parents of vulnerable children, particularly those with the most complex needs, during COVID 19.

Mr Middleton asked the Minister of Education how many pupils across Northern Ireland have been unable to access remote learning during the lockdown period.

(AQW 10330/17-22)

Mr Weir: The Department does not hold information about access to remote learning at individual pupil level. However, in April, during the lockdown period, my Department conducted a survey of school principals which included questions on distance learning. The survey found that all schools which responded to the survey were using online or hard copy approaches to distance learning.

Overall, 96% of schools reported they were using online learning - 100% of post primary settings, 95% of schools in the primary phase and 92% of special schools. Each of the settings that were not using online learning reported that they were providing pupils with alternative versions of resources, such as hard copies or textbooks.

In responding to feedback from the survey I introduced a scheme to lend devices and provide access to a broadband solution for those learners who need it most. To date, 10094 devices, 2727 BT hotspot vouchers and 417 MiFi devices have been provided to pupils.

Mr Lyttle asked the Minister of Education what percentage of pupils are accessing the recommended two hours per week of statutory curriculum physical education, broken down by primary and post-primary.

(AQW 10408/17-22)

Mr Weir: Questions about pupils' access to PE in the curriculum are included in the Young Persons Behaviour and Attitude Survey (YPBAS) and in the School Omnibus Survey.

The YPBAS is a school-based survey carried out among year groups 8 – 12. It covers a wide range of topics relevant to the lives of young people and includes a question about PE lessons in school. The most recent survey, conducted between September 2019 and February 2020, found that 62% of young people were normally involved in PE for 2 hours or more each week.

Information about the amount of time schools allocate to Physical Education (PE) is also collected via the School Omnibus Survey. The last survey was conducted in 2018 and information provided by schools which responded to the survey, broken down by primary and post primary, is set out in the tables below:

Primary Schools

	2018
0-59 mins per week	37.8%
60-119 mins per week	57.4%
120 or more mins per week	4.8%

Based on responses from 248 primary schools

Post-Primary Schools

	2018
0-59 mins per week	26.8%
60-119 mins per week	63.5%
120 or more mins per week	12%

Based on responses from 67 post-primary schools

The 2020/21 Omnibus Survey will issue to schools early next year and will include questions on the provision of PE in schools.

Mr McCrossan asked the Minister of Education, given the growing poverty brought about by the presence of COVID-19, whether he will provide free school meals over the Christmas holiday period.

(AQW 10691/17-22)

Mr Weir: At its meeting on 19 November the Executive agreed to support my proposal to fund a School Holiday Food payment scheme to alleviate the hardship experienced during school holidays by the families of children who are in receipt of free school meals when at school. The scheme will make payments to the average value of a free school meal of £2.70 per child per day for 5 days a week. The payment will be issued to families of children entitled to free school meals when at school during school holidays up to Easter 2022.

For the purposes of the School Holiday Food payments it was decided to cover the period when most schools plan their school Christmas holidays this year from 22 December to 4 January. It is the intention that the payments will be made during the week of 14 December to ensure that the money will be available to families ahead of Christmas and that families have the means to plan their food shopping at this very busy time.

Ms McLaughlin asked the Minister of Education when question AQW 8611/17-22 will be answered.

(AQW 10719/17-22)

Mr Weir: AQW 8611/17-22 was answered on 26 November. The response was late due to an administrative oversight within my Department. I would be grateful if you could please accept the apologies of my Officials.

Mr Carroll asked the Minister of Education what advice has been sought from behavioural scientists into the possibility of higher-risk parents sending children, who are meant to be self-isolating, or have potential COVID-19 symptoms, to complete post-primary transfer tests.

(AQW 11029/17-22)

Mr Weir: It is a matter for individuals to ensure that they act in accordance with any restrictions set out in the relevant health protection legislation and to ensure they follow the advice of the Chief Medical Officer and Public Health Authority.

Mr Carroll asked the Minister of Education when the next Department of Education employer and Trade Union consultation subgroup meeting will be.

(AQW 11032/17-22)

Mr Weir: There are currently no plans for a further meeting of the subgroup.

At the last meeting on 8 September 2020, it was agreed that any further meetings would be held only if required. Since then, a number of written updates have been issued to the subgroup, including the circulation of draft documents for comment. Subgroup members remain available to comment by correspondence, or to convene a meeting if required.

Mr Carroll asked the Minister of Education to detail the advice sought from behavioural scientists in relation to the potentiality of guidance to be breached with regards to post-primary transfer tests.

(AQW 11101/17-22)

Mr Weir: It is a matter for individuals to ensure that they act in accordance with any restrictions set out in the relevant health protection legislation and to ensure they follow the advice of the Chief Medical Officer and Public Health Authority.

Mr McNulty asked the Minister of Education to detail (i) the date schools will close for the Christmas Holidays; (ii) the last day school meals will be available in schools; (iii) the rationale for the free school meal payment beginning on 14 December; and (iv) when he will give certainty to school principals on this issue.

(AQW 11110/17-22)

Mr Weir:

- (i) Schools plan their school holidays in advance of the school year starting and these are submitted to the Education Authority to note. Consequently, there can be considerable variation between schools regarding when they decide to finish for Christmas. The EA has identified nine non-operational days throughout the Christmas period (22 December 2020 to 1 January 2021) when EA services will not be available. For the purposes of the School Holiday Food payments it was decided to cover the period when most schools plan their school Christmas holidays this year from 22 December to 4 January inclusive.
- (ii) School meals will continue to be served up to and including Monday 21 December as normal and the School Holiday Food payments will cover the period 22 December to 4 January.
- (iii) The School Holiday Food payments announced on 19 November are to alleviate the hardship experienced during school holidays by the families of children who are in receipt of free school meals when at school. The food payments for the schools' Christmas holidays will cover the period 22 December to 4 January. It is however the intention that the payments will be made during the week of 14 December to ensure that the money will be available to families ahead of Christmas and that families will have the means to plan their food shopping at this very busy time.
- (iv) I wrote to Principals on 8 December to give certainty on this issue.

Mr Lyttle asked the Minister of Education what action his Department has taken to ensure the Area Planning process encourages and facilitates integrated education.

(AQW 11131/17-22)

Mr Weir: My Department funds the Northern Ireland Council for Integrated Education (NICIE) to provide information, analysis and advice on Development Proposals impacting on integrated schools, to engage with the planning authorities (the Education Authority and the Council for Catholic Maintained Schools) in identifying innovative, creative and shared solutions for sustainable provision and to engage with all other sectors with a view to adding to quality and viability of provision.

NICIE is facilitated to fulfil this role through its representation at all levels of the area planning structures (Area Planning Steering Group (APSG), Working Group (APWG) and Local Groups (APLG)).

Where Development Proposals are brought forward for provision in the integrated sector, they are assessed in line with the statutory duty, considered on a case by case basis and balanced against other relevant statutory and policy requirements.

Additionally the views of the Department's sponsor branch for Irish-Medium and Integrated Education, (IMIE), are sought and reflected in recommendations brought to me as decision-taker.

Mr McCrossan asked the Minister of Education to detail the percentage of schools which have had COVID-19 cases, broken down by Assembly constituency.

(AQW 11206/17-22)

Mr Weir: The Department of Education does not collect any information on COVID-19 cases in schools. This information is collected and reported on by the Public Health Agency (PHA) and can be accessed on their website at the following location: Coronavirus bulletin | HSC Public Health Agency (hscni.net). Contained within each weekly bulletin is a section on schools and analysis by council area. Unfortunately analysis by Assembly constituency is not published in this report.

Mr Lyttle asked the Minister of Education, pursuant to AQW 9296/17-22, whether funding will be made available to schools to enable them to honour pre-arranged hours for external tutors which have not been able to go ahead due to COVID-19 restrictions in schools.

(AQW 11213/17-22)

Mr Weir: The need for additional funding will depend on how the school normally pays for the services of the external tutors. If the tutors were normally paid from existing funding streams (e.g. Extended Schools allocations), then the funding for these hours should already be in place. However, if the external tutor costs were funded, or supplemented, by parental or other income which has now stopped, this would be seen as a COVID-19 related cost.

To help schools address many of the new pressures arising as a result of COVID-19, I announced significant funding to help support the safe reopening of schools.

The allocations made to schools to date are to mitigate additional costs due to COVID-19, beyond teacher substitution costs. The Education Authority (EA) has advised schools to code additional expenditure incurred as a result of COVID-19 to specific COVID-19 function codes. This is to allow robust monitoring of COVID-19 related expenditure and to facilitate the disaggregation of normal school expenditure from that specifically related to COVID-19 responses. Importantly, schools' use of COVID-19 function codes will assist the EA in monitoring schools' funding requirements as the pandemic progresses in order to inform potential future Departmental bids for additional resources, as required.

That said, regardless of my Department's success in securing additional funding to tackle COVID-19 to date, there is no guarantee of further additional funding. It is for this reason that schools have been advised to exercise spending restraint in line with their current funding allocations.

Mr Lyttle asked the Minister of Education what action his Department has taken to implement the Fresh Start panel report on the Disbandment of Paramilitary Groups recommendation that ambitious targets and milestones be set to measurably reduce segregation in education as quickly as possible.

(AQW 11214/17-22)

Mr Weir: The Fresh Start Panel recommended that the NI Executive should accelerate and build on its existing good relations strategy to measurably reduce segregation in education and housing and set ambitious targets and milestones to achieve measurable progress as quickly as possible. The Executive responded that it is committed to continuing to build on existing strategies and will give ongoing consideration to this going forward.

The NI Executive's Together: Building a United Community (T:BUC) Strategy, included a headline action to commence 10 new shared education campuses by 2018. This headline action is being taken forward by my Department under the Shared Education Campuses (SEC) Programme which provides capital assistance to applicant schools to facilitate shared education.

The SEC projects contribute to the desire to enhance the quality and extent of Shared Education provision within Northern Ireland, improving community relations and continuing the journey towards a more united and shared society. There have been three Calls to the SEC Programme to date, with four projects having been approved to proceed in planning. The Third Call generated eight applications.

The Strule Shared Education Campus in Omagh involves significant capital investment into the region's post-primary and special education sectors for the construction of six new schools and associated shared education facilities. I remain fully committed to delivering this educationally and strategically significant Programme and my officials and I are working diligently to progress to the next stage in the procurement process.

Significant work is being undertaken within my Department which contributes to wider Fresh Start (Tackling Paramilitarism) outcomes, including a number of programmes that are funded by the Tackling Paramilitarism Programme. My Department also has a large number of policies, interventions and programmes in place to raise standards and reduce educational underachievement. These include but are not limited to: the work of the Expert Panel to examine the links between educational underachievement and socio-economic disadvantage; School Attendance, Parental Engagement, Extended Schools, Targeting Social Need, geographic (needs based) programmes; Youth and Early Years interventions, Special Educational Needs and Shared Education.

In relation to Shared Education, my Department's aim is to provide all pupils with an opportunity to participate in a programme of high quality Shared Education on a continued and progressive basis. In June 2019, 61% of primary, post primary and special schools were involved in the current Shared Education programmes, with approximately one quarter of the school population across these phases engaged in sharing.

My Department is currently developing proposals for a long term sustainable strategy aimed at embedding Shared Education across the wider education sector on a phased basis. Proposals for new programmes under Peace Plus are being developed and will seek to engage those settings which have not as yet had the opportunity to be involved in Shared Education.

Mr Newton asked the Minister of Education whether a pedestrian entrance and exit will be available to the pupils of Elmgrove Primary School located on the adjacent site when the redevelopment of the former Avoniel Leisure Centre is completed.

(AQW 11339/17-22)

Mr Weir: The Education Authority has advised me that it does not have the authority to create a pedestrian entrance and exit located on the adjacent site for the pupils of Elmgrove Primary School when the redevelopment of the former Avoniel Leisure Centre is complete.

Ms Armstrong asked the Minister of Education to detail (i) the number of Boards of Governors MLAs may sit on; and (ii) the number of schools that currently have MLAs on their Board of Governors.

(AQW 11390/17-22)

Mr Weir: Article 12 of the Education and Libraries (Northern Ireland) Order 1986 (as amended) provides that, except with the approval of the Department of Education, no person shall at the same time hold office as a member of more than three Boards of Governors of grant-aided schools.

Depending on the school sector, a Board of Governors can comprise members elected by parents and teachers; foundation governors or members nominated by transferors or trustees; and members appointed or nominated by the Department and the Education Authority.

My Department holds details only in respect of governors that it appoints or nominates and is therefore unable to detail the number of schools that currently have MLAs on their Board of Governors.

Mr Middleton asked the Minister of Education how his Department will work with local schools to mark the centenary of Northern Ireland.

(AQW 11425/17-22)

Mr Weir: The UK Government has made a commitment in the New Decade, New Approach document to work with the Executive to mark the centenary of Northern Ireland in 2021; and to make available funding for related projects. I intend to participate in Executive discussions with the Secretary of State about the implementation of the UK Government's commitment to support and fund projects. The quantum and method of allocation of these funds have not yet been determined.

Mr Middleton asked the Minister of Education how many pupils in the Foyle constituency have received electronic devices to assist them with remote learning during COVID-19.

(AQW 11426/17-22)

Mr Weir: The current scheme for lending devices aims to ensure that resources are targeted where there is greatest need. I have been advised that 702 electronic devices have been allocated to pupils in the Foyle constituency in response to requests from their schools.

The form to request devices remains open on the C2k exchange and the EA is continuing to process requests as a matter of urgency.

I hope you find this information helpful.

Mr Muir asked the Minister of Education whether Pre-School Education Programme places, previously provided by the Big Red Balloon Nursery in Bangor, will be fully allocated to other local nurseries.

(AQW 11451/17-22)

Mr Weir: My Department was notified by the Education Authority (EA) that Big Red Balloon Day Nursery closed with effect from Monday 16 November 2020.

The EA has advised that Big Red Balloon Pre-School had 11 funded pre-school children and these children have all been offered alternative funded placements in the local area. Sufficient spare capacity was available within existing funded non-statutory pre-school settings to ensure the placement of the children displaced due to the sudden closure of Big Red Balloon.

The key aim of the Pre-School Education Programme is to ensure there is a funded pre-school place for every child whose parents wish it. The Pre-School Education Group (PEG) reviews pre-school provision on an annual basis to ensure that sufficient funded pre-school provision is available to address demand.

Mr McAleer asked the Minister of Education to detail his Department's plans and timeline to provide additional modular classrooms and associated facilities at the Dean Maguire College, Carrickmore.

(AQW 11573/17-22)

Mr Weir: A Business Case is currently being reviewed by my Department's Finance Team for the:

- replacement of a Music double mobile (132m²) and Drama/6th Form/general classroom units (136m²) with two 160m² double modular units; and
- the replacement of two general classroom double units (99.47m² & 124.99m²) with two prefabricated double modular units (160m² each).

All the new units have support spaces, pupil toilets and ambulant WC's.

Pending Business Case approval, it is anticipated that the design development, planning approval, procurement and construction works will take eleven months to complete.

Mr McCrossan asked the Minister of Education for a breakdown of the absence rates of teaching staff by (i) nursery; (ii) primary; and (iii) post-primary, broken down by September, October and November for 2018, 2019 and 2020.

(AQW 11575/17-22)

Mr Weir: The requested information is given in the table below.

Working days lost per teacher due to sickness absence.

		Nursery		Primary		Post-Primary	
		No. of working days lost due to sickness	No of working days lost per teacher	No. of working days lost due to sickness	No of working days lost per teacher	No. of working days lost due to sickness	No of working days lost per teacher
2020	November	N/A	N/A	N/A	N/A	N/A	N/A
	October	180	0.88	5420	0.65	4112	0.64
	September	290	1.42	5782	0.69	4763	0.74
2019	November	305	1.46	8873	1.06	6727	1.07
	October	256	1.24	7096	0.85	4908	0.78
	September	172	0.83	4885	0.58	3544	0.57
2018	November	193	0.98	7669	0.91	6684	1.08
	October	243	1.24	7008	0.83	5407	0.87
	September	178	0.90	5001	0.59	3973	0.64

The sickness absence records of teachers' are reported to the Department by all schools except voluntary grammar schools and recorded on the Teachers' Payroll System the month after an absence has occurred. Therefore, only absences that occurred up to the end of October 2020 are currently available. Teacher sickness absence data for November 2020 will be available from mid-January.

Covid 19 absences are not included in sickness absences recorded on the Teachers' Payroll System as these absences are not considered sick absences for teachers' pay purposes.

Mr McCrossan asked the Minister of Education whether the non-attendance of a pupil isolating due to COVID-19, when recorded on the C2k attendance system in schools, marks that child present or absent.

(AQW 11577/17-22)

Mr Weir: As set out in DE Circular 2020/08, a pupil who is self-isolating due to someone in close proximity testing positive should be coded as a Code 8. This code is used for Intensive Learning Support and Self-isolating and has a statistical meaning of an Approved Educational Activity. Therefore, it will be treated a present mark and will not affect the pupil's attendance.

If a pupil is self-isolating because they have tested positive or display symptoms then Code I should be used as the pupil would be deemed as ill, even if asymptomatic.

Mr McCrossan asked the Minister of Education whether he will seek the co-operation of the Minister of Health in prioritising the provision of the COVID-19 vaccine to staff in schools, to enable this key service to operate effectively in the new year.

(AQW 11578/17-22)

Mr Weir: As you can appreciate the prioritisation of the rollout of the vaccine is carried out at a UK level by the Joint Committee on Vaccination and Immunisation (JCVI). Northern Ireland, along with the other Devolved Administrations, will adhere to the JCVI advice on prioritisation of the vaccine.

JCVI have advised that "the first priorities for any COVID-19 vaccination programme should be the prevention of COVID-19 mortality and the protection of health and social care staff and systems. Secondary priorities could include vaccination of those at increased risk of hospitalisation and at increased risk of exposure, and to maintain resilience in essential public services."

Phase 1 of the programme will therefore offer vaccination to care home residents and staff, frontline health and social care workers, and those 80 years of age and over.

However, I intend to formally write to the Health Minister noting whilst it may be outside his jurisdiction, that prioritisation be considered for staff who work in schools or education settings, when vaccines become available.

Mr Allister asked the Minister of Education for a breakdown of the gender of children enrolled in schools which have a statement of special educational needs.

(AQW 11586/17-22)

Mr Weir: Please see table below for information requested.

Pupils recorded as having a statement of Special Educational Needs broken down by gender – 2019/20

School type	Gender		
	Female	Male	Total
Voluntary and private preschool centres	8	22	30
Nursery schools	25	40	65
Primary	1,683	4,611	6,294
Post primary	1,866	5,151	7,017
Special	1,698	4,096	5,794
Total	5,280	13,920	19,200

Source: NI school census

Note: Figures for primary include nursery classes, reception and year 1 – 7 classes.

Mr Newton asked the Minister of Education whether any consideration is being given to a variation providing flexibility in the age a child must be enrolled in school.

(AQW 11660/17-22)

Mr Weir: I appreciate that there may be circumstances when it may be beneficial for a child to defer entry to Year One. In determining the best way to proceed, I want to assess the impact any change might have on the overall number of years a pupil spends in compulsory education.

I want to fully assess the options presented to ensure any change brought forward represents the most appropriate way to proceed, including any change in legislation.

Mr McNulty asked the Minister of Education what discussions he has had with the Minister of Health in relation to the introduction of rapid testing for COVID-19 in schools, particularly in year groups undertaking key examinations.

(AQO 1303/17-22)

Mr Weir: I can confirm there have been no discussions held with the Minister of Health in relation to rapid testing for COVID-19 in schools.

COVID-19 testing should continue to be accessed through the established testing program in the community and follow the advice of the Public Health Agency when a positive case is notified.

On 19 November my Department published Public Health – Guidance to Support Public Examinations for schools and educational settings. This guidance applies to the conduct of public examinations in November 2020 and the rest of the 2020/21 academic year and enables schools to progress in a way which significantly reduces the risk of coronavirus (COVID-19) transmission.

Mr Stewart asked the Minister of Education to outline any statutory obligations in place with regard to employing school traffic patrol officers.

(AQO 1308/17-22)

Mr Weir: The provision of a school crossing patrol service is a non-statutory function. School Traffic Patrol Officers are recruited and employed by the Education Authority (EA) and like other employees, are entitled to a range of statutory employment rights derived from national or European legislation. It is up to their employer to ensure that these are implemented.

I have been advised by the EA that in providing the non-statutory School Crossing Patrol scheme the EA, like other managing authorities across the UK, apply the guidelines set out in the 'School Crossing Patrol Service Guidelines – Revised November 2013' which have been produced by Road Safety GB.

The guidelines are compiled based on existing legislation, best practice, health and safety and case law.

Mr Boylan asked the Minister of Education to outline his Department's policy on the use of seclusion and restraint in schools.

(AQO 1307/17-22)

Mr Weir: All schools should have a clear written policy about the use of reasonable force to restrain or control pupils as a last resort.

The Department does not have specific guidance in relation to seclusion. The use of quiet spaces, sensory rooms and chill out rooms are used in schools which allow pupils with special educational needs to enter (on a voluntary basis) and to return to class as and when they are ready. This supervised 'time out' is viewed as a 'reasonable adjustment', as a means of supporting the child's emotional self-regulation.

I have asked officials to consider the issues of seclusion and restraint, including the appropriateness of existing guidance, in conjunction with stakeholders and to report back in due course.

Mr Beggs asked the Minister of Education in light of the COVID-19 pandemic, to outline the engagement he has had with schools regarding arrangements for the 2021 transfer test.

(AQO 1309/17-22)

Mr Weir: The transfer tests are not administered by my Department and arrangements for the tests are between the test providers and those post-primary schools hosting the tests.

However, the circumstances we find ourselves in this year are unprecedented and we can all agree that the health and safety of pupils sitting the tests is of paramount importance. I have already written to the tests providers, and by extension to the selective schools, asking them to ensure that all available medical and public health guidance is followed fully and that advice on those arrangements is communicated early and clearly to parents and pupils. I have asked to be kept informed of the measures being put in place.

I have also written to the Boards of Governors of selective post-primary schools to highlight the importance of considering contingency arrangements should entrance tests not be available for any child. I have also encouraged Boards of Governors to review their special circumstances to ensure they remain robust and are able to deal with any increase in the number of cases, for example, where test results may not be available for a proportion of applicants required to isolate and being unable to sit the tests.

Mr Storey asked the Minister of Education for an update on the new build for Dunclug College.

(AQO 1310/17-22)

Mr Weir: I am pleased to advise that the procurement process for the appointment of an Integrated Supply Team (IST) is well underway.

Tender returns are currently being evaluated and it is anticipated that the contract will be awarded in Spring 2021.

Mr Dickson asked the Minister of Education whether he will introduce legislation to provide for a flexible school starting age.

(AQO 1311/17-22)

Mr Weir: The requirement for children who have reached the age of 4 by the 1st July to start primary school in September of that year is set out in Article 46 of the Education and Libraries (Northern Ireland) Order 1986.

I have previously stated that I would consider whether changes to provide for a legal deferral is the most appropriate way forward and I have asked my officials to bring forward a paper to update previous proposals for deferring school starting age for my consideration.

In determining the best way to proceed, it is essential that an in-depth analysis is undertaken to consider the immediate and longer term effects, including assessing the impact any change might have on the overall number of years a pupil spends in compulsory education.

I will want to fully assess the options presented and I will then set out how I intend to proceed, including any possible requirements in terms of legislation.

Ms Bailey asked the Minister of Education for his assessment of the Education Authority's delegation of budgets to special schools.

(AQO 1312/17-22)

Mr Weir: Funding for special schools, which is allocated to the Education Authority's block grant, is determined by the Education Authority, and therefore any further delegation of budgets to these schools would be a matter for the Education Authority to consider in the first instance.

I am aware that the Education Authority is carrying out a review of the methodology underpinning the element of budgets that are currently delegated to special schools under Article 60, to ensure that this is operating as efficiently and effectively as possible.

I would urge special schools to continue to engage with the Education Authority on this, and I look forward to the outcome of the proposed 2021-22 pilot.

Mrs Cameron asked the Minister of Education to outline how his Department is progressing projects as part of the School Enhancement Programme.

(AQO 1313/17-22)

Mr Weir: There are currently 74 schools being progressed under the second call to the School Enhancement Programme (SEP2) comprising 43 primary schools, 19 post-primary schools and 12 special schools.

The delivery teams in the Department and the Education Authority are currently working with the 74 schools to progress these projects.

Design teams have been appointed for 31 projects and work is ongoing to develop detailed designs for those schools. The other projects are at earlier stages of scoping and design.

Business Cases for the projects are being developed to ensure the projects provide a value for money solution to the needs of each individual school.

Mr M Bradley asked the Minister of Education what steps his Department is taking to assist pupils, particularly in examination year groups, that have been forced to self-isolate on more than one occasion.

(AQO 1314/17-22)

Mr Weir: It is my priority that examinations to award CCEA qualifications should go ahead as planned in 2021. The suite of adaptations which I announced on 9 October and 6 November are designed to take account not only of lost learning during the period from March to June 2020 but also to reflect the ongoing disruption that we are currently experiencing during the 2020/21 academic year.

However, I been keeping the situation under review, and my officials have been working closely with CCEA to develop a range of further mitigations and contingencies to respond to the fluid public health situation. This work is at an advanced stage and I hope to be in a position to provide more information very soon.

Mr Catney asked the Minister of Education, in light of the Minister of Finance's statement on 23 November 2020, what additional funding will be allocated to Special Educational Needs to deal with current pressures.

(AQO 1315/17-22)

Mr Weir: Glastry College

Mr Harvey asked the Minister of Education to outline the timescale for a new school building at Glastry College, Ballyhalbert.

(AQO 1316/17-22)

Mr Weir: Glastry College, Ballyhalbert, was included in the list of projects I announced on 14 January 2020 to advance in design under the second call to the School Enhancement Programme (SEP2).

Under the SEP2 protocol, schools which secure investment under SEP2 will not be considered for a wholly new build project for seven years.

The Education Authority has advised that the verification process for the SEP2 scheme is underway to provide the project brief and accommodation analysis. It is anticipated this will be completed by the end of January 2021.

I anticipate that the facilities provided under the SEP2 project will have a positive impact on the community at Glastry College, Ballyhalbert.

Department of Finance

Ms S Bradley asked the Minister of Finance whether he plans to work with Executive colleagues to establish a COVID-19 hardship fund that could assist individuals and businesses in settling debts, including interest payable, incurred due to the delay in distributing financial support during the COVID-19 pandemic.

(AQW 10679/17-22)

Mr Murphy (The Minister of Finance): The Executive has been working hard to put an unprecedented amount of support in place for businesses and individuals impacted by COVID-19, but I fully understand the frustrations with the speed at which some payments are being made from these schemes.

While in some cases these are taking longer to issue than I would hope, be assured that officials are working as fast as they can to process these payments. It is also important to understand that these schemes would usually be designed and implemented over a matter of months – however they are being turned around in days given the situation we find ourselves in and that many Government Departments, including Finance and Infrastructure, have repurposed themselves to provide grant support.

Economic support is the responsibility of the Department for the Economy and I would be happy to work with Executive colleagues should a proposal for a hardship fund come forward.

Ms Ennis asked the Minister of Finance, pursuant to AQW 9752/17-22, how many baby and child deaths occurred in each year since 2016.

(AQW 10825/17-22)

Mr Murphy: A table containing deaths by single year of age for each year since 1955 up to 2018 is available at

https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/deaths_by_age_1955_2018.xls. Table 1 is based on that information and provided below for ease of reference.

Table 1: Deaths Registered in Northern Ireland by Age, 2016-2020P

Age	2016	2017	2018	2019 ^P	2020 ^P
0	112	88	97	112	68
1-5	14	21	13		
6-14	17	22	19		
(1-14)				26	20
15+	15,287	15,905	15,793	15,620	12,741
Total	15,430	16,036	15,922	15,758	12,829

- 1 For purposes of request 'child' has been defined as children up to pre-school age of 5 years old
- 2 Information for 2019 and 2020 is not yet published by single age and therefore not available in the form requested.

Provisional quarterly information on deaths by specific age groups is currently available in table 4a for 2019 (<https://www.nisra.gov.uk/publications/registrar-general-quarterly-tables-2019>) and quarters 1 to 3 in 2020 (<https://www.nisra.gov.uk/publications/registrar-general-quarterly-tables-2020>).

2019 figures presented by single year of age will be available via the Registrar General's Annual Report 2019 which is due to be published on 16th December 2020.

Mr McNulty asked the Minister of Finance (i) to detail any rates holiday or rates relief support packages he has announced as part of the Executive's response to COVID-19; and (ii) to detail (a) the number of properties expected to benefit; (b) the total amount of funds allocated to each initiative; and (c) any oversight mechanisms he has put in place to ensure only the appropriate recipient benefits from the support.

(AQW 10840/17-22)

Mr Murphy: The table below sets out details of the main announcements made in relation to rates support measures in response to the pandemic for the current rating year. In addition to these specific support packages, on 31 March, as part of my Budget announcement, I announced a reduction in the Regional Rate for all businesses equating to an 18% reduction on the 2019/20 rate.

Announcement	Rates Support	Properties expected to benefit	Total amount allocated to each initiative
17 March – 3 months rate holiday 19 May – further 1 month rate holiday	4 months rates relief for all businesses (excluding public sector and utilities)	Currently assessed as 50,105	Cost currently assessed as £138m
19 May – targeted rates support	8 months rate relief for specified business uses within retail, hospitality, leisure, tourism, childcare sectors, and airports	Currently assessed as 22,555	Cost currently assessed as £132m
23 November – additional relief for the manufacturing sector	8 months rate relief for manufacturing premises (4 months relief & industrial derating already applied)	Estimated as 4,650	Estimated £20m

- (i) & (ii) (a) & (b) Rates Relief Announcements
- (ii) (c) Oversight arrangements

LPS automatically awarded the 4 month holiday or 12 month holiday where it had the information to determine eligibility. Where it did not have the information to award the holiday, LPS asked businesses to make an application to allow the ratepayer to submit evidence to determine eligibility.

As the relief is not a cash payment, but a credit to the rate account, LPS has processes in place for billing and recovery where any change of use in the property affects eligibility to the relief. The balance on the rate account is adjusted accordingly and where the adjustment creates an arrears on the rate account the ratepayer is billed for the outstanding amount.

Mr Muir asked the Minister of Finance for his assessment of the benefits of a National Investment Bank for Northern Ireland, such as has been created recently in Scotland.

(AQW 10917/17-22)

Mr Murphy: The Scottish National Investment Bank was only launched in November of this year and as it is in its early stages, it is too soon to make any proper assessment of it.

Although funded and structured differently, we have our own Northern Ireland Investment Fund (NIIF) here in the North which was launched in January 2018 and which provides debt funding for commercial property, regeneration and low carbon projects. A total of £100m in Financial Transactions Capital has been provided by the Executive for the Fund. The Executive have recently agreed to review the Investment Fund to examine whether it can consider a broader range of investment opportunities.

More broadly, the Executive will of course continue look strategically at how we support investment, and learning from others and drawing on any best practice will be an important part of that.

Mr T Buchanan asked the Minister of Finance, pursuant to AQW 1196/17-22, how many discussions he has had with the Secretary of State in relation to the finance for the increase in police numbers to 7500.

(AQW 10938/17-22)

Mr Murphy: The New Decade, New Approach document sets out a number of priorities including increasing police numbers to 7,500. However the accompanying funding package does not support the delivery of all the priorities. I have had a significant number of interactions with the British Government with a view to them honouring their financial commitments. I will continue to press the British Government to provide sufficient funding to deliver all NDNA commitments, including the increase in police numbers.

Mr Dickson asked the Minister of Finance for an update on the progress of introducing a Social Value Bill to the Assembly; and whether he will commit to attempting to pass such legislation before the end of this Assembly Mandate.

(AQW 10950/17-22)

Mr Murphy: A key priority for me is to deliver maximum social value from public procurement and that includes a Social Value Act.

Procurement resources have been focused on responding to the outbreak of COVID-19 to source PPE and manage contractors to continue delivering essential public services in challenging times.

This has impacted on progressing the legislation and I will have my officials explore if it is still possible to bring a Social Value Bill to the Assembly during the current term.

Unfortunately it is not simply a matter of replicating Britain's 2012 Social Value Act. A 2015 review found that following the legislation "the incorporation of social value in actual procurement appears to be relatively low". It is therefore important that legislation introduced here learns the lessons from the 2012 legislation, and social value legislation in other jurisdictions so that it is effective.

I will be bringing a proposal to the Procurement Board to make inclusion of social value a mandatory policy of public procurement exercises when it meets on 16 December. When the proposal is finalised with the Procurement Board I will be seeking agreement from Executive colleagues for all Departments to comply with this policy. I will also be discussing Social Value legislation with the Board, which includes Colin Jess of Social Enterprise.

Mr McNulty asked the Minister of Finance to detail the amount Departments have spent in providing (i) civil servants; and (ii) those employed by arm's-length bodies with electronic equipment to facilitate working from home since March 2020, broken down by organisation.

(AQW 10957/17-22)

Mr Murphy: Since March 2020 the Department of Finance has spent £5,065,368 to facilitate working from home for civil servants and those arm's length bodies who are supported by Digital Shared Services (DSS).

That amount can be broken down into Increased Internet Bandwidth (£50,000), Equipment (£4,310,113) and Software (£705,255).

It is not possible for the Department of Finance to break these figures down by Department as some of these costs are shared across DSS customers and some equipment has been purchased for stock to meet future requests.

Mr Durkan asked the Minister of Finance, following the Spending Review announced by the Chancellor, whether he will give public sector workers, who worked throughout the pandemic to ensure public services remained viable, a pay rise.

(AQW 11059/17-22)

Mr Murphy: I fully recognise the vital role played by public sector workers in delivering public services throughout the pandemic.

It is therefore hugely disappointing that the Chancellor has sought in the Spending Review to effectively freeze our resource budget and the pay of many hard working public sector employees outside of those in the health service in 2021/22.

Public sector pay policy and its management is devolved here, but it was a requirement on the transfer of those powers in 2007 that this must be within the overarching parameters set by Treasury. My Department is seeking urgent clarification on what exactly the Spending Review announcement will mean for public sector pay here in 2021/22.

It will be for individual Ministers to make decisions on pay awards for their areas of responsibility within the parameters of the pay policy agreed by the Executive.

Mr Durkan asked the Minister of Finance to detail (i) how many applications for the Localised Restrictions Support Scheme his Department has received from the Foyle constituency; and (ii) how many have of these have been processed successfully. **(AQW 11060/17-22)**

Mr Murphy: It is not possible to give figures for the Localised Restriction Support Scheme for a constituency area, all figures are recorded based on District Council area.

As of 11th December 2020, for the Derry City & Strabane District Council Area there were:

Applications received:	1,491
Payments made:	639
Applications rejected:	745
Cases to be processed:	107

Of the outstanding unprocessed applications, Land & Property Services has been in contact with a large number of applicants to request further information to make a decision on the application. This group also contains a number of duplicate applications which will need to be rejected. Therefore, it is not expected that all 107 cases still to be processed will result in payment.

The majority of rejected applications (96%) have been rejected for one of the following reasons:

- The business does not occupy the address used in the application.
- The business type is not one required to close.
- It is a duplicate application.
- The business indicated on their application that they were not open prior to the restrictions taking effect.

In many cases, the business has submitted the application against the wrong address or wrongly advised they were closed and resubmitted and been paid against the new application.

Since the Scheme was expanded to include non-essential retail businesses, LPS has received a further 139 applications from businesses in the Derry City and Strabane District Council area, and 28 of these have been paid out to a value of £50,000.

Mr Dunne asked the Minister of Finance what discussions he has had with Treasury about the proposed Government-backed 95 per cent loan-to-value mortgages which the Prime Minister announced in October 2020. **(AQW 11180/17-22)**

Mr Murphy: My officials have sought further details on this proposal directly from Treasury, but these are not yet available.

Mr Muir asked the Minister of Finance whether the Local Restrictions Support Scheme application form has been reviewed since the scheme was launched to reduce common errors found in applications.

(AQW 11354/17-22)

Mr Murphy: Yes. Changes have been made to the Localised Restrictions Support Scheme application portal to reduce the likelihood of the common forms of error in submissions. In particular, it has been updated to prevent applicants indicating they were closed prior to restrictions taking effect, when in fact they were open. LPS has also updated the address input fields to restrict the option for manual address input which has led to applications with poor quality information which are difficult to validate and added validation checks to prevent invalid bank account details from being entered.

Mr Wells asked the Minister of Finance (i) whether he has any plans to review the valuation of wind turbines to ensure that none of the owners of these structures receive Small Business Rates Relief; and (ii) how much such a decision would generate in additional rates.

(AQW 11396/17-22)

Mr Murphy:

- (i) Any plant and machinery used for the generation of electricity which has an installed capacity greater than 50 Kilowatts (kW) is rateable under the Rates (Microgeneration) Order (NI) 2012. The receipts and expenditure (R&E) method of valuation is used for the valuation of wind turbines for rates purposes. This is an industry standard approach used

throughout the UK which considers income, outgoings, the number of Renewable Obligation Certificates (ROC's) granted for the generation type, the date of accreditation, a turbine's capacity factor and installed capacity.

All business properties here were recently revalued for rates as part of the Non Domestic Revaluation 2020 exercise. LPS has no plans to change the method of valuation used for the assessment of Net Annual Values (NAV) on this property type, or to review those NAVs which came into force on 1 April 2020.

The majority of single turbines, as distinct from wind farms, by and large have NAV's less than the threshold for Small Business Rates Relief (SBRR) here and are entitled to it under the regulations currently in place. I am advised similar provisions are also in place in other UK jurisdictions.

The exclusion of wind turbines from eligibility for Small Business Rates Relief could only be lawfully achieved by changing the Rates (Small Business Hereditament Relief) (Amendment) Regulations (Northern Ireland) 2020. Those regulations will expire on 31 March 2021 and require to be renewed annually.

- (ii) The value of Small Business Rates Relief awarded to wind turbines in Northern Ireland in 2019/20 was £358,741.

Mr Durkan asked the Minister of Finance whether businesses based in the Derry City and Strabane District Council area who have already received remittance for the Localised Restrictions Support Scheme covering the period 16 October 2020 to 13 November, also receive payment for the 2 week period of restrictions which commenced on 5 October 2020.
(AQW 11410/17-22)

Mr Murphy: For the two week period commencing 5th October 2020, businesses in the following sectors were eligible for support within the Derry & Strabane District Council area because they were required to close.

- Cafes, pubs and restaurants.
- Hotels and guesthouses.
- Other businesses including cinemas, museums, galleries, trampoline parks, inflatable parks, escape rooms, bowling alleys and ice rinks.
- Libraries.

Any applicants who fall into the above listed categories in the Derry & Strabane District Council area who were required to close from 5th October 2020 and who have not yet been paid but can be determined as eligible, will be paid from that date.

From 16th October 2020, restrictions were extended to all districts and the restrictions included some additional business types, most notably close contact services.

Those businesses in the Derry & Strabane District Council area which were only required to close from 16th October 2020 when wider restrictions took effect are not entitled to any payment for the period between 5th October 2020 and 16th October 2020 and so will not receive payment for that period.

Miss Woods asked the Minister of Finance (i) to detail the immediate policy priorities he is asking the newly appointed Procurement Board to address; and (ii) whether consideration will be given to a policy on green procurement.
(AQW 11515/17-22)

Mr Murphy: I will be chairing a meeting of the Procurement Board on 16 December.

The immediate policy priorities that I am bring to the Board are in regard to improving social value by including targeted outcomes in contracts and building resilience in government supply chains.

To support the Executives public procurement policy, which requires environmental benefits to be integrated into procurement to achieve best value for money, the targeted outcomes on social value will include measures to support environmental protection and climate change.

Mr Muir asked the Minister of Finance for an update on the additional £150 million set aside for further rates relief.
(AQW 11519/17-22)

Mr Murphy: My officials are working closely with the Ulster University Economic Policy Centre and other Executive Departments to identify those business sectors most severely impacted by the economic consequences of the pandemic. This will allow me to determine how this relief can be applied to the best effect to support local businesses.

I fully appreciate that businesses need as much clarity as possible on major costs such as rates in the longer-term and I intend to make a further statement on this in the near future.

Mr O'Toole asked the Minister of Finance what conversations have taken place between Land and Property Services and major supermarkets concerning the return of rates holiday funding.
(AQW 11525/17-22)

Mr Murphy: To date, Tesco and Asda are the only supermarket chains to have made contact directly to say they would like to return their rate relief. However, I am aware that other large retail chains operating here, including Sainsbury's, Lidl and B&Q, intend to repay the relief.

Mr Muir asked the Minister of Finance, ahead of the January monitoring round, how the relative importance of inescapable pressures are assessed.

(AQW 11599/17-22)

Mr Murphy: Departments are required to prioritise their bids as inescapable, pre-committed, high priority or desirable and to also rank them in order within each of these categories. For example, inescapable and pre-committed priorities include bids for additional firm legal or contractual obligations, which if not met, may lead to proceedings being taken against the Department. Executive priorities are also taken into account.

Department of Finance officials will then make an assessment of the bids received and provide a recommendation as to which should be met taking into account the level of available funding for allocation. It is likely, for example, that inescapable bids are recommended to be met if funding is available.

It is for the Executive to decide where to allocate funding, taking into account all of the above and any wider considerations.

If a pressure is truly inescapable, and the Executive does not agree an additional allocation, the department concerned will have to reallocate funding from a lower priority area of its existing budget.

Mr Muir asked the Minister of Finance whether a public register of publicly-owned land and property exists.

(AQW 11600/17-22)

Mr Murphy: A register of publicly owned assets is currently being compiled.

In January 2019, the NICS Board endorsed a proposal from the Department of Finance to create a single central database of Government land and property. Land & Property Services (LPS), working with the Asset Management Unit, has established a programme, known as The Government Land and Property Asset Management Programme, to deliver the proposal.

The programme is working to identify and accurately map property by department. The results for each department are released when they become available. To date, land owned or occupied by the Department for Communities has been mapped and released for viewing. Land owned or occupied by the Department of Finance and The Executive Office will be released shortly. There are over 7,000 items mapped currently which require to go through a validation process by other departments. As information is validated it will be added to the register for viewing. The register can be viewed by accessing this link <https://apps.spatialni.gov.uk/PublicLandandPropertyAssets/>

Dr Aiken asked the Minister of Finance how many times he has attended meetings of the Committee for Finance since 11 January 2020, broken down by (i) Committee meetings attended in person; and (ii) Committee meetings attended remotely.

(AQW 11626/17-22)

Mr Murphy: Since 11th January 2020, I have attended the Committee for Finance on the four occasions it has asked me to do so. Of those four occasions I attended (i) four Committee meetings in person; and (ii) no Committee meetings remotely.

Department of Health

Ms Armstrong asked the Minister of Health to detail the different formats that are available for the instructions on at-home COVID-19 testing kits.

(AQW 7196/17-22)

Mr Swann (The Minister of Health): All Home Test Kits used in Northern Ireland are provided through the National Testing Programme managed by the Department of Health and Social Services London (DHSC). The Home Test Kits are provided with instructions in English.

DHSC has advised that instructions are also available for translation in the following languages by calling the 119 number.

- | | | |
|--------------|--------------|----------------|
| ■ Hindi | ■ Slovak | ■ Polish |
| ■ Somali | ■ Amharic | ■ Punjabi |
| ■ Arabic | ■ Bengali | ■ Spanish |
| ■ Czech | ■ Gujarati | ■ Tamil |
| ■ French | ■ Japanese | ■ Tigrinya |
| ■ Kurdish | ■ Lithuanian | ■ Urdu |
| ■ Portuguese | ■ Mandarin | ■ Persian Iran |
| ■ Romanian | ■ Pashto | |

Mr McCrossan asked the Minister of Health for an update on mobile COVID-19 testing in West Tyrone.

(AQW 8136/17-22)

Mr Swann: The location of testing facilities across Northern Ireland, including Mobile Testing Units (MTUs), is kept under constant review. Further information is available at:

<https://www.publichealth.hscni.net/covid-19-coronavirus/testing-and-tracing-covid-19/testing-covid-19>

Mr Easton asked the Minister of Health whether Queen's University will ensure that all students currently residing in the halls of residents are tested for COVID-19.

(AQW 8190/17-22)

Mr Swann: In line with current public health advice, Queen's University students residing in halls must come forward for a test if they have symptoms of COVID-19. Testing is available for symptomatic students on campus, in the testing centre beside the Physical Education Centre.

Queen's University is also offering testing to asymptomatic students using lateral flow devices (LFD). This is as part of a wider programme to offer LFD testing to all asymptomatic university students who wish to avail of a LFD test, helping them to return home for Christmas safely.

Mr Gildernew asked the Minister of Health whether he plans to allow domiciliary care staff in the community to access routine testing, as part of efforts to expand the care home testing program to cover wider social care services.

(AQW 8599/17-22)

Mr Swann: Testing in Northern Ireland continues to be a vital tool in our response to the COVID-19 pandemic. The current position is that all Health and Social Care (HSC) staff who are symptomatic (or whose household contacts are symptomatic) are eligible for testing in Northern Ireland.

This includes domiciliary care providers who, as essential health care workers, are currently able to access testing either through local HSC laboratories or via the National Testing Programme. Should there be an indication of more than one symptomatic individual among a group of care workers, an appropriate risk assessment will be undertaken by the Public Health Agency with testing of all individuals undertaken as deemed appropriate following the risk assessment.

Routine testing of asymptomatic domiciliary care workers is kept under review. As our understanding of this new virus continues to evolve and we learn more about the impact of the virus across different settings, and as new testing technologies emerge and are evaluated for use, we may revisit our policy on routine testing health and social care staff, including the testing of domiciliary care staff.

Mr McGlone asked the Minister of Health what COVID-19 testing is provided for domiciliary care and other community health workers.

(AQW 8669/17-22)

Mr Swann: Testing in Northern Ireland continues to be a vital tool in our response to the COVID-19 pandemic. The current position is that all Health and Social Care (HSC) staff who are symptomatic (or whose household contacts are symptomatic) are eligible for testing in Northern Ireland.

This includes domiciliary care providers and other community health workers who, as essential health care workers, are currently able to access testing either through local HSC laboratories or via the National Testing Programme. Should there be an indication of more than one symptomatic individual among a group of care workers, an appropriate risk assessment will be undertaken by the Public Health Agency with testing of all individuals undertaken as deemed appropriate following the risk assessment.

The priority groups for testing are reviewed on an active basis and adjusted appropriately as priorities change as this pandemic progresses. As our understanding of this new virus is continuing to evolve and we learn more about the impact of the virus across different settings, and as new testing technologies emerge, we may revisit our policy on testing HSC staff.

Ms Mullan asked the Minister of Health whether he will work with his colleagues in the Department of Education and the Public Health Agency to increase phone helpline capacity and availability to provide appropriate support to school principals.

(AQW 8709/17-22)

Mr Swann: As an integral part of the overall Education Restart Programme in September, the Public Health Agency (PHA) established a specific Schools Cell, as a direct response to the pandemic, to provide a dedicated single point of contact for School principals to call in the event of a positive case in their school.

The PHA Cell also carries out contact tracing of cases who attend a school in collaboration with PHA Contact Tracing Service. Clusters are investigated as necessary by the Schools Cell in liaison with local partners.

An Education Assurance Group was also established which brings together officials from the Departments of Health and Education, the Public Health Agency (PHA) and the Education Authority, to help ensure appropriate processes and procedures with respect to management of COVID-19 are in place in schools.

Mr Sheehan asked the Minister of Health for his assessment of the effectiveness of the Public Health Agency contact tracing system.

(AQW 8900/17-22)

Mr Swann: Our contact tracing service has faced many challenges, not least the three fold increase in numbers of positive cases notified to the service over a very short period during October.

This rapid increase in cases undoubtedly strained the contact tracing system. It is also clear that contact tracing services in many other countries have experienced similar strains in recent months, large numbers of positive cases have been notified for tracing as a consequence of increased transmission and disease activity.

The performance of the system has improved over recent weeks following the introduction of a number of digitally enabled solutions including a new digital self-trace platform and the introduction of enhanced contact tracing.

The combination of conventional and enhanced contact tracing will increase the contribution of the Contact Tracing Service to the control of the community transmission of Covid-19 across Northern Ireland.

Mr T Buchanan asked the Minister of Health for an update on the development of patient flow and infection control guidelines to allow GPs to manage COVID-19 patients within their premises during a second surge.

(AQW 9256/17-22)

Mr Swann: On 13th November 2020 the Health and Social Care Board issued the NI GMS Standard Operating Procedures on Infection Control to all GP Practices in Northern Ireland. Practices were asked to ensure that everyone within the Practice is familiar with these Procedures.

Whilst these procedures would assist GPs manage the flow of patients with and without symptoms of Covid-19, within their premises, practices are continuing to refer patients with COVID-19 symptoms to the Primary Care COVID centres to be treated separately from those patients who have other conditions which require assessment or treatment in primary care.

These Centres are critical in ensuring GP practices continue to deliver vital face to face non-COVID services to patients and have greatly reduced the flow of patients to emergency departments.

Ms Flynn asked the Minister of Health (i) whether Health and Social Care Trusts have sufficient resources for repeat COVID-19 testing; (ii) whether there is a delay to the testing procedures in care homes due to a lack of resources; (iii) how soon additional resources will be in place.

(AQW 9349/17-22)

Mr Swann:

- (i) Testing capacity in Northern Ireland has increased significantly since the beginning of the pandemic. Demand for testing and testing capacity is subject to continuous review by my Department. Optimising available testing capacity across all aspects of our COVID-19 testing programme will continue to be a key priority for me and my officials.
- (ii) & (iii) The regular programme of COVID-19 testing for all residents and staff in care homes across Northern Ireland is in operation. This aspect of the overall care home testing programme is delivered through the UK-led National Testing Programme. There is also an enhanced testing protocol in place for care homes with a suspected or confirmed COVID-19 outbreak. In such circumstances, Health and Social Care Trusts provide support to care homes to undertake and complete a full round of testing of residents and staff. On 21 October 2020, I announced a new £27m funding package for the care home sector. This funding package importantly includes additional financial support for care homes to effectively facilitate the ongoing regular programme of testing.

Ms Bunting asked the Minister of Health how many hospital patients across the Health and Social Care Trusts who tested as COVID-19 free upon arrival, tested positive after seven days in hospital.

(AQW 9394/17-22)

Mr Swann: Up to the 25 October there were a total of 234 patients with COVID-19 across Health and Social Care Trusts who had tested positive between day 7 and day 14 of their hospital stay, or after 14 days in hospital. These figures were provided by the Trusts.

Information on the number of those patients who had tested negative upon admission to hospital could only be provided at disproportionate cost.

Due to the incubation period of the virus it is not always possible to ascertain with accuracy where or when these patients contracted COVID-19.

Mr Stalford asked the Minister of Health how many (i) cancer; and (ii) heart procedures have been postponed since the beginning of the pandemic.

(AQW 9519/17-22)

Mr Swann: Data on the number of cancer and heart procedures postponed is not centrally available. Trusts were approached to provide data in response to this Assembly Question using appointments cancelled as a proxy for procedures postponed.

Given the differing interpretations of the question posed, comparisons across HSC Trusts cannot be made, however the Trusts have indicated as follows:

Belfast Trust: 1006 cancer appointments and 174 cardiac appointments cancelled; this excludes patients with procedures cancelled due to either confirmed or suspect COVID-19, COVID-19 fears, the procedure having already been completed or is no longer required.

Northern Trust: There have been no confirmed cancer appointments cancelled since the beginning of the pandemic, however 658 red flag suspect cancer appointments were cancelled between 18th March and 2nd November 2020 due to COVID-19 and related pressures. A response was not provided on the number of cardiac appointments cancelled during this period.

South Eastern Trust: There have been 429 suspect cancer appointments cancelled between 18th March and 2nd November 2020, 358 of which were cancelled by the hospital with the remaining 71 cancelled by the patient. There were 92 cancellations within the cardiology speciality during this period.

Southern Trust: There have been no confirmed cancer appointments cancelled, however 393 red flag suspect cancer appointments were cancelled between 18th March and 2nd November 2020 due to COVID-19 and related pressures. A response was not provided on the number of cardiac appointments cancelled during this period.

Western Trust: There have been 941 suspect cancer appointments and 145 appointments within the cardiology speciality cancelled between 18th March and 2nd November 2020.

Mr Stalford asked the Minister of Health how many (i) cancer; and (ii) heart screenings have been postponed since the beginning of the pandemic.

(AQW 9520/17-22)

Mr Swann:

- (i) Information on the number of cancer screenings that have been postponed since the beginning of the pandemic has been sourced from the Public Health Agency (PHA) and provided in Table 1 below. The Northern Ireland cancer screening programmes were paused from mid-March 2020 in order to reduce the risk of Covid-19 infection to participants and staff, and to redirect healthcare and laboratory resources to the pandemic response.

Table 1: Number of persons who had their screening invite delayed as a result of the pause in the programme from mid-March.

Screening programme	Number of persons
Breast	25,465
Bowel	93,838 ¹
Cervical	51,563

Source: Public Health Agency (PHA)

¹ Includes persons due their first invite during the period of the pause who were deferred for 21 weeks in addition to persons due their 2 year recall also deferred for 21 weeks.

- (ii) Information on the number of heart screenings postponed since the beginning of the pandemic is not centrally available. Trusts were approached to provide data in response to this Assembly Question for the period 18th March to 2nd November 2020. Given the differing interpretations of the question posed, comparisons across HSC Trusts cannot be made, however the Trusts have indicated as follows:

Belfast Trust: There have been 390 cardiac screenings cancelled. This does not include patients who had appointments cancelled due to COVID-19 and related pressures, appointments where the patient cancelled the appointment or appointments cancelled due to the patient being ill.

Northern Trust: There have been 3,506 cardiac screenings cancelled for all reasons. These include the following screening types: ECG (ambulatory), MPI, Tilt table test, Echocardiogram, Exercise ECG, MRI, Radionuclide test, CT.

South Eastern: There have been 1,205 cardiac screenings cancelled for all reasons. These include the following screening types: R-Test, Oximetry (CIU), Exercise Stress Echo, 24H Blood Pressure, Electrocardiogram, Loop Recorder Check, Dobutamine Stress Echo, DWT Echo, 48H Holter Monitor, 24H Holter Monitor, Exercise Stress Test, Echocardiogram, Pacemaker Check, ECG, Echocardiogram, Echocardiogram DWT, Exercise ECG.

Southern Trust: No response provided.

Western Trust: No cancer echocardiograms have been cancelled or postponed since the beginning of the pandemic. We currently and always have in place allocated slots for cancer patients to ensure that they have received an echocardiogram prior and during treatment. At the beginning of the pandemic the number of appointments for investigations were reduced to ensure adherence to government guidelines to maintain social distancing. Our overall appointment allocations for cardiac investigations have been reduced by 62 per week which has been a decrease of 34.83%. Echocardiogram reduced by 35 slots which has been a decrease of 36.84%. ECG monitoring reduced by 10 slots which has been a decrease of 25%. BP

monitoring reduced by 7 slots which has been a decrease of 46.67%. Cardiac Event monitoring reduced by 6 slots which has been a decrease of 33.33%. Exercise stress test reduced by 4 slots which has been a decrease of 40%.

Mr Stalford asked the Minister of Health to detail the procedures, other than cancer and heart procedures, that have been postponed since the beginning of the pandemic.

(AQW 9521/17-22)

Mr Swann: Data on the number of procedures, other than cancer and heart procedures, postponed is not centrally available. Trusts were approached to provide data in response to this Assembly Question using appointments cancelled as a proxy for procedures cancelled for the period 18th March to 2nd November 2020. Given the differing interpretations of the question posed, comparisons across HSC Trusts cannot be made, however the Trusts have indicated as follows:

Belfast Trust: The number of appointments cancelled by Specialty is provided in Table 1. These data exclude patients with procedures cancelled due to either confirmed or suspect COVID-19, COVID-19 fears, the procedure having already been completed or no longer required, and patients having their procedure in the Regional Assessment and Surgical Centre.

Table 1: Number of appointments cancelled in Belfast Trust, by Specialty

Specialty	Number
Breast Surgery	32
Dermatology	9
ENT	85
Gastro IS	155
Gastroenterology	421
General Surgery	234
General Surgery IS	26
Gynaecology	63
Hepatology	46
Nephrology	45
Neurology	38
Neurosurgery	48
Ophthalmology	359
Oral Surgery	15
Orthopaedics MPH	529
Other	64
Paediatric Dentistry	25
Paediatric Medicine	18
Paediatric Neurology	18
Paediatric Orthopaedics	12
Paediatric Plastics	23
Paediatric Surgery	44
Paediatric Urology	18
Plastic Surgery	16
Radiology	32
Thoracic Surgery	14
Uro-Gynaecology	41
Urology	698
Vascular Surgery	76

Northern Trust: No response provided.

South Eastern Trust: The number of appointments cancelled by Specialty is provided in Table 2.

Table 2: Number of appointments cancelled in South Eastern Trust, by Specialty

Speciality	Number
General Medicine	326
General Surgery	300
Dermatology	198
Pain	184
Urology	170
Ophthalmology	142
Gynaecology	89
Varicose veins	66
ENT (including Paeds)	44
Plastics	38
Paediatric Surgery	33
Maxillo Facial	31
Rheumatology	19
Other	25

Southern Trust: A total of 1,939 elective appointments, other than cancer and heart appointments, have been cancelled in the stipulated period for reasons relating to COVID-19 and for other reasons.

Western Trust: No response provided.

Ms Flynn asked the Minister of Health when he will receive the business case for specialist perinatal mental services; and when it will be signed off to enable funding to be released.

(AQW 9819/17-22)

Mr Swann: The business case for specialist perinatal mental health services is still being finalised by the Public Health Agency. On receipt of the finalised business case my officials will complete a final review and forward to me for consideration. Implementation of the Business Case will require funding and any investment in this area will have to be balanced against other service priorities, in the context of the Department's financial settlement.

Mr Carroll asked the Minister of Health whether he has considered replacing Serco with a publicly-run testing system.

(AQW 9836/17-22)

Mr Swann: The National Testing Programme is managed by the Department of Health and Social Care (DHSC), London, working in partnership locally to implement the programme with the Public Health Authority and the Department of Health in Northern Ireland.

Serco is contracted by DHSC to provide a facilities management service at testing sites.

Mr Durkan asked the Minister of Health to detail the rationale for not introducing shielding; and whether further guidance will be issued for those who are in the vulnerable category.

(AQW 9866/17-22)

Mr Swann: Shielding for those who are clinically extremely vulnerable was paused from 31 July. Following a review and assessment of the approach to the risks presented by COVID-19, a statement was issued by the Chief Medical Office on 23 October which advised that the resumption of shielding arrangements was not considered necessary and shielding would remain paused. The statement can be accessed at <https://www.health-ni.gov.uk/news/shielding-remain-paused>

This decision reflected the context of a greater understanding of COVID-19 and its clinical outcomes and how to prevent its transmission, as well as an appreciation of the impact of shielding on many people's physical and mental well-being.

Since shielding for clinically extremely vulnerable people was paused our understanding of COVID-19 has increased further. A number of important changes have also taken place in the approach to managing COVID-19, to reduce its transmission, since shielding was originally advised. These include a greater awareness of the importance of social distancing, the requirement to use face coverings, COVID secure workplaces and greater adherence to respiratory and hand hygiene.

The wider advice for those who were previously shielding continues to be that they do not need to remain indoors and can go outside for exercise if they are able to do so, provided that social distancing is observed. Similarly, the current regulations and guidance for our community as a whole in relation to households mixing and bubbling also continues to apply to clinically extremely vulnerable people. It remains particularly important that those who were shielding continue to be extremely careful because they remain more vulnerable than the general population.

Anyone who is clinically extremely vulnerable or vulnerable should be particularly careful in following restrictions and guidance on limiting household contacts, social distancing, hand washing and wearing a face covering.

In terms of what is best for an individual, they should assess the risk in light of the above and take advice from their GP, clinician/specialist Consultant as necessary.

The Department of Health continues to monitor the number of positive cases and the rate of transmission of COVID-19 and is very mindful of the risk posed by community transmission and the need to reduce the levels of community transmission to help protect those who are most vulnerable.

The Northern Ireland Executive recently put temporary additional restrictions in place to help limit the spread of the virus. These restrictions, in addition to the general guidance that continues to be in place in relation to household mixing, travel, wearing of face coverings and hand hygiene, should offer protection from exposure to COVID-19 across a wide range of settings.

The decision to retain the pause in shielding is kept under continual review and a range of evidence is considered to inform this.

Advice for clinically extremely vulnerable people will be reviewed again in line with the wider review of those restrictions ending on 11 December. This review will also likely encompass advice to clinically extremely vulnerable people covering the Christmas period.

If in the future the position on shielding changes, further guidance will be issued and we will communicate directly with clinically extremely vulnerable people to ensure they have the information they need. In the meantime people who are clinically extremely vulnerable should continue to scrupulously follow the advice we have given to keep themselves safe.

Miss Woods asked the Minister of Health, pursuant to AQW 8712/17-22, whether he will consider introducing an opt-in shielding system.
(AQW 9882/17-22)

Mr Swann: Following a review and assessment of the approach to the risks presented by COVID-19, a statement was issued by the Chief Medical Officer on 23 October which advised that the resumption of shielding arrangements was not considered necessary and shielding would remain paused.

This decision reflected the context of a greater understanding of COVID-19 and its clinical outcomes and how to prevent its transmission, as well as an appreciation of the impact of shielding on many people's physical and mental well-being. A number of important changes have taken place in the approach to managing COVID-19 and reducing its transmission since shielding was originally advised. These include a greater awareness of the importance of social distancing, the requirement to use face coverings, COVID secure workplaces and greater adherence to respiratory and hand hygiene.

The decision to retain the pause in shielding is kept under continual review. A CEV Cell has been established in my Department which meets regularly to review the advice in relation to clinically extremely vulnerable (CEV) people. The most recent meetings were held on 19 November and 1 December.

The Cell considers a range of evidence before making recommendations on the advice to clinically extremely vulnerable people, including information on the spread of the virus in Northern Ireland, levels of hospital and community infection and the capacity of hospitals to adequately care for CEV people should they fall ill to COVID-19. In addition, Cell members take account of the restrictions that are in place across Northern Ireland and advice to clinically extremely vulnerable people that is in effect across the rest of the UK.

Following their consideration of the evidence, the CEV cell has concluded that the general guidance that is in place in relation to household mixing, travel, wearing of face coverings and hand hygiene, and the restrictions agreed by the Executive which came into force on 27 November, mean that clinically extremely vulnerable people should be protected from exposure to COVID-19 across a wide range of settings. On this basis, the Cell recommend that advice to clinically extremely vulnerable people should not change at the current time.

Advice for CEV people will be reviewed again in line with the wider review of restrictions, which are due to end on 11 December. This review will also likely encompass advice to clinically extremely vulnerable people covering the Christmas period.

If in the future the position for people who are clinically extremely vulnerable changes, further guidance will be issued and full details of any changes to advice will be made available on the NIDirect website.

Ms Sugden asked the Minister of Health what are the rates of (i) false positive COVID-19 tests; and (ii) inconclusive tests, broken down by 10-year age ranges.
(AQW 9931/17-22)

Mr Swann:

- (i) Given the different testing platforms and kits that are in use for SARS-CoV2 testing, it is not possible to ascertain accurate overall false positive test rates.

To prevent the reporting of false positives, the laboratory will assess all positives using criteria that may indicate a false positive may be occurring. This criteria includes:

- If only 1 gene target out of 2 or 3 gene targets are positive
- Weak Ct values (viral load) close to the limit of detection

When these indicators occur repeat testing or testing the sample on a different platform with a different specificity profile is undertaken. This confirmatory testing clarifies the result in most cases.

- (ii) Inconclusive test rates are recorded in the Covid-19 Daily Dashboard, at page 6. I have included a link below for your convenience. <https://www.health-ni.gov.uk/articles/covid-19-daily-dashboard-updates>

Ms Sugden asked the Minister of Health (i) what percentage of COVID-19 testing to date has shown a false positive result in tests carried out (a) at COVID-19 testing centre; and (b) at home; and (ii) for his assessment of the method for collecting swabs from those with COVID-19.

(AQW 9933/17-22)

Mr Swann:

- (i) Given the different testing platforms and kits that are in use for SARS-CoV2 testing, it is not possible to ascertain an accurate overall false positive rate.

To prevent the reporting of false positives, the laboratory will assess all positives using criteria that may indicate a false positive may be occurring. This criteria includes:

- If only 1 gene target out of 2 or 3 gene targets are positive
- Weak Ct values (viral load) close to the limit of detection

When these indicators occur repeat testing or testing the sample on a different platform with a different specificity profile is undertaken. This confirmatory testing clarifies the result in most cases.

- (i) The Public Health Authority advises that self-swabbing is a recognised method of collecting samples for testing.

Ms Bradshaw asked the Minister of Health to detail the scientific evidence for the current guidance for clinically vulnerable people in Northern Ireland differing from the formal shielding notification issued by the UK Government applying until 2 December 2020.

(AQW 9948/17-22)

Mr Swann: Following a review and assessment of the approach to the risks presented by COVID-19, a statement was issued by the Chief Medical Officer on 23 October which advised that the resumption of shielding arrangements was not considered necessary and shielding would remain paused.

This decision reflected the context of a greater understanding of COVID-19 and its clinical outcomes and how to prevent its transmission, as well as an appreciation of the impact of shielding on many people's physical and mental well-being. A number of important changes have taken place in the approach to managing COVID-19 and reducing its transmission since shielding was originally advised. These include a greater awareness of the importance of social distancing, the requirement to use face coverings, COVID secure workplaces and greater adherence to respiratory and hand hygiene.

The decision to retain the pause in shielding is kept under continual review. A CEV Cell has been established in my Department which meets regularly to review the advice in relation to clinically extremely vulnerable (CEV) people. The most recent meetings were held on 19 November and 1 December.

The Cell considers a range of evidence before making recommendations on the advice to CEV people, including information on the spread of the virus in Northern Ireland, levels of hospital and community infection and the capacity of hospitals to adequately care for CEV people should they fall ill to COVID-19. In addition, Cell members take account of the restrictions that are in place across Northern Ireland and advice to CEV people that is in effect across the rest of the UK.

Following their consideration of the evidence, the CEV cell has concluded that the general guidance that is in place in relation to household mixing, travel, wearing of face coverings and hand hygiene, and the restrictions agreed by the Executive which came into force on 27 November, mean that CEV people should be protected from exposure to COVID-19 across a wide range of settings. On this basis, the Cell recommend that advice to CEV people should not change at the current time.

Advice for CEV people will be reviewed again in line with the wider review of restrictions, which are due to end on 11 December. This review will also likely encompass advice to CEV people covering the Christmas period.

The approach to protecting people from COVID-19 is tailored for each nation, depending on its circumstances and the guidance in place for each of the 4 nations reflects this.

If in the future the position for people who are clinically extremely vulnerable changes, further guidance will be issued and full details of any changes to advice will be made available on the NIDirect website.

Mr Easton asked the Minister of Health when fast testing for COVID-19 will be introduced.
(AQW 10057/17-22)

Mr Swann: My Department's Expert Advisory Group on Testing is fully linked in to the national Mass Population Testing Programme, which is being led by the Department for Health and Social Care (DHSC) in England.

Plans are progressing with a range of local partners and experts to implement a number of New Testing Interventions (NTIs) across a range of different settings. The learning arising from these NTIs will help us to better understand how new rapid testing technologies can be implemented and extended more widely across a range of settings.

It is important to be aware that these NTIs are still at an early stage of development, and consequently these new tests must be rolled out with careful planning and evaluation.

Mr Gildernew asked the Minister of Health to detail the percentage of Pillar 2 COVID-19 test results that were received (i) within 24 hours of a test being booked; (ii) between 24 hours and 48 hours of a test being booked; (iii) between 48 hours and 72 hours of a test being booked; and (iv) after 72 hours of a test being booked.
(AQW 10107/17-22)

Mr Swann: It is not currently possible to accurately report the time taken to report Pillar 2 test results.

Mr Gildernew asked the Minister of Health to detail the number of Pillar 2 COVID-19 tests results that were received (i) within 24 hours of a test being booked; (ii) between 24 hours and 48 hours of a test being booked; (iii) between 48 hours and 72 hours of a test being booked; and (iv) after 72 hours of a test being booked.
(AQW 10108/17-22)

Mr Swann: It is not currently possible to accurately report the time taken to report Pillar 2 tests results.

Mr Gildernew asked the Minister of Health to detail the number of Pillar 2 COVID-19 tests results that were received (i) within 24 hours of a test being administered, (ii) between 24 hours and 48 hours of a test being administered, (iii) between 48 hours and 72 hours of a test being administered; and (iv) after 72 hours of a test being administered.
(AQW 10109/17-22)

Mr Swann: It is not currently possible to accurately report the time taken to report Pillar 2 tests results.

Mr Muir asked the Minister of Health for an update on the outcome of the Reshaping Stroke Care Consultation; and how this will impact upon provision of Acute Stroke Services at the Ulster Hospital.
(AQW 10120/17-22)

Mr Swann: My officials have now completed the analysis of the consultation responses received to the Reshaping Stroke Care consultation. It is clear that residents in the North Down area have a number of concerns about any potential changes to stroke services at the Ulster Hospital. I can assure you that I will give careful consideration to those concerns going forward.

In addition to the consultation analysis, I have asked my Officials to conduct some further analysis regarding the staffing requirements for the hyperacute stroke network proposed in the consultation and this work is currently underway. I intend to consider this analysis, alongside the consultation responses and the wider evidence base in reaching my decisions. I will update the House accordingly in due course.

Ms Armstrong asked the Minister of Health, given respite and day-care services are not in place, whether he will provide a carer's fund of £500 per carer in recognition of the level of care and support since the outbreak of COVID-19.
(AQW 10148/17-22)

Mr Swann: I have already placed on record my heart-felt appreciation for the significant role carers play in our community, particularly during the pandemic.

While short break and day care provision has been reduced as a result of the pandemic, the HSC Trusts are offering such provision to service users, where possible. In those instances where service provision is not able to meet the assessed need, the Trusts are instead offering Direct Payments and Carer Grants to facilitate the service user/family to source their own short break provision.

In addition, I have asked my officials to draft an options paper for my consideration, which will include a range of possible additional supports to all health and social care staff. As part of the options to be explored, I have also asked that a payment to carers be included. Whilst any decision would likely need Executive approval due to the impact on the overall Northern Ireland budget, I do believe it would be appropriate to recognise the extraordinary efforts and sacrifices of staff and carers.

Ms McLaughlin asked the Minister of Health whether there is a paediatric and adult eating disorder service in Northern Ireland; and whether the service operates centrally or at the discretion of Health and Social Care Trusts.

(AQW 10255/17-22)

Mr Swann: Each Health and Social Care Trust has a specialised community based Eating Disorder Service for both young people and adults. Services exist independently, but are all part of a regional group known as the Regional Eating Disorder Network Group (REDNG), which includes clinicians and senior managers from all Trust Eating Disorder Teams, Health and Social Care Board, Public Health Agency and Service User representation from the Eating Disorder Association.

REDNG ensure local developments are coherent and standardised as far as possible. Their role is to promote the uniformity of approaches to patients across Trusts and share best practice and learning from service developments.

Ms Bradshaw asked the Minister of Health for an update on the roll-out of the flu vaccine to clinically vulnerable people under the age of 65 and their carers.

(AQW 10318/17-22)

Mr Swann: Due to high levels of demand for the flu vaccine this year, some GP practices used all their stock early in the season and had to wait until further supplies arrived into Northern Ireland in order to continue vaccination their eligible patients. These additional vaccine supplies, which were ordered in the summer, were delivered in mid-November.

A total of 231,000 vaccine doses have been distributed to GPs practices for vaccinating those in the under 65 year old "at risk" groups and their carers. As at 1st December, GP practices had administered 179,000 vaccine doses to clinical risk patients and their carers.

Ms Rogan asked the Minister of Health for an update of the recommendation to the Chief Medical Officer from the shielding advisory group; and whether it recommended reissuing COVID-19 shielding advice.

(AQW 10438/17-22)

Mr Swann: The CEV Cell meets regularly to review the advice in relation to Clinically Extremely Vulnerable people. The most recent meetings were held on 19 November and 01 December.

The Cell considers a range of evidence before making recommendations on the advice to CEV people, including information on the spread of the virus in Northern Ireland and the capacity of hospitals to adequately care for CEV people should they fall ill to Covid-19. In addition, Cell members take account of the restrictions that are in place across Northern Ireland, and the advice to CEV people that is in effect across the rest of the UK.

Following their consideration of the evidence, the CEV cell has concluded that the general guidance that is in place in relation to household mixing, travel, wearing of face coverings and hand hygiene, and the restrictions agreed by the Executive which came into force on 27 November mean that CEV people will be protected from exposure to Covid-19 across a wide range of settings. On this basis, the Cell recommend that advice to CEV people should not change at the current time.

Advice for CEV people will be reviewed again in line with the wider review of restrictions, which are due to end on 11 December. This review will also likely encompass advice to CEV people covering the Christmas period.

Full details of any changes to advice will be made available on the NIDirect website.

Mr Givan asked the Minister of Health how many people are eligible for the flu vaccination; and how many have indicated they wish to receive the vaccination.

(AQW 10486/17-22)

Mr Swann:

- (i) Due to the significant degree of overlap between the groups eligible for vaccination through the public seasonal flu programme, it is not possible to provide a definitive figure for the overall number of people eligible for the free-of-charge vaccine. For example, many people in the cohort of household contacts of those who shielded during the Covid-19 pandemic will also likely be in the cohorts of carers, those aged 65 and over, and those clinically "at risk". Based on the Department's knowledge of the numbers in the various eligible groups, the overall number of people who are eligible is estimated to be at least 1 million.
- (ii) There is no system for recording how many people have indicated they wish to receive the vaccine.

Ms Sugden asked the Minister of Health (i) whether all nursing and care home residents are considered vulnerable for both COVID-19 and seasonal flu; (ii) how many nursing and care home residents have not received a flu vaccination this year; and (iii) what this number is as a percentage of the total nursing home population.

(AQW 10513/17-22)

Mr Swann: (i) All nursing and care home residents are considered vulnerable to seasonal flu and COVID-19 and are eligible for vaccination through the public seasonal flu vaccination programme. Nursing and care home residents are currently top of the Joint Committee on Vaccination and Immunisation (JCVI) interim prioritisation list to receive the COVID-19 vaccine.

- (ii) This information is not available as the majority of nursing/care home residents are included within other categories including those aged 65 & over and those aged under 65 who are clinically at risk.
- (iii) Using the recently published Adult Social Care Statistics at the 30th June 2020, there were 11,808 placements in Care Homes - 8,191 in Nursing Homes and 3,617 in Residential Homes but as stated at (ii), it is not possible to advise on the number of those vaccinated

Mrs Cameron asked the Minister of Health why some health and social care staff working in high-risk settings have never been tested for COVID-19.

(AQW 10527/17-22)

Mr Swann: Testing in Northern Ireland continues to be a vital tool in our response to the COVID-19 pandemic. The current position is that all Health and Social Care (HSC) staff who are symptomatic (or whose household contacts are symptomatic) are eligible for testing in Northern Ireland.

The priority groups eligible for testing are kept under constant review by my Department's Expert Advisory Group on Testing and are updated in line with emerging scientific and medical evidence, and as new testing technologies emerge and are evaluated for use.

Mr Gildernew asked the Minister of Health how many staff within the Health and Social Care Board and Public Health Agency previously availed of the Voluntary Exit Scheme before taking up a new role within those organisations.

(AQW 10627/17-22)

Mr Swann: No staff within the Health and Social Care Board or the Public Health Agency who left under the Voluntary Exit Scheme returned to take up a new permanent role.

One employee was asked to come back to the Health and Social Care Board for a temporary period of six months from 04/05/20 until 30/10/20 to support work with Covid-19.

Mr Gildernew asked the Minister of Health to detail the total number of staff from the Health and Social Care Board and the Public Health Agency who availed of the Voluntary Exit Scheme over the past 5 years, including total remuneration associated with these retirements.

(AQW 10628/17-22)

Mr Swann: In the Health and Social Care Board 56 staff availed of the Voluntary Exit Scheme over the past 5 years at a cost of £3,473,000.

In the Public Health Agency 35 staff availed of the Voluntary Exit Scheme over the past 5 years at a Cost of £2,040,000.

Ms Sugden asked the Minister of Health, further to the 27 November 2020 COVID-19 restrictions, (i) whether sport massage therapists are allowed to provide services during the specified two week period; and (ii) to define the exemptions of those ancillary to medical, health and social care services: and elite-sport therapeutic services.

(AQW 10684/17-22)

Mr Swann: There is an exemption in the regulations, following the Executive's latest decision, to allow sports massage therapists to continue to provide their services.

If a service is commissioned by the HSC it is considered ancillary to medical, health and social care services. There is no restriction on close contact services relating to essential health needs, as defined in the regulations, such as; dental services, opticians, audiology services, chiropody, chiropractors, osteopaths, podiatry and other medical services, including services relating to mental health.

Mr Gildernew asked the Minister of Health for his assessment of access to ear syringing treatment in GP surgeries during the COVID-19 pandemic.

(AQW 10791/17-22)

Mr Swann: Under the terms of their contract all GPs are required to provide essential primary medical services to their registered patients and the current COVID-19 pandemic does not in any way negate this requirement. GPs will however use their clinical judgement to decide how best to prioritise patients to provide this core service whilst maintaining patient safety.

GP practices are open and are providing face to face appointments for those patients who are assessed as requiring them. All practices have been provided with a supply of Personal Protective Equipment (PPE) to allow them to do so safely.

In 2018 the National Institute for Clinical Health Excellence (NICE) issued guideline 98 which recommended that the manual syringing method for ear wax removal should no longer be used.

It recommended that GPs should offer ear wax removal using an electronic irrigator, micro-suction or another method of earwax removal (such as manual removal using a probe) for adults in primary or community ear care services, if the practitioner, such as a community nurse or audiologist:

- has training and expertise in using the method to remove earwax;

- is aware of any contraindications to the method, and
- the correct equipment is available.

GPs are free to decide whether they wish to contract with the HSCB to provide this particular service, having firstly met the relevant NICE recommendations. Where a GP does not provide the service, they would make the necessary referrals to ENT/Audiology in a Health and Social Care Trust, for which there will be no charge. However, rather than wait, patients may prefer to seek, and pay for, private treatment.

Mr Gildernew asked the Minister of Health whether he plans to prioritise any under-65 group, such as teachers, for the flu vaccine.

(AQW 10792/17-22)

Mr Swann: The current groups in the under 65 age cohort eligible for a free flu vaccination are those in clinical “at risk” groups, pregnant women, all children aged 2 to 4, all primary school and year 8 pupils, frontline health and social care workers, household contacts of those who received shielding letters during the COVID-19 pandemic and people who are in receipt of a carer’s allowance, or are the main carer of an elderly or disabled person whose welfare may be at risk if the carer falls ill.

Advice on priority groups for eligibility for the public flu vaccination programme is provided to the four UK health departments by the independent Joint Committee on Vaccination and Immunisation (JCVI). Teachers are not included in the list of eligible groups advised by JCVI. In keeping with JCVI advice, the Department of Health has not included teachers as one of the eligible groups for the free-of-charge flu vaccine.

Ms Mullan asked the Minister of Health to detail the number of children and young people currently waiting on a referral to a speech and language therapist.

(AQW 10797/17-22)

Mr Swann: It is not known how many people are currently waiting on a referral to a speech and language therapist. However, at 31 October 2020, there were 2,125 children and young people, under 18 years old, who had been referred to and were waiting for their first appointment with a speech and language therapist in Northern Ireland.

Ms Kimmins asked the Minister of Health to detail the direction given to Health and Social Care Trusts around COVID-19 flexibility for direct payments.

(AQW 10805/17-22)

Mr Swann: Guidance for Direct Payments was published online on 3 August 2020 and is available at:

www.health-ni.gov.uk/publications/guidance-direct-payments

Sean Holland, the Chief Social Work Officer, wrote to HSC Trust Chief Executives on 4 August to encourage the application of the flexibilities outlined in the guidance to support Direct Payment recipients.

Furthermore, my Department also provided funding of up to £500k to the HSC Trusts via the HSC Board to help mitigate those extra Direct Payment costs for recipients which arise during the COVID-19 pandemic.

Ms Kimmins asked the Minister of Health what direct measures his Department and Health and Social Care Trusts will put in place to support carers over the Christmas period.

(AQW 10807/17-22)

Mr Swann: Guidance for carers and young carers was published online by my Department on 10 April 2020 and revised again this month to include information and advice for carers on preparing for the winter months. This guidance is available at:

www.health-ni.gov.uk/publications/advice-informal-unpaid-carers-and-young-carers-during-covid-19-pandemic

Health and Social Care services will continue over the Christmas period with all Health and Social Care Trusts offering additional supports for carers during December. The attached appendix contains the list of activities Trusts are undertaking to support our carers during the Christmas period.

Appendix 1

Belfast Health and Social Care Trust

Key workers will liaise with carers and families, as they do for every holiday period, to establish their preferences during the Christmas period; support will be given as per assessed need/care plan. Many families chose not to have services over the Christmas period, unless necessary, as this is a family time.

Across services, including Older Peoples and Physical and Sensory Services, Carers Assessments have been prioritised so that waiting times have been reduced. The fourteen Day Centres within this service area are now open and are providing a mixture of in-reach and outreach services. Any urgent requests will have an immediate response.

In Learning Disability, in the event of support being required out-of-hours, a senior manager will be available on-call and referrals can be made to the Regional Emergency Social Work Service.

In Children's services, Belfast Trust are providing toys and food to any family requesting this type of support.

Mental Health services recognise that holiday times can be very challenging and the needs of carers are addressed through individual care plans. Contact details for the out-of-hours services are provided to service users and their carers.

The Community Mental Health Team for Older People will be operating a full service over the Christmas and New Year period, with the exception of the 3 statutory days. They provide emergency and urgent care for service users with dementia, their carers and those over the age of 65 years with functional mental illness, so they can be supported and sustained in the community.

Northern Health and Social Care Trust

The Northern Trust Carers Newsletter will be posted to all 2,000 carers on the Trust's Carer Register in December with updated information.

The Trust is also working closely with Barnardo's to support Young Carers this Christmas and a new project is commencing in January to help young carers and their families at the commencement of the new year.

South Eastern Health and Social Care Trust

Key workers will continue to work with people on an individual basis and support will be provided in line with the care and support plan drawn up for each individual based on their assessed needs.

The Carer Support Team will continue to send out regular support updates to those on the Carer Register (over 2,000 carers) and will provide details of emergency Trust contact numbers to use if required over the Christmas period.

Southern Health and Social Care Trust

Similar to previous years, key workers will liaise with carers and families to establish their preferences for over the Christmas period and support will be given as per assessed need/care plan. It should be noted that many families choose not to have services over the Christmas period unless necessary, as this is seen as a family time.

Emergency support will be available via the Regional Emergency Social Work Service, available each evening 5pm to 9am, including Christmas, New Year and from 9am on Bank Holidays.

In Southern Trust, there will be a roll out of the carers Mental Wellbeing programme via the Recovery College, in the run up to Christmas.

The Trust will continue to provide all of its emergency/24 hour care services during the Christmas period (e.g. Crisis Response and Home Treatment Services in Mental Health and Learning Disability, Supported Living, a full range of Acute In-Patient Services in Mental Health and Memory Services and on-call support).

Emergency Support will also be available from Home Treatment/ Crisis Response on a 7 day basis, including bank holidays, Christmas and New Year, made available through the switchboard and direct line from 9am to 1pm over the Christmas period for all Disability Services.

In Learning Disability, day centres will close from 24th December 2020 and re-open on Monday 4th January 2021. In lieu of these services, other supports on offer include:

- Creative cards for Christmas,
- Coping with Christmas,
- Christmas Wellness toolbox – Caring for you at Christmas,
- Free Online Christmas Concert on 28.11.2020.

The Southern Trust Carers Coordinator continues to update carers on a regular basis with upcoming events, training programmes, information and advice through the SHSCT Carers Register, the SHSCT website and social media platforms. All events and activities for carers are free of charge. Details of all out of hours services for the Christmas period will be provided through the aforementioned channels.

Carers Trust are contracted by the Southern Trust to provide a community-based support service for adult carers. An example of the key supports provided by Carers Trust are:

- A request has been made to the Ulster Bank Community banker to provide an information session for carers - 'Reducing Money Stress for Christmas' on topics such as budgeting for Christmas, handling debt and recognising and dealing with scams.
- A number of events and training targeting the physical and mental health and wellbeing of carers are scheduled by Carers Trust in the weeks leading up to Christmas, to assist carers to prepare for the additional stresses Christmas brings.

All activities are advertised through the Carers Trust carers register and forwarded to SHSCT Carers Coordinators for distribution through the SHSCT Carers Register, SHSCT Website and social media platforms.

The Southern Trust commission Action for Children, who have been and continue to provide support to young carers and young adult carers over the Christmas period by means of:

- Pre-recorded online activities to enable young carers to access these at a time that suits them,

- Team quiz, which is also being shared with other support organisations,
- Pre-recorded stories,
- Young Carers Inclusive group (YISC) is a group of young carers who meet regularly to discuss concerns and highlight their roles in the community. YISC have been involved in a public campaign to encourage social distancing and the wearing of face masks, and
- Planning the young carers sections of the 10 year mental health strategy.

Western Health and Social Care Trust

The Western Trust Carers Support Team provides an information update prior to Christmas to all 1,800 carers on their mailing list, which includes information on pre-Christmas and New Year online Zoom activities, and information regarding the social work duty system available during office hours. Out of hour's GP and regional social work telephone numbers will also be listed.

Weekly email updates to the carer's mailing list will continue up until Christmas week and will recommence in the first week of January.

Key workers will liaise with carers and families, as they do for every holiday period, to establish their preferences during the Christmas period; support will be given as per assessed need/care plan.

Ms Flynn asked the Minister of Health whether he is planning to follow English guidelines and set up Post-Covid assessment clinics with an allied health professional workforce to help with the effects of long-COVID.

(AQW 10813/17-22)

Mr Swann: The National Institute for Care and Health Excellence (NICE) is currently developing a rapid guideline on the management of the long-term effects of Covid-19 which is due to be published by the end of the year. The guideline will address, among other things, a formal definition of the condition, how to identify on-going symptoms and a definition of best practice investigation and treatment options to support the management of the condition across diverse communities.

When published, the guideline will be considered alongside the wider body of emerging research to inform future policy and service decisions in Northern Ireland. This is expected to include consideration of the establishment of a post-Covid syndrome assessment clinic locally, in line with those recently announced for England.

Mr McCrossan asked the Minister of Health what range of treatments and medications are currently available to patients admitted to hospitals suffering from COVID-19; and whether the full range of treatments and medications that are available throughout the UK are available in Northern Ireland.

(AQW 10871/17-22)

Mr Swann: There are now several medicines used for the treatment of COVID-19 by patients admitted to hospital. Remdesivir is a licensed treatment for adults who are hospitalised with Covid-19. Other medications include Dexamethasone and Tocilizumab which are licensed medicines that are used 'off-label' as they are treatments not specifically licensed for COVID-19.

I can confirm that all COVID-19 treatments available in the UK are also available for use in Northern Ireland.

Mr Easton asked the Minister of Health how many GPs have been come out of retirement to help with the pandemic.

(AQW 10924/17-22)

Mr Swann: In regard to the number of GPs who came forward we do not hold that level of detail.

In respect of nurses who have come out of retirement I refer the member to my previous answer to AQW 10370/17-22.

Mr Easton asked the Minister of Health how many nurses have come out of retirement to help with the pandemic.

(AQW 10926/17-22)

Mr Swann: In regard to the number of GPs who came forward we do not hold that level of detail.

In respect of nurses who have come out of retirement I refer the member to my previous answer to AQW 10370/17-22.

Ms Sugden asked the Minister of Health what plans he has for developing a new oral health strategy.

(AQW 10973/17-22)

Mr Swann: The current Northern Ireland Oral Health Strategy (OHS) was published in 2007 and, despite its age, the main oral health problems described in the document and the approaches to prevention advocated by it remain valid today.

The challenges facing the HSC and DoH today mean that, unfortunately, the significant resources required to develop a new wide-ranging OHS are not available at this time. However, the importance of analysing the oral health status of the population and recommending evidence-based approaches to health improvement is recognised. Therefore, as soon as there is sufficient capacity available, my officials will complete the work which began in late 2019 of establishing two oral health

options groups. One group will be dedicated to improving the oral health of children while the other will specifically look at how elderly oral health may be improved.

I have provided approximately £0.97 million in level 1 PPE which was delivered in July to Northern Ireland dental practices and £3.8 million of funding was added to the GDS budget to cover additional PPE costs incurred by practitioners in the August to November period. These levels of funding will continue for the rest of the year and the position remains under review.

The introduction of the new Northern Ireland dental operational guidance in October has significantly reduced the fallow time for the average Northern Ireland practice. This has meant that the ventilation issue is less crucial in determining dentists' activity. Furthermore, practice ventilation system technology is evolving and significant investment at this stage would for most practices be premature.

The general UK IPC guidance and the specific dental annex draw heavily upon the work of leading UK dental academics in the fields of virology, aero biology, health protection and ventilation engineering. The highest level of expertise in these fields is only accessible through the various UK IPC networks into which Northern Ireland is connected. There is some scope for Northern Ireland to operationalise the UK IPC guidance differently but, given the gaps in our knowledge in relation to SARS-CoV-2, there are inherent risks in any significant deviation from the official UK IPC guidance.

The new Northern Ireland guidance allows fallow periods which are approximately 50% less than those required under the previous guidance. It also specifies minimum fallow periods dependent upon clinical circumstances. It is the Department's current position that going below these minimum times would lead to an unacceptable increase in the risk of Coronavirus transmission.

Ms Sugden asked the Minister of Health what plans he has to (i) provide funding to dentists to pay for personal protective equipment and new ventilation equipment that would enable a reduction in fallow times; (ii) create a more nuanced plan for local dentists rather than relying on the UK-wide recommendations; (iii) reduce the fallow time between appointments; and (iv) commission an audit of practices' ventilation capacity to establish a baseline and to see where capital investment may be required for surgeries that will require additional ventilation measures.

(AQW 10975/17-22)

Mr Swann: The current Northern Ireland Oral Health Strategy (OHS) was published in 2007 and, despite its age, the main oral health problems described in the document and the approaches to prevention advocated by it remain valid today.

The challenges facing the HSC and DoH today mean that, unfortunately, the significant resources required to develop a new wide-ranging OHS are not available at this time. However, the importance of analysing the oral health status of the population and recommending evidence-based approaches to health improvement is recognised. Therefore, as soon as there is sufficient capacity available, my officials will complete the work which began in late 2019 of establishing two oral health options groups. One group will be dedicated to improving the oral health of children while the other will specifically look at how elderly oral health may be improved.

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The new Northern Ireland guidance allows fallow periods which are approximately 50% less than those required under the previous guidance. It also specifies minimum fallow periods dependent upon clinical circumstances. It is the Department's current position that going below these minimum times would lead to an unacceptable increase in the risk of Coronavirus transmission.

Mrs Cameron asked the Minister of Health whether prevention and treatment of gambling-related harm will be included in his Department's 10-year mental health strategy.

(AQW 10996/17-22)

Mr Swann: The Department for Communities recently undertook a public consultation on the Regulation of Gambling in Northern Ireland. They are considering proposals to reform gambling law, including whether the gambling industry should help fund research, education and treatment of problem gamblers including the possibility of a statutory levy.

I aim to start a public consultation on a draft Mental Health Strategy before the end of the year and would encourage and welcome comments on the content once it is published for consultation.

Mr Gildernew asked the Minister of Health for an update on (i) the current delivery of services; (ii) the current staffing situation; and (iii) the status of the detailed plan on stabilising and supporting the delivery of services, at Muckamore Abbey Hospital.

(AQW 11010/17-22)

Mr Swann:

- (i) My Department, in conjunction with the Belfast Trust and the RQIA, continues to monitor the safety and effectiveness of service delivery at Muckamore Abbey Hospital.

The Belfast Trust has introduced a number of measures to ensure that the services currently being provided at Muckamore are safe. This includes the restructuring and enhancement of the Trust senior management team responsible for the hospital. Other measures include the installation of CCTV in all wards, day care and the swimming pool and the introduction of contemporaneous CCTV footage viewing of one shift per ward per week which is selected at random and viewed by an independent group of staff. The hospital had introduced an open visiting policy for families of in-patients but this has had to be suspended due to the ongoing Covid-19 pandemic. In addition, a Safety Report on patient safety metrics is prepared weekly and reviewed by the senior management team in Muckamore, shared with the multi-disciplinary team and shared and discussed at the monthly Directors' Assurance Meeting, chaired by the Chief Executive. I understand that the most recent report demonstrates significant improvements in care delivery and most notably a reduction in the overall use of restrictive practices, including a reduction in the number of seclusion events.

- (ii) Current nurse staffing levels, with the combination of substantive nursing staff, long-term agency staff and nurse bank staff, are providing a safe level of care. The Trust has signed a 12-month Service Level Agreement with Direct Health Care agency to provide 50 whole – time - equivalent registrants on a block booked basis to help stabilise the nursing registrant workforce. A weekly staffing report is provided to my Department and this is reviewed by professional nursing colleagues in the Department.
- (iii) The Muckamore Departmental Assurance Group (MDAG) monitors implementation of the Muckamore Abbey Hospital HSC Action Plan which sets out the HSC system's response to the recommendations in the Level 3 SAI report "A Way to Go". The recommendations from the recent report of the Leadership and Governance Review of Belfast Trust's management of Muckamore Abbey Hospital have been included in the Action Plan and are also monitored by this Group.

Mr Easton asked the Minister of Health whether he will (i) implement the UK Chancellor's pay award to health service staff of £250 per annum for those in the NHS earning below £24K per annum; and (ii) give a commitment that all health service staff will also receive an annual pay rise.

(AQW 11021/17-22)

Mr Swann: With the restoration of pay parity with effect from 1 April 2019, all Agenda for Change staff in NI are on the same pay rates as their counterparts in England and Wales. This is a position I fully intend to maintain in 2021/22, and will work closely with Executive colleagues in preparing what will be a challenging budget for Northern Ireland.

Please be assured that both I and my Department remain committed to a fair pay settlement for all our healthcare staff going forward.

Ms S Bradley asked the Minister of Health what provisions are in place for people who are symptomatic of COVID-19 but do not have access to means of travel to visit a test site or to return a postal test kit.

(AQW 11040/17-22)

Mr Swann: Where an individual is unable to travel and has no-one who can help them return a home testing kit, the relevant HSC Trust will ensure appropriate support is provided to the individual in their own home.

Ms Dolan asked the Minister of Health whether the Health and Social Care Board provides funding to cognitive behavioral therapy for those who are completing placements locally but study in Scotland.

(AQW 11048/17-22)

Mr Swann: The Health and Social Care Board does not fund cognitive behavioural therapy for students completing placements locally that study in Scotland.

Mr McGlone asked the Minister of Health when AQW 8669/17-22 will be answered.

(AQW 11063/17-22)

Mr Swann: Testing in Northern Ireland continues to be a vital tool in our response to the COVID-19 pandemic. The current position is that all Health and Social Care (HSC) staff who are symptomatic (or whose household contacts are symptomatic) are eligible for testing in Northern Ireland.

This includes domiciliary care providers and other community health workers who, as essential health care workers, are currently able to access testing either through local HSC laboratories or via the National Testing Programme. Should there be an indication of more than one symptomatic individual among a group of care workers, an appropriate risk assessment will

be undertaken by the Public Health Agency with testing of all individuals undertaken as deemed appropriate following the risk assessment.

The priority groups for testing are reviewed on an active basis and adjusted appropriately as priorities change as this pandemic progresses. As our understanding of this new virus is continuing to evolve and we learn more about the impact of the virus across different settings, and as new testing technologies emerge, we may revisit our policy on testing HSC staff.

Mr Middleton asked the Minister of Health whether Northern Ireland has sufficient supply of egg-free flu vaccines for the winter period.

(AQW 11072/17-22)

Mr Swann: For anyone aged 9 years of age or older who has had confirmed anaphylaxis to egg (requiring intensive care) a cell-grown Quadrivalent Influenza Vaccine (QIVc) should be used.

As at 30 November 2020, 356 doses of QIVc are being held in central stock to address this requirement and GP practices have been informed that they are available to order for suitable patients.

Mr Newton asked the Minister of Health what percentage of patients who have been hospitalised with COVID-19 have returned home and recovered from the virus.

(AQW 11073/17-22)

Mr Swann: It is not currently possible to accurately report the number who have recovered from the disease.

Mr Sheehan asked the Minister of Health, pursuant to AQW 5867/17-22, for an update on the Serious Adverse Incident Review into inadequate fit testing of staff for personal protective equipment; and whether he will publish the findings.

(AQW 11116/17-22)

Mr Swann: The Serious Adverse Incident (SAI) review in relation to fit testing remains ongoing.

An Independent Serious Adverse Incident panel was appointed in August 2020 and commenced the review. The panel reviewed Health & Social Care Trusts' (HSCTs') records around their processes for procuring, commissioning and managing fit-testing. The panel also sought clarity around a series of questions, all which have been answered by HSCTs. In addition, all HSCTs have also participated in on-line interviews with the chair of the panel as part of the review of incidents.

The SAI panel had planned a visit to Northern Ireland at the end of October to carry out face to face interviews with HSCTs, Fit-Testing Service Providers and staff affected. However, given the introduction of COVID-19 lock down restrictions across the UK regions, this was unable to proceed. Whilst some teleconference communications have taken place with the chair and the panel, the chair has highlighted the importance of carrying out face to face interviews with fit testing service providers and staff once COVID-19 restrictions have been eased. The panel intends to carry out these interviews early next year and present their findings shortly thereafter.

In the interim, the Public Health Agency issued an Early Learning Letter in July 2020 outlining a number of key actions and processes that Health and Social Care Trusts were required to implement. Consequently, robust auditing and monitoring processes have been put in place by all HSCTs to ensure fit testing is carried out to the correct standard.

While we await the outcomes of the SAI review the Public Health Agency have been working with HSCTs to develop a regional Fit Test Standard Operating Procedure (SOP). The SOP is currently in draft format and will be shared with the SAI panel for their comments in the coming days.

Once the panel has concluded its work, the findings of the SAI review will be published.

Ms Sugden asked the Minister of Health (i) what plans he has for the establishment of a regional commissioning pathway on insulin pumps; (ii) whether funding will be made available; and (iii) what steps he is taking to address the current waiting list for insulin pumps for diabetics.

(AQW 11123/17-22)

Mr Swann: The Strategic Framework for Diabetes in Northern Ireland was launched in 2016 as part of a series of initiatives to support "Health and Well-Being 2026, Delivering Together". The Framework was published in conjunction with the formation of a Diabetes Network which enables people living with diabetes and frontline experts to co-design services to bring improvements for people living with the condition.

The Diabetes Commissioning Team within the Health and Social Care Board and the Public Health Agency commission the purchase of insulin pumps in line with Trust requirements. HSC Trusts undertake an annual needs assessment exercise to inform pump requirements, which takes into account their available staffing capacity to educate new patients on the use of the pump.

I can confirm that funding continues to be made available to purchase insulin pumps for those patients who have not had one to date; to provide for consumable costs associated with the pumps; and for the purchase of replacement pumps where the manufacturer's warranty has expired on pumps previously provided to patients.

Insulin pumps are not however clinically suitable for everyone and I understand that other factors often contribute to the delay in a patient getting access to an insulin pump including the suitability of this type of treatment for the patient concerned, adherence to NICE guidelines, patient readiness and clinical priority.

The Diabetes Network has made access to insulin pumps a high priority and has recognised the importance of a sustainable regional approach to the acquisition, utilisation and replacement of insulin pumps with an emphasis on equity and safety. The Diabetes Network has established a Task and Finish group with involvement of Diabetes UK and HSC Trusts to consider and scope a regional service model for insulin pumps.

Mr McCrossan asked the Minister of Health to detail the number of rural GP health centres currently closed due to the pandemic.

(AQW 11125/17-22)

Mr Swann: GP practices are open and are providing face-to-face appointments for those patients who are assessed as requiring them. All practices have been provided with a supply of Personal Protective Equipment (PPE) to allow them to do so safely.

GPs have a responsibility to provide core services to their registered patients and the pandemic does not negate this requirement. GPs will however use their clinical judgement to decide how to best prioritise patients to provide this core service while maintaining patient safety.

GP practices are operating a telephone first triage system which allows patients to seek medical advice from their GP for both routine and urgent problems. The GP then uses their clinical judgement to decide if the patient can be safely managed over the telephone or whether a face to face appointment is required. Some practices have also utilised other technologies such as video conferencing and allowing patients to send photographs by text to facilitate diagnosis of, for example, a skin rash.

This approach ensures that patients are only required to visit surgeries where it is absolutely essential and helps to ensure infection control and social distancing keeping both patients and staff safe.

The telephone first triage system also allows GPs to identify those patients who may be infected with coronavirus. These patients can then be referred for face-to-face assessment to one of the primary care COVID-19 centres. That ensures that these patients do not attend the GP practice or community pharmacy and are seen in an appropriate environment as well as ensuring that GP services are maintained with minimum disruption. There were 109,697 COVID related queries in General Practice across Northern Ireland from 6 April to 22 November 2020.

The pandemic has meant change across a range of services, including in health and social care and General Practice has rapidly changed its working patterns in order to cope with the current pandemic and the need to protect the public and staff from the virus.

Despite the need to ensure infection control and social distancing and the demands and capacity limits that COVID has created, including recently an expanded flu vaccination programme and the pilot Phone First services, GPs have maintained over 80% of general practice services. Around 30% of all consultations still take place face to face, compared to 50% at the same time last year.

In rebuilding the capacity of the HSC in Northern Ireland we are continuing to develop new and innovative ways of working to support the development of sustainable, safe and accessible primary care services, to meet patient needs.

The Health and Social Care Board wrote to GP practices in Northern Ireland on 30 July asking that, if this had not been done recently, practices undertake a review of arrangements for patients who were accessing their services in order to ensure that they are continuing to provide services at times that are appropriate to meet the needs of patients. Practices were advised to communicate to patients about the practice services that are available and how to access them with the recommendation that these communications make clear that GP practices are open.

On 7 September GP leaders from the Health and Social Care Board, the Royal College of General Practitioners (RCGP) and the British Medical Association issued a statement to reassure patients that while patients may be seen in a different way, by phone or video link, GP practices are still open to treat patients, provide advice and to issue prescriptions. GPs want anyone who has a health concern to feel reassured that they will be able to get an appointment and see a GP if necessary.

Mr McCrossan asked the Minister of Health how his Department is addressing mental health problems in rural West Tyrone.

(AQW 11127/17-22)

Mr Swann: The Western Health and Social Care Trust continues to work with service commissioners at the Health and Social Care Board, and the Department of Health in the design and delivery of statutory mental health services to meet the needs of the population including those in rural west Tyrone.

I intend to publish a 10 year Mental Health Strategy in 2021 which will take into consideration the needs of the rural population of Northern Ireland. The draft strategy is expected to go to public consultation this month.

Ms Bradshaw asked the Minister of Health what proposals he will bring forward aimed at improving the safety of fire fighters arising from the recommendations in the University of Central Lancashire's interim report entitled Minimising firefighters' exposure to toxic fire effluents.

(AQW 11142/17-22)

Mr Swann: My Department welcomes research that supports enhancing the health, safety and wellbeing of firefighters.

This report is being considered by Northern Ireland Fire and Rescue Service. The report is also under review by the National Fire Chiefs Council (NFCC) Health and Safety and NFCC Health and Wellbeing Committees. NFCC are the body responsible for the maintenance of national fire operational guidance and learning.

Northern Ireland is represented on the NFCC by the interim Chief Fire and Rescue Officer. I await the outcome of their deliberations.

Ms Rogan asked the Minister of Health to detail each Serious Adverse Incident investigation (SAI) that is currently ongoing, including (i) the level; (ii) the general issue; and (iii) start date of the SAI.

(AQW 11153/17-22)

Mr Swann: Details of all Serious Adverse Incident (SAI) reviews currently open as at 01 December 2020 are provided in Tables 1 and 2 below.

Table 1 - Level of the SAI being undertaken by year reported

Level of Review	Year reported – open cases						Total
	2015	2016	2017	2018	2019	2020	
SAI Report Level 1	0	0	10	37	171	383	601
SAI Report Level 2	0	3	4	25	53	75	160
SAI Report Level 3	1	1	1	7	8	22	40
Total	1	4	15	69	232	480	801

Table 2 - Level of the SAI review by Programme of Care

Programme of Care	SAI Report Level 1	SAI Report Level 2	SAI Report Level 3	Total
Acute Services	198	47	16	261
Maternity and Child Health	40	24	4	68
Family and Childcare (incl CAMHS)	69	17	2	88
Elderly	43	11	1	55
Mental Health	198	53	13	264
Learning Disability	17	5	4	26
Primary Health and Adult Community (incl GPs)	19	2	0	21
Corporate Business/Other	17	1	0	18
Total	601	160	40	801

Source: HSCB Datix

Mr Gildernew asked the Minister of Health for an update on the Home Accident Prevention Strategy 2015-2025, including the funding allocated for each year since 2015 and the progress in achieving each of the four objectives identified.

(AQW 11157/17-22)

Mr Swann: The Public Health Agency (PHA) is responsible for the implementation and evaluation of the Home Accident Prevention Strategy 2015-2025, with the assistance of a multi-agency Implementation Group. The Group has developed a rolling Home Accident Prevention Action Plan (HAP) and reports progress to the Department of Health on an annual basis. Progress to date on the Strategy's four main objectives includes:

- production of an annual calendar of events which sets out monthly messages and themes to be shared by all partners through social media campaigns, press releases and other communication channels;
- campaigns on blind cord safety; burns and scalds prevention; falls prevention for older people, and choking in the under-5s;
- production of the 'Keeping Well at Home (NI)' booklet – encouraging the public to be mindful of the dangers in and around the home, particularly during lockdown;

- implementation of the home safety checks scheme (HSCS). (The PHA has continued to work closely with councils to ensure the continuation of the HSCS during lockdown and restrictions);
- City and Guilds home safety training and refresher courses for Home Safety Officers, and
- provision of a Health Intelligence Brief, which includes data on injuries and deaths and the impact of socio-economic status, to inform the targeting of resources.

The first review of the Strategy was due to fall during the 2019/20 business planning year. This has been put on hold due to ongoing Covid-19 response pressures.

The following funding has been allocated by the PHA to support HAP work in local councils and Trusts.

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21*	Total
Councils	£465,390	£562,708	£519,300	£499,231	£525,743	£524,795	£3,097,167
Trusts	£54,130	£95,385	£140,352	£146,652	£168,978	£176,683	£782,180

Grand total - £3,879,347

*Funding allocated to end of March 2021 – full spend anticipated.

In addition, my Department currently allocates funding to the Royal Society for the Prevention of Accidents (RoSPA) to promote the reduction of accidents in the home through education, training and raising awareness. Since 2015 RoSPA has received the following grant allocation from the Department of Health:

2020-21 (March 2020 – Oct 2020)	41,265
2019-20	70,745
2018-19	70,745
2017-18	70,745
2016-17	70,745
2015-16	94,327
2014-15*	23,580

Grand total - £442,152

(*Proportion of grant relating to 2015)

Miss Woods asked the Minister of Health (i) for an update on the adoption and children's bill; and (ii) when it will be introduced in the Assembly.

(AQW 11162/17-22)

Mr Swann:

- (i) Work with the Office of Legislative Counsel to finalise the Adoption and Children (Northern Ireland) Bill is almost complete.
- (ii) As previously indicated, I intend to seek the Executive's agreement to introduce the Bill in the Assembly in the current mandate.

Mr Muir asked the Minister of Health what steps his Department is taking to ensure there is adequate provision of Health Service Dental Services readily available to the public.

(AQW 11166/17-22)

Mr Swann: Routine dental care resumed on 20 July 2020 however, enhanced infection prevention and control measures including additional Personal Protective Equipment (PPE) requirements, fallow time and cleaning after Aerosol Generating Procedures (AGPs) limit the number of patients that can be seen each day.

To ensure that this limited treatment capacity is targeted appropriately, guidance issued to all Northern Ireland General Dental Practitioners recommends that patients are seen on the basis of need and that patients requiring emergency and urgent care are given the highest priority.

Updated operational guidance was issued to General Dental Practitioners (GDPs) on 21 October 2020 and included details of a marked reduction of fallow times. While the new guidelines should allow for an increased number of appointments per day, overall patient throughput is expected to remain below normal levels for the foreseeable future.

To support the sustainability of practices through this difficult time the Department established the General Dental Services Financial Support Scheme (FSS). The total level of FSS and net IoS payments made between April and November 2020 is

around £43.3 million (£32.7 million FSS) which represents a 32% increase compared with the net IoS payments made over this period in 2019-20.

General Dental Services has received an additional £14.73 million in funding since April 2020. This has included, £0.97 million in Level 1 PPE, £3.76 million for Level 2 PPE and £10 million for the provision of FSS payments on a gross basis. The financial support has been, and will continue to be, conditional on dentists providing care to registered Health Service patients on the basis of need.

Mr Easton asked the Minister of Health whether he plans to distribute free vitamin D supplements to vulnerable and elderly people.

(AQW 11176/17-22)

Mr Swann: I would point out that vitamin D supplements are already being prescribed to patients in circumstances where it is deemed clinically appropriate to do so.

Furthermore, on 29 October 2020 the Department of Health and Social Care (DHSC) asked National Institute for Health and Care Excellence (NICE) and Public Health England (PHE) to produce recommendations on vitamin D for the prevention and treatment of COVID-19 in light of growing concerns that many people may have poorer vitamin D levels than usual as a result of staying indoors for longer periods during the pandemic. The outcome of this is awaited and my Department will consider its applicability once finalised.

Ms S Bradley asked the Minister of Health (i) for an update on work within his Department to help with the prevention of loneliness; and (ii) whether his Department would be supportive of the development of a preventing loneliness strategy.

(AQW 11190/17-22)

Mr Swann:

- (i) Loneliness is a vital theme within a number of existing and relevant policies of the Department with the overall objective of improving the health and well being of the population. Whilst the Department does not have one separate policy for loneliness, there are a range of policies; programmes and initiatives in place – that make a positive contribute to tackling loneliness - specifically related to health and wellbeing. My officials are currently carrying out a scoping exercise to identify and co-ordinate what is currently in place both in the Department and across the wider landscape of the HSC (in our 5 Trusts and our Arm's Length bodies). It is anticipated that the first phase of this exercise will be completed by early 2021.
- (ii) It is clear from the preliminary research that loneliness is a key issue and as such cannot be resolved by any one Department, organisation or sector working alone. Therefore a collective and collaborative approach would be beneficial.

This would support a more joined up and co-ordinated working together to rebuild approach and identifying existing policies and synergies across organisations and sectors. The findings of the ongoing scoping exercise within my Department will inform how we in DOH and across the HSC move forward, from a policy perspective.

Ms P Bradley asked the Minister of Health for his assessment of the increased risk of abuse when older people are lonely and socially isolated.

(AQW 11231/17-22)

Mr Swann: I recognise there is a potential increased risk of abuse for lonely and socially isolated older people, particularly during the challenges of the pandemic. Although there are a number of initiatives that may help to alleviate some of the pressures that older people are experiencing, it is important that we remain vigilant to their needs and the potential for abuse. My Department are currently conducting a scoping exercise of policies that include actions that may address loneliness and isolation to identify gaps and needs strategically.

On 10 September 2020 I announced my intention to consult before Christmas on legislative proposals to inform the development Adult Safeguarding legislation. I hope to launch the consultation into proposals to develop an Adult Protection Bill in the coming weeks. The resulting draft Bill will be intended to strengthen protections for adults considered to be at risk.

Ms P Bradley asked the Minister of Health what is being done to address increased social isolation and loneliness experienced by older people.

(AQW 11232/17-22)

Mr Swann: I recognise the particular challenges of these key issues particularly for older people and for those who are already vulnerable during the pandemic.

Addressing loneliness and social isolation is a vital theme within a number of existing Department of Health policies which have the overall objective of improving the health and wellbeing of the population. Whilst the Department does not have one separate policy for loneliness and social isolation, there are a range of policies; programmes and initiatives in place – that make a positive contribute to tackling these issues - specifically related to health and wellbeing.

The Department is represented on the All Party Group on Loneliness which was formed following a series of all-party roundtables and policy events at Stormont in 2019 and 2020. In addition the Department is now part of a 4-country Group in the UK and we are liaising with counterpart policy leads to learn and share best practice.

The Department are also seeking partnership with counterparts in ROI, and beyond, to learn and share from others experiences and innovative approaches to tackle loneliness and social isolation in relation to health and wellbeing.

The Institute of Public Health in Ireland is represented on my Department's Reform Board for Adult Social Care. They have carried out research into loneliness on an all island basis. We are liaising with them to further investigate their research and specifically the research that relates to Northern Ireland.

The Department has set up monitoring of loneliness via different surveys for adults and children. This will allow us to look at loneliness in conjunction with other health information, including general health and mental health as well as health behaviours.

A scoping exercise within the Department's policy areas and across the HSC including Trusts and DOH ALBs, is underway, to further identify policies; strategies, programmes and initiatives in place (including funding/investment) and those that are under development that contribute to addressing loneliness and isolation that impact on health and wellbeing, linked to the Department's priorities and outcomes.

Mr Clarke asked the Minister of Health what the capacity currently is in each neonatal unit; and what is the current number of inpatients in these units.

(AQW 11243/17-22)

Mr Swann: The capacity and occupancy of neonatal units in HSC Hospitals in Northern Ireland has been tabulated below.

The Current Capacity and Occupancy in Neonatal Units in HSC Hospitals in Northern Ireland.

Trust	Total Number of Cots	Total Number of Occupied Cots
Belfast	22	22
Northern	11	11
South Eastern	13	10
Southern	22	12
Western	24	12
Total	92	67

Source: HSC Trusts

Note: Figures relate to 4th or 7th December 2020. These figures can change at short notice.

Mr Blair asked the Minister of Health how many hospitals have onsite incinerators to destroy clinical waste.

(AQW 11244/17-22)

Mr Swann:

No hospitals within Northern Ireland have onsite incinerators. The disposal of clinical waste is carried out under a regional contract by a licensed contractor. The majority of this waste is processed locally by the contractor using alternative treatment and a small proportion, which requires high temperature incineration, is transported to GB for disposal.

Mr Harvey asked the Minister of Health why managers of general practices are being asked to submit figures of administered influenza vaccines, when this information has already been submitted to the Health and Social Care Board.

(AQW 11249/17-22)

Mr Swann: While influenza vaccine uptake data are currently submitted monthly to the Health and Social Care Board (HSCB), these data are based on submission of monthly claims for influenza vaccination payment by GP practices and do not provide details on the remaining influenza vaccines within practices.

The influenza vaccination programme is even more critical this year than in a usual winter, with the virus which causes COVID 19 also circulating. I have therefore requested weekly updates on flu vaccine from GP practices. To facilitate this request the HSCB developed a short survey to collate the data required from GP practices. The survey asks practices to provide details on remaining vaccine available.

My Department requires more frequent updates in order to establish if and when the vaccination programme can be rolled out to those in the 50 to 64 year old cohort on a population basis in line with England and Wales, and to provide more up-to-date information to inform the management of the programme in the face of the unprecedented demand this year.

Mr Easton asked the Minister of Health, given that maximum bed capacity in hospitals has remained at a similar level since May 2020, why there are approximately 800 beds unoccupied.

(AQW 11267/17-22)

Mr Swann: Prior to the 18th October, the average figure for unoccupied beds was approximately 800. However, after this date the methodology used to calculate bed occupancy for the COVID-19 dashboard data had changed. This was due to the prior bed occupancy figures being static figures which did not reflect the dynamic nature of bed modelling and flow of patients being admitted and discharged from hospital over the course of a day. Due to this, data prior to the 18th October should not be compared with current data available on the dashboard.

Mr Easton asked the Minister of Health to detail the cost of treatment of alcohol abuse for the last four year period.

(AQW 11269/17-22)

Mr Swann: A total of £24.25 million was allocated to alcohol and drug services in 2019/20, with similar investment over the preceding years. It must be noted that substance use services cover treatment and support for alcohol and other drugs, and it is therefore not possible to disaggregate the costs for treatment of alcohol use only.

Mr K Buchanan asked the Minister of Health what (i) medical; and (ii) scientific evidence is available to indicate that grassroots sport, especially sport for primary school aged children, is a significant element for the spread of COVID-19 in the community.

(AQW 11274/17-22)

Mr Swann: The Executive, when making decisions on restrictions, takes into account not only the scientific and medical evidence but also the evidence of impacts of the restrictions on the economy and society, including education. The Executive weighs up the totality of the effect each restriction can have in combination with other restrictions in reducing the rate of infections of COVID-19. It is very difficult to disaggregate the precise impact on virus transmission of each restriction on its own.

In light of the high rate of spread of the virus which causes COVID-19, and the pressure this is placing on vital health and social care services, the Executive considered a wide range of activities which could impact on the rate of transmission of the virus. The Executive's decision was that certain businesses and activities, including gatherings such as grassroots youth sports training and matches, would have restrictions placed on them to help to suppress the transmission of the virus within the population. The current combination of restrictions reduces the pressure on our health services, protects the elderly and the vulnerable and allows other essential services to be maintained during the current pandemic.

The Executive maintains an ongoing process of review of the coronavirus restrictions regulations, which considers both the current level of the pandemic and the impact the restrictions have on the economy and society, and it is the Executive's clear intention not to retain the restrictions for any longer than is absolutely necessary.

Miss McIlveen asked the Minister of Health whether he will review the Nursing and Midwifery Council (NMC) policy on the Health and Social Care Workforce Appeal, that only nurses who retired after 2015 be considered for addition to the NMC register, so that a maximum number of qualified persons are available to administer COVID-19 vaccines.

(AQW 11302/17-22)

Mr Swann: The Government introduced emergency legislation in March 2020 which allowed the Nursing Midwifery Council (NMC) to open a temporary register for returning professionals who wished to support the Covid-19 emergency situation.

Only those who left the permanent NMC register between 1 March 2015 and 29 February 2020, can apply to join the Covid-19 temporary register. The NMC considered this criteria to be fit and proper by reason of their previous recent period of registration without concern, and suitably experienced by reason of their recent registered practice.

Ms P Bradley asked the Minister of Health whether there are any plans in place to prevent a possible surge in abuse of older people under lockdown restrictions.

(AQW 11315/17-22)

Mr Swann: Throughout the COVID-19 pandemic the Health and Social Care Trusts, Adult Safeguarding procedures have remained in place to respond to referrals about adults who may be in need of protection.

In addition the current COVID-19 Care Homes guidance in respect of visits by Health Care Professionals states that providers must ensure relevant Health and Social Care professionals continue to have access to residents where they need to in order to carry out any essential assessments or deliver care.

My Department also continues to fund and raise awareness of the Domestic and Sexual Abuse Helpline in partnership with the Department of Justice and the Department for Communities. The Helpline, which is available to both women and men, received £20,000 in additional funding to ensure that it continues to operate 24/7 during the COVID-19 pandemic.

On 10 September 2020 I announced my intention to consult before Christmas on legislative proposals to inform the development of Adult Safeguarding legislation. I hope to launch the consultation into proposals to develop an Adult Protection Bill in the coming weeks. The resulting draft Bill will be intended to strengthen protections for adults considered to be at risk.

Mr Durkan asked the Minister of Health whether his Department will consider the introduction of a thank you COVID-19 payment for full time Health Service and adult carers, similar to the scheme being rolled out in Scotland.
(AQW 11321/17-22)

Mr Swann: I am on record as to the value I place on the skill, dedication and hard work of health and social care staff. I have seen at first hand the magnificent job that all HSC workers perform, the risks that they take, and the sacrifices that they make.

I have already requested my Department to develop an options paper, to include a range of possible additional supports to all health and social care staff. I have also asked that a payment to carers to be explored within the development of possible options. Whilst any decision would need to be approved by the Executive due to the impact on the overall Northern Ireland budget, I welcome any opportunity to recognise the extraordinary efforts and sacrifices of staff and carers.

Mr Gildernew asked the Minister of Health to detail the membership, including the number of positions, of the cross-departmental Preventing Harm, Empowering Recovery Programme Board.
(AQW 11347/17-22)

Mr Swann: The Substance Use Strategy consultation proposes the establishment of a new governance structure that includes a Preventing Harm, Empowering Recovery Programme Board. It is anticipated that this new structure will be put in place once the strategy has been finalised, subject to the feedback received from the consultation process. However, it is proposed that the new Programme Board membership will cover health, justice, academics, community/voluntary sector, local government and vitally service users, their families, and other experts by experience. It should be noted the governance structures for the existing strategy will remain in place until the new strategy is published.

Ms Flynn asked the Minister of Health whether (i) domiciliary care staff; (ii) care home staff; and (iii) unpaid carers have access to the COVID-19 Psychological Support Helpline.
(AQW 11366/17-22)

Mr Swann: Since the early stages of the pandemic the HSC Trust Psychological Support Helplines (which are staffed by psychologists and psychological therapists) have been made available to staff in the independent sector.

Helpline numbers and other resources are available on the PHA website at:

<https://www.publichealth.hscni.net/covid-19-coronavirus/guidance-hsc-staff-healthcare-workers-and-care-providers/staff-health-and>

My Department has also collaboratively developed a piece of guidance, Advice for Carers and Young Carers during Covid-19 Pandemic which was published on 10 April and most recently updated on 3 December 2020. This guidance includes a number of resources for managing stress, mental health and emotional well-being. It also includes links and contacts that are helpful to carers and young carers. The guidance can be accessed at: www.health-ni.gov.uk/publications/advice-informal-unpaid-carers-and-young-carers-during-covid-19-pandemic.

Whilst unpaid carers do not have access to the COVID-19 Psychological Support Helpline, there are a range of crisis response helplines in Northern Ireland for adults or children who are experiencing distress or despair. Helpline services are available 24 hours a day, seven days a week to listen and help, in confidence. The Helplines NI website provides a directory of over 60 helpline services operating across Northern Ireland. The helplines provide information, support, advice and guidance on a wide-range of health and wellbeing needs. The website also includes details of both national and local Coronavirus (COVID-19) specific helplines which may be useful for carers: <https://helplinesni.com/>

For carers reaching crisis point, calls to Lifeline, the Samaritans and Childline are free of charge and open 24 hours a day. In addition, all trust areas have a mental health crisis team with psychiatric nurses, social workers and support workers available.

For carers within the Belfast Health and Social Care Trust, a listening ear service is available which provides a confidential listening service to carers, providing reassurance and comfort as well as relaxation and mindfulness advice. Similarly, carers within the Southern Health and Social Care Trust can access a listening ear service through the Carers Trust, which provides support, advice, activities and training, along with opportunities to meet with other carers. The service has trained and experienced outreach workers who will respond to carers' needs by signposting to services and programmes which may support them in their caring role. Within the South Eastern Trust, various listening ear services are available to carers. An out-bound telephone support service called Good Day Good Carer has been introduced during the COVID-19 period to provide carers with ongoing support, a listening ear service, information and advice, and a link to other support services. Carers can also avail of AGE North Down and Ards Good Morning Call which provides daily calls to those aged 50 and over who live alone and require support or a listening ear service. Similarly, Good Morning Colin Telephone Service offers daily calls to carers and citizens over 65 years of age in the Colin area who feel isolated and vulnerable and require a listening ear service. Furthermore, Carer Support provides a listening ear service for carers, offering information, signposting and referrals to other HSC Trust's voluntary and community supports.

Ms Flynn asked the Minister of Health what training is offered to Health and Social Care staff relating to addiction, including (i) the type of training; (ii) the length of time it takes to complete; and (iii) whether a qualification is gained.
(AQW 11367/17-22)

Mr Swann: The Public Health Agency (PHA) commissions a range of substance use related training programmes which are open to Health & Social Care (HSC) staff including:

Substance Misuse Workforce Development Training Programme

Substance Misuse Awareness	1 Day
Understanding Alcohol	Half Day
Understanding Illicit Drugs	Half Day
Understanding Medicines Misuse	Half Day
Understanding New Psychoactive Substances	Half Day
Foundation Module – Adults and Family Members	3 Days
Advanced Module – Level 3 Certificate in Tackling Substance Misuse	12 Days
Supporting Family Members affected by Substance Misuse	2 Days
Working with Substance Misuse in a Homeless Setting	4 Days
Foundation Module – Children, Young People and Families	3 Days
Working with Young People and Substance Misuse	2 Days
Young People, Substance Misuse and Mental Health	2 Days
The Regional Initial Assessment Tool for Young People (RIAT)	Half Day
The Regional Hidden Harm Protocol	1 Day
Parental Substance Misuse	2 Days

Both the Advanced (Level 3) course and the Foundation courses are accredited, although there is also an option to do the Foundation courses without accreditation if the learner prefers. All courses have been scrutinised and approved in terms of all aspects of content by an e-panel that has been expressly established for this purpose. The panel consists of practitioners, academics and trainers who possess a wealth of experience and knowledge in relation to substance use and related issues; the PHA is also represented on this panel. These courses are available to those working on drugs and alcohol issues across the statutory, voluntary and community sectors.

Substance Misuse Workforce Development Motivational Interviewing Training Programme

Intermediate and Advanced Courses in Motivational Interviewing (MI) and Mentoring to support advanced MI training – Intermediate Training is 3 days, while Advanced Training is 2 days with six months one-to-one and group mentoring follow-up during which practitioners are given the opportunity to reflect upon integration of MI in client contacts. Both courses are accredited through The Motivational Interviewing Network of Trainers. This training is available to anyone working in Drug/Alcohol Treatment Services across the region.

Substance Misuse Workforce Development Harm Reduction Training Programme

Programmes include:

- Working with People Who Inject Drugs (1 day)
- Administration of Naloxone, including Overdose Awareness (1 day)
- Training for Trainers – Administration of Naloxone (1 day)
- Needle and Syringe Exchange Training (1 day)

These courses are not accredited, however the Training for Trainers – Administration of Naloxone is a requirement for anyone providing naloxone to service users, and the Needle and Syringe Exchange Training is a requirement for those providing Needle Exchange Services. These courses are available to those working on drugs and alcohol issues across the statutory, voluntary and community sectors.

Dual Diagnosis Course

There is a funding allocation for HSC staff across the region to attend the Dual Diagnosis Course in QUB. This is part of funding for psychological therapies to build capacity of practitioners and promote and sustain evidence-based, cross-boundary inter-professional training and education across the region to ensure a regional standardised provision of high quality and effective services that improve outcomes for service-users and their families. Whilst the funding for this is held and managed by HSCB, the programme is jointly agreed and monitored by both HSCB and PHA.

Nicotine Addiction:

All staff (including HSC staff), providing specialist stop smoking advice and support, are required to have attended a minimum of a 2-day recognised training programme or a recognised training course. This training must be in keeping with the NI Regional Training Framework for Specialist Stop Smoking Services, developed by the Public Health Agency. To ensure

continued competency in delivering the service, staff are responsible for ensuring they complete refresher/update training every three years. The 2-day Stop Smoking Specialist Training course is available online. An online ½ day Brief Interventions in Smoking course is also available for anyone wishing to provide brief opportunistic support to others in their care who want to stop smoking. These courses have been developed for the NI Stop Smoking Services providers, but are not accredited.

Opioid Substitute Treatment:

GPs and other clinicians who support opioid substitute treatment undertake the Royal College of General Practice (RCGP) Certificate in the Management of Drug Misuse Part 1. This is an accredited course for GPs and other healthcare professionals intending to provide treatment to drug users at a generalist level as part of a shared care scheme.

In addition to the above, there is specific training related to substance use and addiction built into the professional training and qualification process for psychiatrists, general practitioners and social workers.

Mr Carroll asked the Minister of Health, following the specific advice to clinically extremely vulnerable people in tiered regions in Great Britain and the supply of Vitamin D to 2.7 million vulnerable people in England, what plans his Department has to provide further bespoke advice and resources to our most vulnerable.

(AQW 11379/17-22)

Mr Swann: Vitamin D supplements are being prescribed to vulnerable patients in Northern Ireland in circumstances where it is deemed clinically appropriate to do so.

Vitamin D is important for bone and muscle health although it has also been hypothesised that vitamin D may have a role in the body's immune response to respiratory viruses. However, vitamin D supplements are not specifically licensed for preventing or treating any infection, including the novel coronavirus infection that causes COVID19.

The Department of Health and Social Care (DHSC) has however asked the National Institute for Health and Care Excellence (NICE) and Public Health England (PHE) to produce recommendations on vitamin D for the prevention and treatment of COVID-19 in light of growing concerns that many people may have poorer vitamin D levels than usual as a result of staying indoors for longer periods during the pandemic. The outcome of this is awaited and my Department will consider its applicability once finalised.

In the meantime, people are asked follow the advice of the Public Health Agency (PHA) which has been recommending that everyone take vitamin D supplements during the lockdown period to help keep bones, teeth and muscles healthy.

Mr McCrossan asked the Minister of Health whether all hospital workers will receive free parking in each Health and Social Care Trust.

(AQW 11405/17-22)

Mr Swann: Yes. On 29 October I announced that with immediate effect, all Health and Social Care (HSC) staff would receive free car parking to 31 March 2021.

Mr McCrossan asked the Minister of Health for an update on the future of the vacant properties owned by his Department or its arm's-length bodies.

(AQW 11406/17-22)

Mr Swann: The Department and its Arm's Length Bodies record vacant property assets, along with rationalisation plans, in annual Property Asset Management Plans. Only vacant property assets which have a clear foreseeable health need are retained. Assets with no foreseeable health need will first be offered to the public sector and then disposed of in accordance with current Land & Property Service Central Advisory Unit guidance.

Mr Gildernew asked the Minister of Health for an update on the status of the Valley Care Home, including plans to support the continuation of service.

(AQW 11439/17-22)

Mr Swann: As a result of serious concerns identified in October during an unannounced inspection at Valley Nursing Home, Clogher, RQIA has taken enforcement action to cancel the registration of the responsible individual of Health Care Ireland in respect of this home. This action is focused on achieving better long-term care for those currently living at this home. RQIA is working closely and collaboratively with the Health and Social Care Board and the Southern and Western trusts to find a solution that best meets the individual needs of every patient and their families.

Letters have been sent by the Trusts to residents and their families to let them know what is currently happening in relation to their care and the future of the home. Plans are already in place for a substantial number of the residents to move to other homes. This has been done with the participation of residents and families. Conversations are ongoing with residents and their families where there is not yet an agreed plan.

All HSC agencies involved are mindful of the challenges of moving residents and are sensitive to this happening during the Covid-19 pandemic and the approaching Christmas period. All agencies are working together to find a constructive way forward that ensures that residents are cared for appropriately.

This is a fast moving situation and I am being kept informed of developments.

Trusts have staff in the home daily and are therefore content that residents are safe and being cared for appropriately at this time.

Mr Easton asked the Minister of Health whether he will give a £500 bonus to health staff for Christmas to recognise their work during the pandemic.

(AQW 11534/17-22)

Mr Swann: I am on record as to the value I place on the skill, dedication and hard work of health and social care staff. I have seen at first hand the magnificent job that all HSC workers perform, the risks that they take, and the sacrifices that they make.

I have already requested my Department to develop an options paper, to include a range of possible additional supports to all health and social care staff. I have also asked that a payment to carers to be explored within the development of possible options. Whilst any decision would need to be approved by the Executive due to the impact on the overall Northern Ireland budget, I welcome any opportunity to recognise the extraordinary efforts and sacrifices of staff and carers.

Mr Chambers asked the Minister of Health how many times he has attended meetings of the Committee for Health since 11 January 2020, broken down by (i) Committee meetings attended in person; and (ii) Committee meetings attended remotely.

(AQW 11535/17-22)

Mr Swann: Since 11 January 2020 I have attended the Committee for Health on 11 (eleven) occasions.

I have attended (i) 7 (seven) occasions in person; and (ii) 4 (four) occasions remotely.

Department for Infrastructure

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 10119/17-22, on what date her Department informed the European Commission of her intention to (i) not enforce against unauthorised Environmental Impact Assessment (EIA) development taking place in Lough Neagh Special Protection Area; and (ii) permit unauthorised EIA development to become immune from enforcement action.

(AQW 10913/17-22)

Ms Mallon (The Minister for Infrastructure): My Department has provided relevant information to the European Commission in relation to the Lough Neagh case at different stages in the process, and will continue to provide it with information as appropriate and necessary.

Updates to the European Commission are managed by DEFRA. The most recent update to DEFRA was in December 2019. Officials are currently preparing a further update to DEFRA and hope to issue this early in the New Year.

Mr Boylan asked the Minister for Infrastructure what engagement she has had with the Minister for the Economy over the Localised Restrictions Support Scheme and the transport sector.

(AQW 10929/17-22)

Ms Mallon: When the Executive discussed this scheme originally, I was assured by the Minister for the Economy that no exclusion would be used for taxi drivers and bus operators.

I am very disappointed that an opportunity has been missed to set up a scheme which comprehensively will assist those impacted by the increased restrictions, that being the very purpose of the Covid Restrictions Business Support Scheme (CRBSS), and that instead certain sectors are being allowed to fall through the cracks.

I remain of the view, which is strongly supported by the taxi sector that, in going forward and in managing the effect of any continued restrictions, Part B of the DfE CRBSS should cover the taxi and bus sectors, in that their income and trade has been directly affected by the increased restrictions and they meet the other criteria given they are "dependent on those businesses being open in order to operate". I have significant concerns that the current eligibility criteria does not provide the support that is needed for all impacted businesses.

I have advocated that the Department for the Economy should take responsibility for financial support for taxi drivers since last spring, as they have the legal vires to do so. In relation to the CBRSS, I raised the importance of the inclusion of the taxi sector at the Executive meeting on 22nd October and I have also written to the Minister of the Economy on 21st October, 19th November and 23rd November asking that the exclusion of those who can avail of the DfI Taxi Driver Financial Assistance Scheme and Private Coach and Bus Operators from the CBRSS is removed. I continue to push for their inclusion in this and future schemes.

Mr Boylan asked the Minister for Infrastructure whether she will bring forward further support to the taxi sector.

(AQW 10930/17-22)

Ms Mallon: As you are aware I secured £25m of funding from the Executive, of which £19m has been provided to fund the taxi and private coach and bus schemes. The remaining £6m is being held centrally which provides me with some flexibility to keep under review the circumstances of the sectors should any further support be needed. I will also continue to press for the inclusion of the taxi sector in the various other support schemes being taken forward across the Executive.

Mr Givan asked the Minister for Infrastructure, given the lengthy waiting times experienced by many applicants, how her Department is increasing capacity around driver testing.

(AQW 10936/17-22)

Ms Mallon: Driving instructors were included in the Executive's regulations on businesses that closed from 16 October until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests resumed on 21 November but ceased again for 2 weeks from 27 November to 10 December 2020 due to the circuit breaker restrictions announced by the Executive. Motorcycle lessons and tests are not affected by these restrictions.

The Driver & Vehicle Agency (DVA) has opened up the booking system exclusively for those customers whose tests were cancelled between 17 October and 20 November and 27 November to 10 December. Testing slots have been released for February and March and additional booking slots have also been made available in December and January as the DVA increases capacity by recruiting additional examiners. When the DVA is in a position to reopen the booking service for all other customers they will issue further communications through nirect and social media channels, and write to all Approved Driving Instructors to confirm this position.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To increase driving test capacity the DVA is in the process of recruiting an additional 27 temporary and permanent vehicle examiners, which will free up the dual role examiners to conduct more driving tests over the coming months. The DVA is also planning to launch a further driving examiner recruitment competition early next year.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Boylan asked the Minister for Infrastructure what actions her Department is taking to address the issues within the Transport Regulation Unit.

(AQW 11094/17-22)

Ms Mallon: To ensure that public inquiries could recommence, my Department has worked with Land & Property Services (LPS), PSNI, and the Security Surveyor to access a suitable hearing room, for the short term. Deputy Traffic Commissioners from GB have been engaged to provide immediate support as skilled and experienced presiding officers. In addition, the historical MSI report has been received from DVSA allowing a complete picture of an operator's historical compliance to be taken into consideration. To ensure that the impact of Covid-19 is limited, online hearings have been established to support the more traditional face-to-face hearings.

As a result of these steps my Department has successfully recommenced public inquiries and work will continue to clear the backlog over the coming months. The historical MSI data is being assessed to determine what further regulatory action might be required against operators appearing on that report.

In the longer term, my officials are working with LPS to identify a permanent location for hearings, and a weekly report has been arranged with DVSA to notify infringements to Transport Regulation Unit on a timely basis. To ensure that the Department enacts its statutory duties effectively in the long term, my Department will be strategically reviewing the role, responsibilities and functions of the Transport Regulation Unit.

Mr McCrossan asked the Minister for Infrastructure for an update on planned road safety improvements at the Killeter Road and Cavan Road junction, Castlederg.

(AQW 11128/17-22)

Ms Mallon: The junction of the Killeter Road with the Cavan Road is within the 30mph speed limits of Castlederg, however there is an issue with vehicles on the Killeter Road approaching the junction at speed when driving towards the town. Consequently, consideration is being given to enhancing the signage and road markings to heighten drivers' awareness on the approach to this junction.

Ms S Bradley asked the Minister for Infrastructure (i) for an update on work within her Department to help with the prevention of loneliness; and (ii) whether her Department would be supportive of the development of a preventing loneliness strategy.

(AQW 11189/17-22)

Ms Mallon: My Department delivers a number of transport measures which are focused on people most at risk of loneliness through social exclusion.

One of the most important measures in tackling social exclusion is the delivery of our extensive public transport system which aims to connect people safely and enable access to social and economic opportunities, particularly for our more vulnerable citizens and deprived communities. This access to public transport is further supported by the NI Concessionary Fares Scheme which was established to promote access to public transport through discounted fares for specific categories of users, a number of whom are at risk of loneliness and social isolation.

There are also a range of services delivered through the Rural Transport Fund and the Transport Programme for People with Disabilities including the Dial-a-Lift scheme, Disability Action Transport Scheme, Shopmobility and Easibus.

The Blue Badge Scheme is another initiative which is supported by my Department, providing an important service for people with severe mobility problems, enhancing access to our towns and cities, and addressing a key barrier to social inclusion.

In addition, my Department helps to ensure sustainable accessibility to key local services by providing good walking and cycling facilities.

As well as transport, my responsibility for the planning system means that I also have a key role in tackling loneliness and social isolation by encouraging good design and the creation of places which promote community cohesion and inclusion.

I am fully supportive of the work that the All Party Group on Loneliness has progressed towards the development of a cross-departmental Loneliness Strategy for Northern Ireland. To assist with this work, I have arranged for the relevant policy leads from within my Department to attend the forthcoming APG meeting on 9 December 2020.

Ms Sugden asked the Minister for Infrastructure, in order to attract more people into town centres, what plans she has to make Northern Ireland's town and city centres more people-friendly, including pedestrianising.

(AQW 11200/17-22)

Ms Mallon: My Department is engaged in a range of schemes to attract people into towns and city centres. This includes the COVID-19 Town Revitalisation Programme which I announced on 28 October 2020, in conjunction with the Communities and DAERA Ministers.

Through that programme, my Department is investing £5 million in towns and cities across all Council areas in initiatives which will make it easier and more inclusive and attractive for people to access shops and services by enabling them to make more short journeys by walking, wheeling and cycling rather than travelling by car. The projects being taken forward through my Department's element of this programme include improvements to walking and cycling infrastructure, the installation of parklets and the creation of pedestrian areas.

Mr McCrossan asked the Minister for Infrastructure for an update on the rural roads fund.

(AQW 11203/17-22)

Ms Mallon: As the Member is aware, I announced an investment of £75m in the structural maintenance of the road network in 2020/2021. Recognising the importance of investment in the roads network to improve connectivity, help communities and tackle regional imbalance, I instructed officials to allocate £12m to a Roads Recovery Fund, £10m of which is to be directed towards rural roads.

Although the COVID 19 pandemic led to some initial delays in the commencement of the 2020/21 Road Recovery work, Divisional teams are now progressing their programmes. These improvements are targeting many short lengths of rural roads that are in particularly poor condition and it is estimated that over 500 locations on the rural road network will benefit from these improvements.

Miss Woods asked the Minister for Infrastructure, given her Department's oversight and scrutiny role of the planning system, for her assessment of whether the practice of some local councils in withholding Environmental Impact Assessment determinations and Habitats Regulations Assessments from the planning portal, including during the restrictions imposed due to COVID-19, is in breach of the Aarhus Convention and the public's right to access to environmental information.

(AQW 11252/17-22)

Ms Mallon: I am content that the statutory obligations for public access to information set out in planning legislation meet the requirements of the Aarhus Convention. Councils, in their role as local planning authorities, determine the vast majority of applications for planning permission. As such, they are best placed to determine how and when relevant information on environmental impact assessment and assessments required under the Habitats Regulations is made available in order to meet their statutory obligations.

Mr Muir asked the Minister for Infrastructure for an update on the Special Events on Roads consultation arising from the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010.

(AQW 11255/17-22)

Ms Mallon: The exercise to gather views and data relating to the operation of the Roads (Miscellaneous Provision) Act (Northern Ireland) 2010, closed on 24 September 2020. There were almost 800 responses to the Department's online questionnaire, along with 14 pieces of correspondence.

Detailed analysis of the information submitted is currently underway, and when this is complete I will be discussing next steps with my officials.

Mr Givan asked the Minister for Infrastructure when those individuals who have had driving tests cancelled due to the two week lockdown will receive an new appointment.

(AQW 11278/17-22)

Ms Mallon: Driving instructors were included in the Executive's regulations on businesses that closed from 16 October until 20 November to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased over this period of increased restrictions based on public health and scientific advice. Driving tests resumed on 21 November but ceased again for 2-weeks from 27 November to 10 December 2020 due to the circuit breaker restrictions announced by the Executive. Motorcycle lessons and tests are not affected by these restrictions.

The DVA has opened up the booking system exclusively for those customers whose tests were cancelled between 17 October to 20 November and 27 November to 10 December. Testing slots have been released for February and March and additional booking slots have also been made available in December and January as the DVA increases capacity by recruiting additional examiners. When the DVA is in a position to reopen the booking service for all other customers they will issue further communications through nidirect and social media channels, and write to all Approved Driving Instructors to confirm this position.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders is planning to offer driving tests for Heavy Goods Vehicles on Sundays, where it is suitable to do so without compromising the integrity of the test. The DVA will also use overtime to rota off-shift dual role driving examiners to provide additional capacity and to provide cover for scheduled driving tests, where due to a variety of unforeseen reasons such as sick absence or the requirement to self-isolate, driving examiners are unable to attend work.

To help further mitigate the impact on customers due to the cessation of practical driving as a result of the latest Covid restrictions, I will be bringing forward further legislation to extend the validity of theory test pass certificates. Theory test pass certificates which have already been extended by eight months and will expire from 1 November 2020 onwards, will have their validity period extended by a further four months. In addition, theory test pass certificates which expire between 1 November 2020 and 30 June 2021, and which have not already benefited from an extension, will have their validity period extended by eight months.

The DVA acknowledges that learner drivers are keen to take their driving tests at the earliest opportunity and will continue to work hard to maximise the availability of test slots. However, all driving test services across these islands are experiencing high demand with longer than usual waiting times. Like all public facing services, the Covid-19 restrictions mean that the DVA has had to adapt its services to ensure that they can be provided safely and they would ask customers for their patience at this difficult time.

It is my priority to ensure that our staff and customers remain safe and the DVA will continue to be guided by the latest public health and scientific advice as we work as quickly as we can to serve all our customers.

Mr Wells asked the Minister for Infrastructure how many vehicles have failed an MOT test as a result of diesel emissions which were below acceptable levels, in each of the last five years.

(AQW 11301/17-22)

Ms Mallon: The table below shows the number of vehicles that have failed an MOT test as a result of excessive diesel emissions in each of the last five years. This includes vehicles which have failed the test either through a metered smoke test or a visual assessment of smoke emitted from the vehicle.

Year	2015/16	2016/17	2017/18	2018/19	2019/20	Total
No. of vehicles	478	490	420	448	373	2,209

In addition, 8,248 vehicles have failed the related emissions control system test, since its introduction on 20 May 2019. This element of the test comprises a check of the engine Malfunction Indicator Lamp (MIL), which illuminates to indicate a fault in an engine's emissions control systems.

Mr Muir asked the Minister for Infrastructure, in light of increased housing in the area, whether consideration has been given to reopening the railway halt at Craigavad. [R]
(AQW 11356/17-22)

Ms Mallon: I am committed to improving transport connectivity for the benefit of our economy and communities across the North. Our rail network, whilst relatively small, does present a unique opportunity to improve the sustainability of the Department's transport operations. Investment decisions need to include network optimisation, in terms of operational and financial viability, and the wider role of rail in assisting the growth of the Belfast Metropolitan Area.

In line with that, my Department is currently developing proposals for a new Regional Strategic Transport Network Transport Plan which will help inform priorities for future development of the main road and rail networks, as well as the Belfast Metropolitan Transport Plan, which will look at transport links across the Belfast Metropolitan Area, including North Down.

When published, these draft Plans will give the public an opportunity to respond, and share their view on the proposals being brought forward. I would welcome any local feedback on the desire for a feasibility study into the re-opening of the railway halt at Craigavad through this process.

Mr Easton asked the Minister for Infrastructure for an update on plans to improve road safety for drivers at Craigantlet crossroads.
(AQW 11368/17-22)

Ms Mallon: I can confirm my Department has developed plans to upgrade the junctions at Ballymiscaw Road / Whinney Hill and Dunlady Road / Holywood Road / Craigantlet Road / Whinney Hill in Holywood. It is recognised that this scheme would bring important benefits in terms of road safety and traffic progression.

However due to the scale and cost of the project and in light of current budgetary constraints, it is not possible to progress the scheme at this time.

Mr Boylan asked the Minister for Infrastructure, in relation to the North-South Interconnector, whether she is aware that the procurement process for design and supply of the pylon towers and associated materials was ongoing for a number of years prior to her planning approval.
(AQW 11373/17-22)

Ms Mallon: The Department was not aware that the procurement process for the design and supply of the pylon towers and associated materials was ongoing prior to my decision to grant planning permission for the North-South Interconnector. The procurement process is entirely a matter for the developer, SONI.

Mr Boylan asked the Minister for Infrastructure (i) how she will ensure that the 28 conditions attached to the planning approval for the interconnector will be adhered to; and (ii) to detail how full compliance with each planning condition will be fully enforced.
(AQW 11374/17-22)

Ms Mallon: Conditions attached to any planning permission generally reflect the parameters of the proposal and mitigation proposed by the developer via submissions including the Environmental Impact Assessment. As such, conditions should not pose any unfamiliar or unnecessary burden and compliance is therefore anticipated. It is the responsibility of applicants to implement their planning permission in accordance with the conditions stipulated. However, where breaches are apparent and it is expedient to do so, enforcement action under the provisions of the Planning (Act) NI 2011 can be commenced.

Mr Boylan asked the Minister for Infrastructure to detail the reasons for her decision to approve the over-heading of the North-South Interconnector on 14 September 2020.
(AQW 11375/17-22)

Ms Mallon: My decision on the North South Interconnector of 14 September 2020 was based on the evidence presented to me and as submitted in relation to the planning applications. The detailed planning reasons are evident from the relevant submissions from officials which I considered and approved. The decision notices and associated documentation, including the independent report from the Planning Appeals Commission and the Development Management Reports from my officials, may be viewed at the Planning NI Web Portal via Public Access at <http://epicpublic.planningni.gov.uk/publicaccess/> using planning reference numbers O/2009/0792/F and O/2013/0214/F.

Mr Wells asked the Minister for Infrastructure how many planning applications which were recommended for refusal by planning staff were subsequently granted approval by the Planning Committee, broken down by local council, in each of the last five years.
(AQW 11395/17-22)

Ms Mallon: Between 1 April 2018 and 31 March 2019, 114 planning applications which were recommended for refusal by the planning officer were subsequently approved by the Planning Committee. The table below breaks this down by local council.

Council	Number of applications
Antrim and Newtownabbey	5
Ards and North Down	3
Armagh City, Banbridge and Craigavon	6
Belfast	0
Causeway Coast and Glens	28
Derry City and Strabane	8
Fermanagh and Omagh	27
Lisburn and Castlereagh	9
Mid and East Antrim	4
Mid Ulster	2
Newry, Mourne and Down	22
Total	114

Official data from my Department relating to your request is currently only available for 2018/19, although this information is publicly available through councils Planning Committee minutes. Comparable data for 2019/20 will be available once the Northern Ireland Planning Monitoring Framework 2019/20 is published in December 2020.

Mr Wells asked the Minister for Infrastructure what proportion of the one million trees that will be planted on Northern Ireland Water land will be native species.

(AQW 11397/17-22)

Ms Mallon: I have confirmed with NI Water that all of the one million trees planted will be native species. Native species are not only best for our local landscapes, and animals, but also best for water quality protection and improvement.

Miss McIlveen asked the Minister for Infrastructure whether she would consider establishing a dedicated unit within her Department for the development of greenways.

(AQW 11398/17-22)

Ms Mallon: My Department provides a strategic focus, as outlined in 'Exercise – Explore – Enjoy: A Strategic Plan for Greenways'. This document provides a framework to assist Councils and other bodies to develop their own local schemes as part of a regional greenway network. I believe that it is important that Councils have ownership of the projects and that they engage with local communities and local landowners. Successful greenways have demonstrated the importance of local consultation for these projects.

As a demonstration of my commitment to assist Councils, I have already provided £3.7 million capital funding for six greenway projects and I would expect to make further investments in greenways in the future, subject to the budget provided to my Department. I am also willing to give consideration to whether there are other ways of assisting Councils in delivering their greenways.

Mr Newton asked the Minister for Infrastructure to detail (i) the current extent of street lighting outage in the East Belfast constituency; and (ii) the average time from report of a fault to repair of the outage.

(AQW 11428/17-22)

Ms Mallon: My Department is unable to provide this information by constituency. However, I can confirm that in Roads Eastern Division, which includes the East Belfast constituency, as of 3 December 2020 there are 496 street lighting outages currently recorded as outstanding on the street lighting maintenance system.

Following an initial delay in April 2020, due to the COVID-19 crisis, the Department is now providing a full street lighting maintenance service, with outages generally being attended to within the required 5 working days.

Mr Newton asked the Minister for Infrastructure when she expects to have concluded the study of bat life on the Comber Greenway.

(AQW 11431/17-22)

Ms Mallon: A bat study was completed in 2018 in preparation for a public consultation on lighting the Comber Greenway which I expect to be carried out in the coming months. The study will be made available during this consultation.

Mr Beggs asked the Minister for Infrastructure for her assessment of the level of risk to public safety that exists and which cannot be addressed until the transfer order is processed which will pass statutory responsibility for the Reservoirs Act from the Department of Agriculture, Environment and Rural Affairs to her Department.

(AQW 11475/17-22)

Ms Mallon: The EU Floods Directive required member states to conduct a preliminary flood risk assessment, to identify areas of potential flood risk that could pose a risk to the public. As a result of this work the Department has estimated that there are approximately 83,000 people living or working within the inundation zones of controlled reservoirs.

The Reservoirs Act (Northern Ireland) 2015 provides for the regulation of reservoir safety in Northern Ireland. The Act, when fully commenced, will introduce a proportionate regulatory framework for the management and maintenance of reservoirs capable of holding 10,000m³, or more, of water above the natural level of the surrounding land in order to protect people, the economy, the environment and cultural heritage from the risk of flooding from an uncontrolled release of water due to reservoir failure. These are defined as controlled reservoirs.

As you are aware, my Department currently does not have statutory responsibility for the Reservoirs Act. A Transfer of Functions Order is being progressed through the Executive Office to transfer the statutory responsibility for the provisions under the Reservoirs Act from DAERA to my Department. Once statutory responsibility is transferred, I will be in a position to consider the necessary secondary legislation required to implement the reservoir safety policy envisaged in the Act.

Miss McIlveen asked the Minister for Infrastructure what engagement she and her officials have had with taxi operators; and what work is being undertaken to develop a financial support scheme for them.

(AQW 11482/17-22)

Ms Mallon: As part of the stakeholder engagement process for the financial support schemes, officials and I held meetings with taxi operators on 30th September and 27th October. Officials also met with taxi operators on 20th October and 27th November.

In looking at the available financial support schemes and sector eligibility for those, because taxi drivers did not have premises, they did not qualify for the NI Executive support schemes for businesses. However, taxi businesses/operators that did have premises, could have availed of one or other of the business support grants or loan schemes available.

For these reasons, the scheme I put in place is designed to assist taxi drivers who could not avail of the existing schemes but still incurred overhead costs from March until September of this year. Taxi operators advised that providing financial support to drivers would also provide indirect support to them, by helping taxi drivers remain in business.

Mr Muir asked the Minister for Infrastructure to detail the nine reservoirs that require urgent interventions.

(AQW 11522/17-22)

Ms Mallon: A Reservoir Audit carried out in 2016 of some of Northern Ireland's controlled reservoirs identified 45 reservoirs in Poor or Very Poor condition. A further survey carried out by a specialist consultant reservoir engineer in 2019 identified nine reservoirs that require urgent interventions. The locations of these are:

- One in the Antrim and Newtownabbey Borough Council area;
- One in the Ards and North Down Borough Council area;
- Two in the Armagh City, Banbridge and Craigavon Borough Council area;
- One in the Belfast City Council area;
- Two in the Causeway Coast and Glens Borough Council area;
- One in the Mid and East Antrim Borough Council area; and
- One in the Newry, Mourne and Down District Council area.

I cannot be more precise in relation to their location as 'Guidance within the National Protocol for the Handling, Transmission and Storage of Reservoir Information and Flood Maps (June 2018)' prevents the release into the public domain of detail that may expose potential vulnerabilities in a reservoir.

Mr Boylan asked the Minister for Infrastructure whether she will work with her ministerial counterpart Minister Ryan to restore the Dublin to Belfast bus service to its original service levels.

(AQW 11536/17-22)

Ms Mallon: I am committed to securing island-wide transport services, including between Belfast and Dublin, and in light of Bus Éireann's decision to cease its cross-border services, I approved Translink's request to provide some of these cross-border services to ensure the connectivity between the two major cities on our island.

This is something I will monitor closely, in line with government restrictions, as safety and social distancing are fundamental in considering a resumption to original service levels. I will also continue to liaise with Minister Ryan as we navigate the challenges presented by COVID-19.

Mr McNulty asked the Minister for Infrastructure, in order to help preserve Newry's maritime heritage and to safeguard shipping access to the Albert Basin and Newry Canal, whether she has considered the possibility of the Southern Relief Road, Newry, incorporating a lifting bridge over the shipping canal as part of the design.

(AQW 11555/17-22)

Ms Mallon: The development of Newry Southern Relief Road has progressed on the basis of a fixed bridge over the Newry Ship Canal, however, at this stage I have not ruled out the option of an opening bridge.

Whilst the current fixed bridge proposal will facilitate access for vessels under 12 metres, I am aware of concerns about the proposed bridge structure on Newry Ship Canal potentially restricting access for taller vessels, including tall ship navigation, to the Albert Basin. As such, I am currently considering potential options for an opening bridge and I am keen to understand the costs and benefits to the local area of an opening structure.

To inform my considerations, I am also keen to engage with local groups and listen to the views of the local community before I come to a final decision on this matter. I recently met with a delegation of local elected representatives and officials from Newry Mourne and Down District Council who highlighted the strong maritime history associated with Newry and the potential long term development opportunities for the area. I also plan to meet with other local stakeholders to discuss this important issue.

Miss McIlveen asked the Minister for Infrastructure for a date for the resumption of Approved Driving Instructor testing.

(AQW 11558/17-22)

Ms Mallon: My officials in the Driver & Vehicle Agency (DVA) have been working hard to safely reinstate all categories of driver testing, including the Approved Driving Instructor (ADI) qualifying tests. Risk assessments have concluded that these driving tests can be delivered in compliance with Public Health Agency (PHA) guidance in relation to hand hygiene, face coverings and social distancing. The DVA is now in a position to resume the ADI qualifying tests from 11 December, once the circuit breaker restrictions end.

This has been communicated directly to the industry, and NIDirect and social media channels have been updated with this new information. In addition, officials in the DVA have contacted affected part-qualified Potential Driving Instructors (PDIs) to provide them with an update and make suitable arrangements for testing.

Department of Justice

Ms Rogan asked the Minister of Justice whether her Department has considered a ban on fireworks which do not include lower noise emissions to minimise disruption to pets and vulnerable people.

(AQW 10788/17-22)

Mrs Long (The Minister of Justice): The determination of the maximum noise levels of fireworks is a product safety issue and is a reserved matter which rests with the UK Government. The current maximum noise level that fireworks must not exceed is 120 decibels. As a result of petitions against the misuse of fireworks the UK Government tasked the Office for Product Safety and Standards (OPSS) to establish an evidence base to inform possible future controls of fireworks. OPSS published the Fireworks Evidence Base report in October 2020 and has commissioned a further programme of testing to determine the average decibel level for common fireworks which will help to identify which types of fireworks are associated with the highest noise levels, and which have a lower decibel level. The Department will follow up on any relevant recommendations.

Ms Rogan asked the Minister of Justice whether her Department will look at stricter regulation around the sale of fireworks.

(AQW 10789/17-22)

Mrs Long: The current regulations provide a robust framework that seeks to ensure fireworks are sold and bought responsibly for use by the public.

In Northern Ireland it is illegal to sell fireworks unless the seller holds a certificate of registration or a licence issued by the Department of Justice under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006. In addition, the Pyrotechnic Articles (Safety) Regulations 2015 make it an offence for a registered or licensed retailer to sell fireworks to anyone under the age of 18 and the Explosives (Fireworks) Regulations (Northern Ireland) 2002 make it an offence for anyone who does not hold a fireworks licence issued by the Department of Justice to possess, purchase, sell, acquire, handle and use fireworks.

A valid fireworks licence is required for an individual to purchase, possess and use fireworks in Northern Ireland.

I would also refer you to the answer provided in response to AQW 10790/17-22.

Ms Rogan asked the Minister of Justice how she intends to tighten up the sale of fireworks and put more stringent measures in place given the increase in use of Halloween, resulting in a massive spike of anti-social behaviour in the South Down constituency.

(AQW 10790/17-22)

Mrs Long: The current regulations provide a robust framework that seeks to ensure fireworks are sold and bought responsibly for use by the public.

In Northern Ireland it is illegal to sell fireworks unless the seller holds a certificate of registration or a licence issued by the Department of Justice under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (MSER). In addition, the Pyrotechnic Articles (Safety) Regulations 2015 make it an offence for a registered or licensed retailer to sell fireworks to anyone under the age of 18 and the Explosives (Fireworks) Regulations (Northern Ireland) 2002 make it an offence for anyone who does not hold a fireworks licence issued by the Department of Justice to possess, purchase, sell, acquire, handle and use fireworks.

A valid fireworks licence includes conditions on use, including date and time restrictions on when the fireworks can be used. Existing legislation provides for penalties for possessing and selling fireworks without a licence which can range from a fine not exceeding £5000, or imprisonment for a maximum term of three months, or both.

Where the Department is made aware of a retailer who is failing to comply with the requirements of his/her registration or licence they will be investigated and where appropriate, I will consider taking action to revoke their registration or licence.

In preparation for Halloween, the Department issues letters to retailers advising them of their responsibilities under the Regulations. The Department also publishes information on the NI Direct website advising of the legal requirements for the purchase and use of fireworks along with information on the safe use and handling of fireworks. Members of the public are encouraged to report incidents of fireworks misuse and any suspected illegal selling of fireworks to the PSNI.

While enforcement measures are vital in helping to tackle the illegal and dangerous use of fireworks, it is also important that preventative and diversionary measures, delivered in partnership with local communities, are in place as part of the overall approach to addressing anti-social behaviour.

Ms Dillon asked the Minister of Justice how much funding has been allocated by her Department to the NI Courts and Tribunals Service each year since the devolution of policing and justice powers.

(AQW 10953/17-22)

Mrs Long: The final year end funding allocated by the Department of Justice to the NI Courts and Tribunals Service each year since the devolution of policing and justice powers is as follows:

Year	Net Resource DEL £m	Net Capital DEL £m
2010-11	54.4	6.9
2011-12	49.1	4.1
2012-13	53.6	2.3
2013-14	49.6	1.8
2014-15	47.4	2.0
2015-16	51.2	2.2
2016-17	51.0	2.2
2017-18	47.5	1.1
2018-19	49.5	3.7
2019-20	54.3	4.9

Mr Beattie asked the Minister of Justice how many grievance complaints have been submitted by Prison Officers, broken down by prison, in each of the last three years.

(AQW 11049/17-22)

Mrs Long: The NICS Grievance Procedure aims to promote good employee relations and deliver fair and equal treatment. Total grievances lodged in the last 3 years are as follows:

	2018	2019	2020
Hydebank	1	1	1
Maghaberry	5	7	10

	2018	2019	2020
Magilligan	9	3	4
PECCS	8	11	0
Prison Service College	0	0	1
Total	23	22	16
Total Staff in Post at November	1,247	1,282	1,309
% lodged grievances	1.8	1.7	1.2

Ms Sugden asked the Minister of Justice, pursuant to AWQ 10079/17-22, further to her conversations with the Chief Constable and given the wider impact on work within her remit, for her assessment of the number of reported incidences of anti-social behaviour (i) since the beginning of lockdown in March 2020; and (ii) for the same period in each of the past two years.

(AQW 11054/17-22)

Mrs Long: Based on the PSNI statistics for the period March to October of 2018, 2019 and 2020, published on the PSNI website (<https://www.psnipolice.uk/inside-psni/Statistics/anti-social-behaviour-statistics/>), there were 40,443 incidents of anti-social behaviour (ASB) recorded in 2018, and over the same period in 2019 there were 40,059 incidents recorded, representing a fall of 1%.

Reporting trends for ASB incidents up to March 2020 appear to follow a similar pattern to those of the previous 12 months. Since the introduction of the COVID-19 restrictions (on 23rd March this year), levels of ASB have remained high compared with the same period in the two previous years, with 54,448 incidents recorded between March and October 2020. This figure represents an increase when compared to the same period in 2018 and 2019 of 35% and 36% respectively.

The PSNI have noted that the introduction of COVID-19 lockdown measures led to a substantial increase in levels of ASB.

While I would not draw definitive conclusions from these statistics, they do reflect the direct impact which breaches of COVID restrictions have had on ASB statistics, and provide an indicator of the wider impacts which COVID may have had on general ASB incidents.

Mr Allister asked the Minister of Justice (i) how many applications there have been under the provisions of the Policing and Crime Act 2017 for pardons for homosexual offences; and (ii) how many of these have been successful, in each year since the Act came into operation.

(AQW 11066/17-22)

Mrs Long: Applications to have convictions for abolished homosexual offences disregarded are made under the Protection of Freedoms Act 2012. Since the introduction of the scheme in June 2018, there have been three applications.

Two applications were made in 2018, neither of which met the eligibility criteria.

One application, made in 2020, is under consideration to determine eligibility.

Mr Newton asked the Minister of Justice to detail (i) the number of unregulated car washes in (a) Northern Ireland; and (b) Belfast; and (ii) what actions the police have taken against the owners of the establishments.

(AQW 11074/17-22)

Mrs Long: The Department of Justice does not hold information in relation to the number of unregulated car washes in Northern Ireland or Belfast.

My department has dealt with a number of questions from Executive colleagues raising concerns about the car wash industry and I have responded detailing the work that PSNI's Modern Slavery and Human Trafficking Unit (MSHTU) does to determine whether trafficking and slavery is ongoing in this area.

The MSHTU conducts regular safeguarding visits to car wash businesses across Northern Ireland and has led in excess of 60 such operations in Northern Ireland since 2015, and has interviewed over 270 workers. The vast majority of these workers have stated that they were not working under duress and no evidence of human trafficking was uncovered.

Such operations have however raised concerns around poor and unsafe working conditions, the illegal use of electricity, water and chemicals, non-payment of rates and other non-trafficking concerns, which may include the under payment of the living wage, National Insurance number issues, contractual offences and potential counterfeit documents.

These are all issues that other agencies hold discrete legal powers to counter and it is paramount that relative departments and agencies investigate any concerns around such regulatory matters.

It is important to note that not all hand car washes violate labour, employment, health and safety and environmental regulations.

Ms S Bradley asked the Minister of Justice (i) for an update on work within her Department to help with the prevention of loneliness; and (ii) whether her Department would be supportive of the development of a preventing loneliness strategy. (AQW 11114/17-22)

Mrs Long: The impact of Covid-19 and ongoing steps taken to reduce the risk of infection will have exacerbated the feeling of loneliness for many people who already feel isolated and vulnerable.

My Department undertakes a number of activities which, although primarily are to address our community safety mandate, also have an indirect impact on loneliness.

Some initiatives which may help with the prevention of loneliness include those progressed by Policing and Community Safety Partnerships (PCSPs) funded by my Department and the Northern Ireland Policing Board, which support local organisations and groups to provide a range of intergenerational support, services and initiatives. For example, the provision of Good Morning Schemes, staffed by volunteers, provides daily contact with mainly elderly local residents and signposts services that helps to address isolation, loneliness and fear of crime. PCSPs also provide support for approximately 778 accredited neighbourhood watch schemes across Northern Ireland, covering nearly 42,000 homes to support vulnerable neighbours. Involvement in these schemes may help to support those feeling lonely.

Other activities facilitate early intervention which can support vulnerable people, many of whom are affected by loneliness which can manifest in behaviours such as alcohol and drug abuse. Examples of these include Problem Solving Justice initiatives, such as Substance Misuse Courts and Support Hubs; supporting the multi-agency Scamwise Partnership which aims to prevent scammers who often prey on people who are lonely or socially isolated; supporting and helping to fund a 24 hr domestic abuse helpline for those affected to ease their sense of loneliness and supporting those in custody including through introducing virtual prison visits and provisions for a range of activities on site to help ease isolation at this time.

I would be supportive for the development of a preventing loneliness strategy, noting this and the provision of services to address this concern should be taken forward by the most relevant Department. I do not envisage any new initiatives being taken forward by my Department to specifically address this issue.

Mr Allister asked the Minister of Justice what social distancing measures are in place when it comes to (i) jury selection; and (ii) the calling of potential jurors to the courthouse. (AQW 11143/17-22)

Mrs Long: To facilitate COVID-19 secure jury trials, significant work has been undertaken to make sure court buildings are kept safe, secure and clean and that social distancing occurs in line with the HSC Public Health Agency (PHA) guidance.

Steps taken include:

- limiting the number of people coming into the court building and the courtroom,
- regularly cleaning frequently touched surfaces (e.g. door handles) throughout the day,
- providing hand-sanitisers,
- making sure social distancing measures are followed in and out of the courtroom,
- putting up screens in the courtroom where these are required,
- ensuring there is enough space in jury deliberation rooms to maintain social distancing

Jurors are called at intervals and Coleraine County Hall, Marlborough House Craigavon and the Inn of Court Belfast have been sourced as support centres for juror identity checks and viewing the juror training video.

When a trial is due to begin the jurors are seated in a large jury assembly area or, if these are not available, in additional courtrooms until the jury is selected and sworn. Sworn juries use the jury assembly area or a second courtroom for deliberation.

Each venue has their own "housekeepers" who ensure that the courtrooms and jury deliberation rooms are cleaned at regular intervals throughout the day.

Those called for Jury Service are provided with guidance, in line with that provided by PHA, not to attend should they have COVID-19 symptoms or if they have been advised to self-isolate. The guidance includes a detailed information checklist on how to remain safe when attending court, including social distancing. Further information is available on the Department of Justice website at <https://www.justice-ni.gov.uk/articles/jury-panel-information>.

Miss Woods asked the Minister of Justice (i) how many non-molestation orders have been made under Article 20 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 each year, for the past ten years; (ii) how many applications for non-molestation orders there have been each year, for the past ten years; and (iii) how many applicants for non-molestation orders have been able to avail of the waiver of financial eligibility limits for civil legal aid under Article 10 of the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, each year since it was introduced. (AQW 11253/17-22)

Mrs Long:

(i & ii) The information requested is set out in the table below:

Non-molestation and Occupation Orders & Applications

Year	(i) Orders Made¹	(ii) Applications Disposed²
2010	6,069	4,876
2011	6,518	5,248
2012	6,120	5,065
2103	5,499	4,809
2014	5,568	4,776
2015	5,089	4,224
2016	5,014	4,240
2017	4,607	4,436
2018	4,238	3,889
2019	3,959	3,527

1 - Non-Molestation and Occupation Orders Made at Application level

2 - Non-molestation / Occupation applications disposed

Source: Integrated Court Operations System (ICOS)

Includes final and interim non-molestation and occupation orders made, and applications disposed under the Family Homes and Domestic violence (Northern Ireland) Order 1998

The information presented includes non-molestation orders granted under Article 20 and non-molestation and occupation orders under Article 23 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998.

An occupation order may be used as a complementary order to the non-molestation order or as a stand-alone order. When it is granted alongside a non-molestation order it offers added protection to victims by preventing the alleged perpetrator from living in the family home and a breach of any such orders is deemed to be a criminal offence.

(iii) The information on the number of Domestic Violence Waiver granted for the financial years 2010-11 to 2018-19 is not readily available.

A new Legal Service Agency case management system was introduced on the 1 July 2019 and data is available from then onwards.

For the financial years 2010-11 to 2018-19 figures are available for the number of files which had been retained separately as they involve a contribution payable under the Domestic Violence waiver where part or all of the contribution was made from the applicants capital. The Legal Services Agency cannot readily identify the number of cases in which the Domestic Violence waiver was based on a contribution solely from income as these cases were not retained. As such for these years the number of cases is understated. For the financial years 2019-20 and 2020-21 (year to date) the figures reflect the totals number of Domestic Violence Waiver granted.

This information is set out in the table below.

Year	DV Waiver
2010-2011	2
2011-2012	14
2012-2013	18
2013-2014	15
2014-2015	15
2015-2016	22
2016-2017	21
2017-2018	28
2018-2019	23

Year	DV Waiver
2019-2020	67
2020-2021 Year to Date	62

Mr Chambers asked the Minister of Justice how many times she has attended meetings of the Committee for Justice since 11 January 2020, broken down by (i) committee meetings attended in person; and (ii) committee meetings attended remotely.
(AQW 11615/17-22)

Mrs Long: Since 11 January 2020, I have attended the Committee for Justice on five occasions: On four occasions I attended in person on the following dates - 27 February 2020, 30 April 2020, 3 November 2020 and 8 December 2020. On the other occasion on 12 November 2020 I attended remotely.

Department for the Economy

Ms Bradshaw asked the Minister for the Economy what specific assistance her Department has provided to people resident in Northern Ireland who have been made redundant as a result of the COVID-19 pandemic, but have been unable to avail of training and assistance programmes equivalent to the JobCentre Plus Rapid Response Service in England.
(AQW 6688/17-22)

Mrs Dodds (The Minister for the Economy): My Department is committed to supporting people who have been made redundant and has already delivered a very successful virtual redundancy clinic for Thompson Aero Seating Ltd as well as an on-site redundancy clinic for Collins Aerospace. On-line resources have also been shared with both Easyjet Airline Company Ltd and Jet2.com for their impacted employees.

In addition to Redundancy Services my Department continues to provide Recruitment Services, including JobCentre Online and recruitment events which people facing redundancy can avail of as well as a range of other supports and services including a scheme called the Adviser Discretion Fund. The objective of the Adviser Discretion Fund is to provide resources of up to £300 to eligible persons for the purchase of goods or services in order to remove a barrier to employment. The scheme may also be used as a measure to support those who are required to complete a short training course in order to progress into work. I can confirm that the scheme has recently provided assistance to people who have unfortunately been made redundant to retrain for work in other sectors as well as assisting with costs associated with courses and medicals required to allow people to compete for future employment opportunities in their respective profession.

In addition, the Department for Communities and Department for Economy have launched a new Jobs & Skills campaign page on NI Direct as part of the response to COVID-19. The Departments have been working collaboratively on developing employability, skills and training responses to address the economic and labour market impact on people caused by the pandemic and this new page brings together all relevant information and services in a single, easy to navigate location. The new Jobs & Skills campaign page can be found at www.nidirect.gov.uk/campaigns/jobs-and-skills.

As part of my Department's response to the Covid-19 pandemic and subsequent recession, a review of the Adviser Discretion Fund is underway and will include giving consideration to the current funding limits and flexibilities in terms of support which can be provided.

Miss Woods asked the Minister for the Economy what financial support will be provided to (i) businesses; and (ii) staff in the hospitality sector forced to close as a result of new restrictions made by the Executive to slow the spread of COVID-19.
(AQW 8776/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mr Easton asked the Minister for the Economy what support will be put in place to support people who do not own a business, like a hairdresser who rents a chair in a salon, but are forced to close due to the latest COVID-19 restrictions
(AQW 8957/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mr Givan asked the Minister for the Economy what support packages are available for the self-employed who are impacted by a further four week closure.
(AQW 8961/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mr Beattie asked the Minister for the Economy whether soft play areas will have access to grants and the Jobs Support Scheme extension, even though they are not on the list of businesses closed by COVID-19 restrictions.

(AQW 9078/17-22)

Mrs Dodds: The Executive agreed restrictions that came into effect on 16 October 2020, for an initial period of four weeks, in order to reduce the concerning rise in the transmission of COVID-19. The Department of Finance (DoF) introduced the Localised Restrictions Support Scheme (LRSS) to support those businesses in commercial premises severely restricted in use or forced to close directly by the Health Protection Regulations.

As soft play areas were not required to close under the Regulations from 16 October 2020 they may not qualify for support through LRSS from this date. However, if due to their circumstance businesses feel they meet the eligibility criteria, they should contact DoF for further information.

The Minister of Finance has announced an extension to LRSS for the restrictions in place from 27 November to 11 December 2020 to include non-essential retail, leisure, and entertainment businesses that are forced to close. It is anticipated that soft play areas would fall into this category. I would therefore encourage businesses in these sectors and that operate from commercial premises to apply to this scheme.

In order to ensure that support was provided to as many businesses as possible affected by the restrictions, I launched the Covid Restrictions Business Support Scheme (CRBSS) to support businesses that are required to close or cease trading under the Health Protection Regulations but are not eligible for LRSS. This scheme also supports businesses which are not named in the Regulations but are in the direct supply chain of a named business, or are reliant upon a named business being open and fully operational as they would not meet the eligibility criteria for these schemes.

I would encourage each business to review the guidance and eligibility criteria for the scheme, and to use the online eligibility checker to determine eligibility. Each application will be assessed on a case by case basis and should a soft play area meet the criteria, they may qualify for support.

All businesses are eligible to apply for a proportion of salary costs through the Coronavirus Job Retention Scheme. The UK Government has announced an extension to the scheme up to March 2021 with employees receiving 80% of their salary for hours not worked, up to a maximum of £2,500. Under the extended scheme, the cost for employers of retaining workers will be reduced compared to October.

I will continue to examine and pursue further means to support the local economy and business sectors in whatever way possible. In considering further interventions, including additional funding or packages of financial support, it will be for the Executive collectively, to determine how this will be allocated to best support economic recovery moving forward.

Mr McGrath asked the Minister for the Economy whether she intends to make any financial support available to driving instructors who have been forced to cease working due to COVID-19.

(AQW 9085/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mr Allen asked the Minister for the Economy what support her Department will provide to those impacted by COVID-19 restrictions who are not eligible to avail of the Localised Restrictions Support Scheme.

(AQW 9096/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mr Muir asked the Minister for the Economy whether she will bring forward a grant support scheme to assist driving instructors affected by the latest COVID-19 regulations.

(AQW 9118/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mr Easton asked the Minister for the Economy what support she will provide the self-employed who have had to close their businesses due to the latest COVID-19 restrictions.

(AQW 9130/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mrs Barton asked the Minister for the Economy whether she will reconsider her decision not to provide the Small Business Support Grant and the Retail, Hospitality, Tourism and Leisure Grant to premises where businesses operate multiple properties.

(AQW 9159/17-22)

Mrs Dodds: Both the £10,000 Small Business Support Grant scheme and the £25,000 Retail, Hospitality, Tourism and Leisure Grant scheme closed for applications on 20 May 2020 and formally closed on 20 October 2020 for appeals.

Mr Muir asked the Minister for the Economy whether she will bring forward a support package to assist (i) sole-traders; and (ii) businesses operating from domestic premises.

(AQW 9223/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Ms Kimmins asked the Minister for the Economy whether she will bring forward financial support for sole traders, self employed and mobile businesses whose business has been forced to close or has been curtailed due to the current COVID-19 regulations.

(AQW 9228/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mr Easton asked the Minister for the Economy what support her Department will provide for (i) sole traders; and (ii) businesses operating from domestic premises, such as hairdressers.

(AQW 9241/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 8471/17-22.

Mr Dickson asked the Minister for the Economy (i) whether a report into governance in her Department with regards to energy has been commissioned; (ii) if so, when this was commissioned; and (iii) when it will be published.

(AQW 9452/17-22)

Mrs Dodds: My department grant-funded academics in the University of Exeter to carry out a research think piece on 'Energy Governance for the NI energy transition'. The purpose of this work is to complement the existing evidence base in place and inform the new Energy Strategy.

We agreed to fund this particular think piece on 30 March 2020. For external grant-funded research think pieces such as this, we anticipate that the independent academics will seek to publish these reports through their own routes. In doing so, they can contribute to the evidence base alongside all other evidence and data being considered.

Ms Anderson asked the Minister for the Economy whether she will introduce financial assistance for those small, independent retail businesses in Derry who have had their trade virtually wiped out since additional restrictions came into force.

(AQW 9551/17-22)

Mrs Dodds: The Department of Finance's Localised Restrictions Support Scheme (LRSS) seeks to support those businesses in commercial premises severely restricted in use or now forced to close directly by the new Regulations.

I recognise that not all businesses who have been directly affected by the restrictions are able to access support through this scheme. I have therefore introduced the Covid Restrictions Business Support Scheme to provide support to restricted businesses which do not qualify for support through LRSS and businesses in the supply chain of restricted businesses.

Mr Dickson asked the Minister for the Economy when applications for Part B of the COVID-19 Restrictions Business Support Scheme will open.

(AQW 9574/17-22)

Mrs Dodds: Part B of the Covid Restrictions Business Support Scheme scheme opened for applications on 19 November 2020.

Mr Dickson asked the Minister for the Economy what action her Department is taking to ensure that the application process for the COVID-19 Restrictions Business Support Scheme is simplified, so not to exclude businesses that would otherwise qualify for support.

(AQW 9575/17-22)

Mrs Dodds: The Covid Restrictions Business Support Scheme has been developed to support as many viable business as possible that have been impacted by the Executive's decision to impose the additional restrictions that initially came into effect on 16 October 2020 and are not eligible for support under the Localised Restrictions Support Scheme.

I fully understand the need to make the application process as accessible as possible to ensure it reaches all eligible businesses and individuals. I can assure you that the Department has taken on board all initial feedback, will continue to monitor future feedback and will review the application process and its associated guidance, as appropriate, to ensure it is as streamlined and comprehensible as possible.

Mr McGlone asked the Minister for the Economy what provision will be made for self employed people currently unable to avail of any other government income support schemes.

(AQW 9698/17-22)

Mrs Dodds: The Newly Self-Employed Support Scheme opened for applications on 3 December 2020 and will provide £10 million in financial support to newly self-employed individuals (sole traders and those in partnerships) whose business is adversely impacted by Covid and who have not been able to access support from the UK government's Self-Employed Income Support Scheme.

A one-off taxable grant of £3,500 will be provided. This will enable support to be provided to approximately 2,900 newly self-employed individuals.

Further eligibility details and an eligibility tracker are available at

<https://www.nibusinessinfo.co.uk/content/newly-self-employed-support-scheme>

Additionally, the Executive has agreed a funding allocation of £20million to support sole limited company directors who have been impacted by the Covid-19 pandemic but were not eligible for the UK Government's Self Employed Income Support Scheme.

My Department continues to work on bringing forward further details of this scheme as a matter of a priority and these will be made available on the NI Business Info website in due course.#

Mr Dickson asked the Minister for the Economy for her assessment of whether the recommendation that applicants to the COVID-19 Restrictions Business Support Scheme provide a form completed by a registered accountant, will disadvantage small businesses unable to pay for this service.

(AQW 9908/17-22)

Mrs Dodds: Applicants to the Covid Restrictions Business Support Scheme may supply a template completed by a registered accountant in order to independently verify the eligibility criteria. Although not mandatory, this may strengthen an application and quicken the verification process. However, it is only a recommendation and, where necessary, applicants will be contacted if additional information is required to confirm eligibility.

It is acknowledged that many businesses are facing hardship at present and may incur a cost to provide a completed template. However, this option allows the application process to be streamlined and for much needed payments to be made to businesses more quickly.

Ms Sugden asked the Minister for the Economy whether the money reclaimed from ineligible businesses that received COVID funding or grants will be redistributed to businesses which were eligible for funding but which (i) mistakenly applied for the wrong grant; (ii) applied beyond the cut-off point; (iii) missed out on funding because they were not the named ratepayers on the properties their business operated from; or (iv) missed out on funding due to any other oversight of Land and Property Services.

(AQW 9934/17-22)

Mrs Dodds: The £10,000 Small Business Support Grant scheme, £25,000 Retail, Tourism, Hospitality and Leisure grant scheme and the NI Microbusiness Hardship Fund have all closed to applications and appeals. As this is the case, any recovered payments cannot be redistributed within the schemes. Further allocation of funding for Covid business support measures is a matter for collective Executive agreement.

Mr McCrossan asked the Minister for the Economy to detail the actions her Department is taking to ensure businesses in the Derry City and Strabane District Council area receive their COVID-19 support grants.

(AQW 10005/17-22)

Mrs Dodds: Invest NI aim to make payments as quickly as possible to successful applicants that have met the eligibility criteria for the Covid Restrictions Business Support Scheme and Newly Self Employed Support Scheme. I have asked officials in Invest NI and my Department to be as flexible and inclusive as possible in the administration of the scheme, to accelerate the processing of applications. I have been encouraged by the progress made to deliver support to eligible businesses to date. Whilst I appreciate the need to ensure funding is allocated in a timely manner, it is imperative that as custodians of public money, reasonable requirements are in place to ensure that funding is directed to those that need it most and to safeguard against fraud.

Mr McNulty asked the Minister for the Economy to detail (i) the number of applications received to the Social Enterprise Fund; (ii) the amount allocated to each recipient; and (iii) the number of successful and unsuccessful applications.

(AQW 10069/17-22)

Mrs Dodds: The Covid Social Enterprise Fund opened for applications on 28th September 2020 and closed four weeks later on 23rd October. 394 applications were received and Community Finance Ireland (CFI) who are administering the fund completed a tailored assessment of each application against the published eligibility criteria.

The fund originally had a budget of £7m which was oversubscribed. In recognition of the valuable role Social Enterprises play in our community, I bid to the Executive for a further £2.25m to allow all eligible applicants who were assessed as being in need to receive an award and I am delighted this has now been approved. This will result in an average award of just over £29k with 313 successful applications and 81 unsuccessful.

Mr McGlone asked the Minister for the Economy what plans are in place to ensure that additional resources allocated to economic recovery.

(AQW 10090/17-22)

Mrs Dodds: In June of this year I published 'Rebuilding a Stronger Economy', a framework to build a more competitive, inclusive and greener economy that delivers higher paying jobs, a highly skilled workforce and a more regionally balanced economy. Guided by the "Rebuilding" framework, and having secured over £92 million in additional funding for this financial year through the various financial exercises, my Department has identified and in many cases is now delivering a range of schemes to assist individuals, businesses and the economy adapt to and recover from the combined challenges of Covid-19 and EU Exit. These schemes will provide assistance across the economy in areas such as Innovation; Apprenticeships & Skills; Supply Chain / Product Resilience and Diversification; Access to Finance for early stage businesses; and Business and Financial Planning. Looking forward, as part of the Spending Review process, I will continue to work with the Minister for Finance and his officials to secure the additional resources necessary to assist economic recovery. If we are serious about rebuilding our economy, we need to invest in the key drivers of economic growth by enhancing our skills base, embedding innovation in our economy and growing our external sales. I remain committed to working with Executive colleagues to identify and deliver the support necessary to assist our businesses and citizens through this most difficult time

Ms McLaughlin asked the Minister for the Economy why most businesses that meet the criteria under Part A of the COVID-19 Restrictions Business Support Scheme have not yet received their grants.

(AQW 10129/17-22)

Mrs Dodds: It is not accurate to say that most businesses who meet the criteria of the Covid Restrictions Business Support Scheme have not received payment. Eligibility can only be determined after applications are assessed and verified. To date, well over half of all applications have either received payment or been rejected.

As of 2 December 2020, 3,441 applications have been received to Part A of the scheme. A total of 1,978 payments have been issued valuing over £7.2 million of support. 192 applications have been rejected.

Every effort has been made by my Department and Invest NI to ensure that applications are assessed and payments issued as soon as possible.

Mr Dickson asked the Minister for the Economy whether she intends to bring forward a financial support scheme for businesses with turnover negatively impacted by heightened COVID-19 restrictions, but not required to close, or in the direct supply chain of a business required to close.

(AQW 10205/17-22)

Mrs Dodds: The Department of Finance's Localised Restrictions Support Scheme (LRSS) seeks to support those businesses in commercial premises severely restricted in use or now forced to close directly by the new Regulations. This scheme will support the majority of businesses directly affected by the restrictions.

I recognise that not all businesses which have been affected by the restrictions are able to access support through this scheme. I have therefore introduced the Covid Restrictions Business Support Scheme to support businesses named in the Regulations but not supported by LRSS and for businesses but which supplies goods or services to such a business, or is reliant upon such a business being open and fully operational in order to trade.

Further to this support for business affected by the restrictions, my Department has introduced the Newly Self-Employed Support Scheme who may not have been able to access support to date. Similarly a scheme to support limited company directors is currently under development.

To provide additional support to our hospitality industry, schemes are currently being developed for wet pubs, bed and breakfasts and for large tourism and hospitality businesses.

The Department has also been provided with a financial allocation for a Northern Ireland wide High Street Stimulus scheme which will inject £95m into our local economy.

Any decisions on further support measures for this sector, and the wider economy, will be agreed collectively by the Executive.

Mr McNulty asked the Minister for the Economy for an update on her plans to support the newly self-employed who have not received any support from the Executive since the onset of the COVID-19 pandemic.

(AQW 10391/17-22)

Mrs Dodds: I have introduced the Newly-Self Employed Support Scheme to provide support newly self-employed individuals who have been adversely impacted by COVID-19.

The scheme opened for applications on 3 December 2020. Details are available at <https://www.nibusinessinfo.co.uk/content/newly-self-employed-support-scheme>.

Mr Muir asked the Minister for the Economy whether she will give consideration to enhanced support for hotels and accommodation providers either (i) required to close due to COVID-19 public health restrictions; and (ii) suffering a downturn

in trade generally as a result of COVID-19 pandemic, taking into account bed places as opposed to merely Non-Domestic Rateable Value.

(AQW 10460/17-22)

Mrs Dodds: I have asked my officials to develop support schemes for bed and breakfasts and for large tourism and hospitality businesses. Further details of the schemes will be announced in due course.

These schemes will supplement support measures already available. Details of support measures are available at <https://www.nibusinessinfo.co.uk/campaign/coronavirus-updates-support-your-business>

Mr Muir asked the Minister for the Economy for her assessment as to whether every effort has been made to simplify the application process for Part A and Part B of the Covid Restrictions Business Support Scheme.

(AQW 10461/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 9575/17-22.

Mr Dickson asked the Minister for the Economy to provide an estimated timeframe from application to the payment of grants, under Part B of the Covid Restrictions Business Support Scheme.

(AQW 10588/17-22)

Mrs Dodds: All applications to Part B of the Covid Restrictions Business Support Scheme will be assessed and verified as soon as possible. Part B opened for applications on 19 November 2020. The first payments were issued on 8 December 2020.

Ms McLaughlin asked the Minister for the Economy to detail (i) why there were significant differences between the terms of Part B of the Covid Restrictions Business Support Scheme as advised in the distributed initial press statement and the revised press statement released later on the same afternoon of 18 November 2020; (ii) whether the Minister changed the terms of the support scheme at the last moment; and (iii) if so, the reasons for that decision.

(AQW 10645/17-22)

Mrs Dodds: The initial press statement published on 18 November regarding Part B of the Covid Restrictions Business Support Scheme included the value of payments for the initial four week period of restrictions from 16 October 2020.

A revised press statement was released on the same day which included the value of payments that reflected the additional two week period of restrictions announced by the Executive on 12 November 2020.

The updated statement reflected the decision to extend support to the additional period of restrictions in keeping with Part A of the scheme and the Department of Finance's Localised Restrictions Support Scheme.

Ms S Bradley asked the Minister for the Economy to detail (i) what financial support is planned for self-employed individuals who have lost income due to COVID-19; (ii) how any such payments will be made; (iii) when payments will be made; and (iv) whether payments will be paid retrospectively to cover the prolonged period of having no income.

(AQW 10681/17-22)

Mrs Dodds: The Executive has agreed a funding allocation of £10million to support the newly self-employed. The Newly Self-Employed Support Scheme (NSESS) opened at 6pm 3 December 2020 and will provide financial support to newly self-employed individuals (sole traders and those in partnerships) whose business is adversely impacted by Covid and who have not been able to access support from the UK government's Self-Employed Income Support Scheme.

The NSESS will provide a one-off taxable grant of £3,500 enabling support for approximately 2,900 newly self-employed individuals. Invest Northern Ireland will deliver the scheme on behalf of the Department for the Economy and the scheme will close to applications at 6pm on 7 January 2021.

Applications will be assessed and payments made to eligible businesses as quickly as possible.

Details of the eligibility criteria along with an eligibility checker can be found here:

Newly Self-Employed Support Scheme ([nibusinessinfo.co.uk](https://www.nibusinessinfo.co.uk))

Ms Sugden asked the Minister for the Economy (i) what communication she has had with universities in Great Britain regarding the repatriation this Christmas of Northern Irish students studying in Great Britain; and (ii) to detail her plans for facilitating this, including (a) timescale, windows; (b) testing requirements; and (c) alternative travel arrangements should bus, rail, air and boat services be unavailable due to overbooking.

(AQW 10758/17-22)

Mrs Dodds: My Department has no responsibility for the return of students to Northern Ireland nor for their transport arrangements and therefore there have been no discussions with any universities in Great Britain on this subject. Any such advice and guidance must therefore be provided by the relevant public health authorities, and I have made this case to both the Minister of Health as well as my Executive colleagues.

Mr McNulty asked the Minister for the Economy what plans he has in place to financially support businesses as they emerge from the current restrictions and as we seek to rebuild the economy.

(AQW 10841/17-22)

Mrs Dodds: The lead Department for business support is the Department for the Economy. My Department's main role is to allocate available resources to Departments on the basis of bids received. Huge effort has gone into protecting our local businesses and workers throughout the pandemic. On 23 November 2020 I announced further funding allocations of over £338 million across Departments so that the Executive could continue to support those impacted by COVID-19 ([link](#)). This is on top of the £2.3 billion the Executive has already provided for a variety of COVID-19 rating measures and support schemes, as well as the wage support and loan schemes put in place by the Treasury.

My Department does have responsibility for rates policy and I have set aside £150 million for consideration of longer term rates support. This is a rapidly evolving situation and Executive colleagues and I will continue to monitor and respond to the needs of those sectors, businesses and groups we have responsibility for as we emerge from restrictions and look to our recovery.

Mr McNulty asked the Minister for the Economy (i) to provide details of how she anticipates the £20 million assistance package for Company Directors will operate; (ii) when she anticipates the details of the programme to be made public; (iii) who will administer the scheme; and (iv) when she expects the scheme to open.

(AQW 10842/17-22)

Mrs Dodds: The Executive has agreed a funding allocation of £20million to support sole limited company directors who have been impacted by the Covid-19 pandemic but were not eligible for the UK Government's Self Employed Income Support Scheme. However, new schemes such as this one take time to develop and they need to undergo the necessary preparation and scrutiny to ensure that the process will run as smoothly as possible when it does go live, and also that the support is appropriately targeted to those for whom it is intended. My Department continues to work on bringing forward further details of the scheme as a matter of a priority and these will be made available on the NI Business Info website in due course.

Mr Hilditch asked the Minister for the Economy whether her Department will ensure directors of small family-owned companies are not excluded from applying for the forthcoming Company Directors Support Scheme.

(AQW 11025/17-22)

Mrs Dodds: The Executive has agreed a funding allocation of £20million to support sole limited company directors who have been impacted by the Covid-19 pandemic but were not eligible for the UK Government's Self Employed Income Support Scheme (SEISS).

My Department continues to work on bringing forward further details of this scheme as a matter of a priority and these will be made available on the NI Business Info website in due course.

I understand this is a difficult time for many businesses, including small family –owned companies, and my Executive Colleagues and I remain committed to ensure the maximum number of businesses are eligible for support within the funding envelope available.

Ms McLaughlin asked the Minister for the Economy to detail (i) how many applications for the Covid Restrictions Business Support Scheme Parts A and B her Department has received from the Foyle constituency; (ii) how many have been processed successfully; (iii) how many have been rejected; (iv) a breakdown of the reasons for rejections; and (v) what action is being taken to speed-up payment to businesses that meet the criteria for payment.

(AQW 11167/17-22)

Mrs Dodds: (i) to (iii) Scheme Parliamentary constituency Applications received Payments issued Applications rejected CRBSS Part A Foyle 220 175 11 CRBSS Part B Foyle 31 9 0 (iv) There are three broad reasons why CRBSS applications have tended to be rejected, including those businesses resident within the Foyle constituency. They are as follows:

1. The business was eligible for support under the Local Restrictions Support Scheme,
2. Insufficient evidence provided to demonstrate the business was required to close or cease trading as a result of the Health Protection Regulations,
3. Income lost as a result of the business having to close or cease trading was not the main source of income and did not account for more than 50% of total income. (v) Invest NI aim to make payments as quickly as possible to successful applicants that have met the eligibility criteria. Any delays in the process have not been caused by payment delays, but rather delays in the processing of applications, due to incomplete or missing information. I have asked officials in Invest NI and my Department to be as flexible and inclusive as possible in the administration of the scheme, to accelerate the processing of applications. I have been encouraged by the progress made to deliver support to eligible businesses to date. Whilst I appreciate the need to ensure funding is allocated in a timely manner, it is imperative that as custodians of public money, reasonable requirements are in place to ensure that funding is directed to those that need it most and to safeguard against fraud.

Ms Flynn asked the Minister for the Economy what financial support will be made available to those who have been self-employed and running their own business for less than three years.

(AQW 11173/17-22)

Mrs Dodds: The Executive has agreed a funding allocation of £10million to support the newly self-employed. The Newly Self-Employed Support Scheme (NSESS) opened at 6pm 3 December 2020 and will provide financial support to newly self-employed individuals (sole traders and those in partnerships) whose business is adversely impacted by Covid and who have not been able to access support from the UK government's Self-Employed Income Support Scheme.

The NSESS will provide a one-off taxable grant of £3,500 enabling support for approximately 2,900 newly self-employed individuals.

Invest Northern Ireland will deliver the scheme on behalf of the Department for the Economy and the scheme will close to applications at 6pm on 7 January 2021.

Applications will be assessed and payments made to eligible businesses as quickly as possible.

Details of the eligibility criteria along with an eligibility checker can be found here:

Newly Self-Employed Support Scheme (nibusinessinfo.co.uk)

Mr McGrath asked the Minister for the Economy to detail (i) the date the Business, Planning & Financial Support programme for tourism businesses opened for applications; (ii) the date the first payment was made; (iii) how many applications were received from the South Down constituency up to and including Friday 27 November; (iv) how many payments were made by this date; and (v) the total amount paid.

(AQW 11224/17-22)

Mrs Dodds:

- (i) The Tourism NI Covid Business and Financial Planning Support Programme 2020-2021, was launched on 6th October 2020 and opened for applications from tourism businesses on 7th October 2020. Full details of the scheme including nature of support and eligibility are published on Tourism NI's dedicated industry website: <https://covid19.tourismni.com/support-centre/business-support-advice/financial-support/covid-tourism-recovery-planning-support-programme/>
- (ii) The programme is designed to work directly with eligible tourism providers to develop business and financial plans to help their businesses to recover and compete as we emerge from the impact of the current pandemic. The programme does not provide direct financial payments to businesses, but is delivered as part of a managed service framework, which Tourism NI has in place to provide support and mentoring to the tourism industry. Applicants to the programme will be able to draw down support from experts on the framework to support them with the development of their business and financial plans.
- (iii) Two applications have been received from the South Down constituency.
- (iv) As detailed in the answer to point (ii), no payments will be made directly to businesses through this programme.
- (v) No direct payments to businesses will be made from this programme. Applications for business and financial planning support are currently being assessed and as such, the individual cost of support to individual businesses has not yet been determined. However, the programme allows for support to individual businesses up to a maximum cost of £8k per business.

Mr Givan asked the Minister for the Economy what work has been conducted into the significant difference in price of Liquefied Petroleum Gas in Northern Ireland compared to elsewhere in the United Kingdom.

(AQW 11276/17-22)

Mrs Dodds: My Department has contacted Liquefied Petroleum Gas (LPG) suppliers in Great Britain (GB) and Northern Ireland (NI), which has confirmed that average tariffs for LPG provided via a bulk tank to domestic consumers in NI remain higher than in GB.

The LPG market in NI is much smaller than the market in GB, and there are transportation and storage costs which may contribute to the price differential. However, the LPG market in NI is not regulated in the same manner as the natural gas sector, and there are no current plans for legislation to provide for LPG regulation.

Mr Givan asked the Minister for the Economy what cost controls and regulations are in place for Liquefied Petroleum Gas in Northern Ireland.

(AQW 11277/17-22)

Mrs Dodds: The Liquefied Petroleum Gas (LPG) market in Northern Ireland is not subject to regulation and cost controls in the same manner as the natural gas market which is regulated by the Utility Regulator. Existing energy legislation does not include provision for regulation of LPG, and there are no current plans to introduce a regulatory regime for the LPG market in Northern Ireland.

However, the Competition and Markets Authority (CMA), as an independent competition authority, has a role in monitoring the LPG market in the UK.

Ms Sugden asked the Minister for the Economy, pursuant to AQW 10296/17-22, to detail the difference in the size of maintenance loans available to students from Northern Ireland studying in Great Britain compared to students from Great Britain studying in Great Britain.

(AQW 11307/17-22)

Mrs Dodds: The following table illustrates the maximum Maintenance Loan amount available to students living away from home and living in London across the four UK jurisdictions. Domicile Living Away from Home Living in London Northern Ireland £4,840 £6,780 England £9,203 £12,010 Wales £8,810 £11,260 Scotland £5,750 £5,750 The differences in maintenance loan amounts available are a direct result of the devolved nature of higher education across the UK which allows the UK regions to set their own levels of student support in response to the needs of their students, their political priorities and the budget available to them.

Mr Allen asked the Minister for the Economy to detail (i) the application process; (ii) the eligibility criteria for the £20 million fund announced to support company directors; and (iii) when the fund will be open for applications.

(AQW 11335/17-22)

Mrs Dodds: The Executive has agreed a funding allocation of £20million to support sole limited company directors who have been impacted by the Covid-19 pandemic but were not eligible for the UK Government's Self Employed Income Support Scheme.

However, new schemes such as this one take time to develop and they need to undergo the necessary preparation and scrutiny to ensure that the process will run as smoothly as possible when it does go live, and also that the support is appropriately targeted to those for whom it is intended.

My Department continues to work on bringing forward further details of the scheme as a matter of a priority and these will be made available on the NI Business Info website in due course.

Mr Newton asked the Minister for the Economy what support is available to small essential businesses which remain open to provide a service to a small number of customers but whose main customer base has gone into lockdown.

(AQW 11336/17-22)

Mrs Dodds: On 18th November, I launched Part B of Covid Restrictions Business Support Scheme (CRBSS). This is aimed at businesses that supply goods and services to businesses defined in the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020. Therefore, if the turnover of a business has been directly impacted by the closure of businesses named in these Health Regulations, they may be eligible to apply for Part B of the CRBSS. Further details on this specific aspects of the scheme can be found on the link below: <https://www.nibusinessinfo.co.uk/content/covid-restrictions-business-supportscheme-part-b> Part B of the CRBSS opened for applications on Thursday 19th November. I have now extended the closing date for both parts of the scheme until 16th December 2020. I appreciate that many businesses have seen demand for their services or products decrease due to the necessary restrictions that have been put in place. My focus is firmly on helping local businesses mitigate the impact of these restrictions and be positioned to resume trading and contribute to the economic recovery. This is a live and fluid situation and I would encourage everyone to continue to monitor the NI Business Info website and to listen for any future announcements through the various media outlets.

Ms McLaughlin asked the Minister for the Economy (i) on what date the Covid Restrictions Business Support Part A and Part B schemes opened for applications; (ii) on what date the first payment under each part of the scheme was made; (iii) how many applications were received for each part of the scheme from the Foyle constituency up to Friday 27 November; (iv) how many payments were made by this date; and (v) what is the total amount paid.

(AQW 11359/17-22)

Mrs Dodds:

- (i) Part A of the Covid Restrictions Business Support Scheme opened for applications on 28 October 2020. Part B opened on 19 November 2020.
- (ii) First payments relating to Part A of the scheme were issued on 6 November 2020. First payments of Part B were issued on 8 December 2020.

See below table for information in response to parts (iii) to (v). Information correct as of 8 December 2020.

Scheme	Parliamentary constituency	Applications received	Payments issued	Value of payments
CRBSS Part A	Foyle	220	175	£749,400
CRBSS Part B	Foyle	31	9	£16,200

Ms McLaughlin asked the Minister for the Economy, pursuant to AQW 9650/17-22, given that her officials were not involved in drafting Transform to Deliver and proposals to reform the industrial relations framework and lecturer contract, why her Department has refused to release information to the University and College Union under a Freedom of Information Act request relating to her Department's role in the development of government policy with regard to the industrial relations framework and the lecturer contract.

(AQW 11362/17-22)

Mrs Dodds: As previously stated in my response to AQW 9650/17-22, the role of Departmental officials in this area is limited to the carrying out of its sponsorship responsibilities for Further Education (FE) colleges including the assessment of any Business Cases submitted by colleges for ministerial approval. This role can include the consideration of information which would have financial and policy implications if made available publicly.

My Department considers any requests received under the Freedom of Information Act in line with that legislation and any applicant who is dissatisfied with the outcome is free to pursue the statutory route of appeal as advised in the Department's response.

Ms McLaughlin asked the Minister for the Economy whether the further education industrial relations framework is solely a matter for bilateral agreement between the college employers and the trade unions and that her Department has no role in this.

(AQW 11363/17-22)

Mrs Dodds: As set out in my response to AQW 9650/17-22, Further Education (FE) colleges are responsible for setting the terms and conditions of their staff including the development of any proposals to reform these. As such, discussions on staff pay, terms and conditions are a matter for negotiation and agreement between the Lecturers Negotiating Committee of the College Employers Forum (CEF), which represents the six FE colleges, and Trade Union Side.

If an agreement is reached as a result of those negotiation, the CEF will then develop and submit a business case to seek approval from the Department for the Economy as sponsor department for any additional resources required.

Mr McCrossan asked the Minister for the Economy to detail the planned roll-out of Project Stratum.

(AQW 11402/17-22)

Mrs Dodds: Project Stratum will deliver gigabit-capable broadband infrastructure to more than 76,000 primarily rural premises across Northern Ireland. Of these, 9,591 are in the West Tyrone Constituency.

A Portal has been developed by Fibrus Networks to provide key information throughout the development phase of the project, which is being accelerated across a period of some 40 months. This can be accessed at www.hyperfastni.com and will enable citizens and businesses to confirm if/when their premises are included for upgrade. The website will be updated and expanded in the weeks ahead.

Mr McCrossan asked the Minister for the Economy when work on Project Stratum will commence in West Tyrone.

(AQW 11403/17-22)

Mrs Dodds: Project Stratum will deliver gigabit-capable broadband infrastructure to more than 76,000 primarily rural premises across Northern Ireland. Of these, 9,591 are in the West Tyrone Constituency.

A Portal has been developed by Fibrus Networks to provide key information throughout the development phase of the project, which is being accelerated across a period of some 40 months. This can be accessed at www.hyperfastni.com and will enable citizens and businesses to confirm if/when their premises are included for upgrade. The website will be updated and expanded in the weeks ahead.

Mr Muir asked the Minister for the Economy for an update on the Oxygen and Hydrogen Demonstrator Project.[R]

(AQW 11450/17-22)

Mrs Dodds: There are two hydrogen and oxygen demonstrations projects being taken forward by NI Water, and I am delighted to have been able to support one of these projects to help stimulate the development of a hydrogen economy.

A small scale trial of new electrolyser technology is currently underway at the Kinnegar waste water site for NI Water. This initial trial will be followed up by a much larger commercial scale electrolyser project in early 2021, which I have provided funding for.

This commercial scale electrolyser will not only produce green hydrogen, but also increase efficiency and capability of the adjacent waste water treatment process for NI Water.

Beyond this, the installation will provide key skills and experience to all involved to carry forward to future projects. It will also provide a hands on training opportunity to support the growth of advanced engineering apprenticeships and third-level education.

Ms Kimmins asked the Minister for the Economy whether her Department has made any grant support available for those who are at risk or have lost jobs as a result of the pandemic to assist them with retraining and upskilling to access new job opportunities.

(AQW 11455/17-22)

Mrs Dodds: I am committed to doing all that I can to support individuals and companies to develop the skills base across Northern Ireland, particularly those most adversely affected by COVID-19. My Department has moved quickly in its skills-response to the pandemic and introduced new initiatives to complement the existing programmes.

I have allocated funding to support the provision of free, flexible, training, aimed at supporting up to 5,000 individuals who have been directly impacted by the pandemic to improve their skills in economically relevant areas, and thus employment opportunities. Courses are available in all of the Further Education colleges and in Queen's University, Ulster University and the Open University. Some are currently recruiting, with the rest to go live between now and February 2021 and I would encourage anyone, of any age, whose employment has been hit by the pandemic to explore the opportunities open to them.

20 of these places are for a pilot scheme to support women returners undertake a training course in ICT, with a guaranteed interview with some of Northern Ireland's most high profile employers in the digital sector. A further 200 opportunities are to provide graduate placement opportunities for those recently leaving university, blending training in Leadership and Management, and Digital, with an internship at a local employer.

With a longer-term view on future skills my Department has funded an online PgCert in Software Development for 150 places, delivered by Queen's University, which was open to people whose careers were impacted by the pandemic. While these skills will be essential to longer term economic growth, they are currently in demand by our employers. In addition the Skills Focus programme, delivered by the six Further Education Colleges, is now offering fully funded upskilling for employees, including those who are furloughed. I have removed the 25% cost to businesses (SMEs with fewer than 250 employees), until 31 March 2021.

The Assured Skills and Bridge to Employment programmes, continue to offer pre-employment training opportunities in the skills areas needed by companies recruiting. Since April, 203 people have been upskilled through Assured Skills Academies and 192 of those have gained employment in areas such as cyber security, financial services and data analytics.

My Department is also working on the development of a new Skills Strategy for Northern Ireland which is due for consultation and publication in 2021. The overarching focus of the Strategy is on developing a skills system which drives economic prosperity and tackles social inequality.

I have also been mindful of the need to protect those on apprenticeships who have been affected by the Covid-19 crisis. As part of that response my Department has developed an Apprenticeship Recovery Package which includes financial incentives for employers to return and retain apprentices who have been furloughed and to recruit new apprentices or those previously made redundant. It seeks to minimise apprenticeship job losses, maintain and grow the supply of apprenticeship opportunities and support apprentices who have been displaced and lost their apprenticeship.

The Return, Retain, Result incentive provides up to £3,700 per apprentice to employers, through 3 incentive payments:

- Return - £500 per returned furloughed apprentice payable for the first full month of paid employment from 1 November 2020
- Retain – a maximum £2,000 comprising £500 per month for up to four months per retained apprentice after the “return” month; and
- Result - £1,200 for successful full framework achievement of a returned furloughed apprentice.

The Recruitment incentive offers employers up to £3,000 for each new apprenticeship opportunity, including the recruitment of apprentices who have been made redundant, created between 1 April 2020 and 31 March 2021. This incentive will apply to all new apprenticeship opportunities created in this period.

Ms McLaughlin asked the Minister for the Economy, pursuant to AQW 10258/17-22, whether the Tamboran Resources (UK) Limited proposed revised work programme rules out high volume hydraulic fracturing for a limited period, or permanently.
(AQW 11458/17-22)

Mrs Dodds:

- (i) Tamboran Resources (UK) Limited has indicated that the purpose of the proposed revised Work Programme is to remove the need to use high volume hydraulic fracturing from the Work Programme. This Work Programme, or Term One of a Petroleum Licence, covers a period of five years.
- (ii) After Term One, a Licensee would have to inform the Department in writing whether they wish to proceed to the Second Term or relinquish the Licence, in accordance with the legislation.
If the Licensee wishes to proceed to the Second Term, they must -
 - a Prepare and submit an outline Work Programme for the Second Term.
 - b Produce a report summarising the results of the Work Programme for the Initial Term.
- (iii) This new Work Programme for Term Two would have to be approved by the Department.

Ms McLaughlin asked the Minister for the Economy, pursuant to AQW 10256/17-22, (i) whether she has shared the legal advice she has received with any other members of the Executive; (ii) whether she has shared the legal advice she has received with all other members of the Executive; and (iii) if she has not shared it with all members of the Executive, whether she will now do so.

(AQW 11459/17-22)

Mrs Dodds:

- (i) No;
- (ii) No; and
- (iii) As I indicated in the Assembly debate on 13 October, a review is underway into petroleum licensing and that policy review process needs to take its course. Decisions on future petroleum policy and the award or otherwise of petroleum licences will be matters for decision by the Executive. At the appropriate time, when referring those issues to the Executive, I will set out the legal basis underpinning any recommendations.

Mr Dunne asked the Minister for the Economy for an update on preparations for the Northern Ireland centenary celebrations.
(AQW 11468/17-22)

Mrs Dodds: Next year is a significant historical milestone for Northern Ireland which we will celebrate wholeheartedly.

The Northern Ireland Office will shortly publish their programme of events for 2021 and our economy will be at the forefront of this programme. These events will also celebrate our history and our wider role in the United Kingdom as well as promoting Northern Ireland globally as a dynamic and forward looking place in which to invest and grow.

My officials continue to develop a range of events in conjunction with Tourism NI and Invest NI to celebrate the centenary of Northern Ireland and to promote Northern Ireland both locally and internationally.

The Northern Ireland Centenary Forum hosted by the Northern Ireland Office continues to meet regularly and is attended by Officials from the Department of the Economy who assist in the development of the economic elements of the programme.

The anniversary of the creation of Northern Ireland represents a timely opportunity to promote Northern Ireland on a global stage as a place to invest.

A key element of our economic recovery will be the creation of jobs through inward investment, consequently my officials are currently working to develop proposals for a major inward investment conference and showcase event to be held in October of next year.

The Anniversary of Northern Ireland will be a year of celebration in which we will exhaust every avenue to build for our future.

Mr Easton asked the Minister for the Economy whether businesses that trade with the rest of the United Kingdom have to register with the Trader Support Service in order to move their goods.

(AQW 11533/17-22)

Mrs Dodds: Businesses do not have to register with the Trader Support Service (TSS). I am however encouraging businesses to register and avail of the free support and training that is being made available. Guidance from the UK Government provides detail. <https://www.gov.uk/guidance/trading-and-moving-goods-in-and-out-of-northern-ireland-from-1-january-2021>

Mr O'Toole asked the Minister for the Economy (i) on what date the Business, Planning and Financial Support programme for tourism businesses opened for applications; (ii) on what date the first payment was made; (iii) how many applications were received from the South Belfast constituency up to and including Friday 27 November; (iv) how many payments were made by this date; and (v) what is the total amount paid.

(AQW 11608/17-22)

Mrs Dodds:

- (i) The Tourism NI Covid Business and Financial Planning Support Programme 2020-2021, was launched on 6th October 2020 and opened for applications from tourism businesses on 7th October 2020. Full details of the scheme including nature of support and eligibility are published on Tourism NI's dedicated industry website: <https://covid19.tourismni.com/support-centre/business-support-advice/financial-support/covid-tourism-recovery-planning-support-programme/>
- (ii) The programme is designed to work directly with eligible tourism providers to develop business and financial plans to help their businesses to recover and compete as we emerge from the impact of the current pandemic. The programme does not provide direct financial payments to businesses, but is delivered as part of a managed service framework which Tourism NI has in place to provide support and mentoring to the tourism industry. Applicants to the programme will be able to draw down support from experts on the framework to support them with the development of their business and financial plans.
- (iii) 4 applications have been received from the South Belfast constituency.
- (iv) As detailed in the answer to point (ii), no payments will be made directly to businesses through this programme.

- (v) No direct payments to businesses will be made from this programme. Applications for business and financial planning support are currently being assessed and as such, the individual cost of support to individual businesses has not yet been determined. However, the programme allows for support to individual businesses up to a maximum cost of £8k per business.

Mr Stewart asked the Minister for the Economy to outline the powers her Department possesses to reclaim or place conditions on grants issued to companies.

(AQO 1296/17-22)

Mrs Dodds: My Department has sought legal advice from Senior Counsel in order to understand what powers it has to recover grant payments that were issued in error. Counsel has confirmed my Department can seek repayment of monies which have been paid in error if it can demonstrate that a recipient did not meet the specific criteria for the grant scheme which they received funding from. My Department is currently focusing on post payment validation activities associated with assurance and recovery in relation to the £10,000 and £25,000 Business Support Schemes and the NI Micro-business Hardship Scheme. This work includes the development of a formal process for dealing with payments that have been wrongfully paid, ensuring erroneous payments are recovered appropriately.

Miss Woods asked the Minister for the Economy how many businesses, that have applied for the various schemes administered by her Department, are yet to received any funding.

(AQO 1292/17-22)

Mrs Dodds: I would like to start by clarifying the support schemes being delivered by my Department. The Covid Restrictions Business Support Scheme is the responsibility of my Department. It supports those businesses negatively impacted by the restrictions which are not covered by the Localised Restrictions Support Scheme. The Localised Restrictions Support Scheme is administered by the Department of Finance. Part A of the Covid Restrictions Business Support Scheme has provided over £9.3 million of support to local businesses. To date, 3,536 applications have been received, with a total of 1,978 payments having been issued. Over 450 applications have been received under Part B of the scheme. Payments under this part of the scheme will be issued as soon as possible. The processing of applications is largely a manual system and has required contacting a many applicants to seek additional information to enable their applications to be verified and recommended for payment. The remaining applications to both parts of the schemes will be assessed and verified as soon as possible. This scheme supplements the £340 million of support to more than 32,000 businesses already paid by my Department. Further support will be provided by the High Street Voucher Scheme, which will provide a £95m stimulus package to our local businesses.

Mr T Buchanan asked the Minister for the Economy to outline any departmental bids, submitted to the Department of Finance, to assist businesses during the current period of lockdown.

(AQO 1294/17-22)

Mrs Dodds: On 19 November, the Executive agreed a further two week circuit breaker from 27 November to 11 December. To assist businesses during this period of further restrictions I have adapted the Covid Restrictions Business Support Scheme ("CRBSS") to provide extended support for those businesses already eligible for the scheme; and to make the scheme available to the businesses, who were not previously affected by the Health Protection Regulations, but who are now impacted by the extension to the regulations for the two week circuit breaker. The estimated cost of the extended CRBSS remains within the £40m funding envelope previously agreed by the Executive on 27 October and therefore no further bids have been made in this regard. However, the member will be aware that having recently submitted bids totalling approximately £400m to support business, individuals and the wider economy through this on-going health and economic crisis, my department has been allocated an additional £137.7m to support: · Company Directors (£20m); · A Top-up of the Tourism & Hospitality Scheme (£5m); · Wet Pubs (£10.6m); · Bed & Breakfasts (£4.1m); · An extension of Digital Selling Capability Grant (£3m); and · A High Street Stimulus Scheme (£95m).

Ms Flynn asked the Minister for the Economy whether she intends to bring forward legislation to provide additional paid leave entitlements for workers that are victims of domestic abuse.

(AQO 1295/17-22)

Mrs Dodds: I recognise that there is support for the introduction of paid leave entitlements for victims of domestic abuse from both within the Assembly and among some key stakeholders. I am also aware that there is growing recognition among employers of the need to provide better support for employees who are victims of domestic abuse, and I would agree that this should be the case. I understand that some progressive employers already have pay and leave arrangements in place for employees who face this distressing circumstance. However I also recognise that this is not universal and there are obvious gaps in employer provision. As such I have asked officials to consider this important issue alongside a range of other employment related matters when planning for the medium to long term. My officials are also maintaining a watching brief over the ongoing BEIS review into support in the workplace for survivors of domestic abuse and I'm glad to say that our NI stakeholders were able to contribute directly to this. Before making any decision to change the employment law framework a full impact and cost analysis needs to be conducted, and ultimately, it will be a decision for the Executive if this type of measure is to be introduced, of which I am supportive.

Mr Dickson asked the Minister for the Economy how the recently announced High Street Voucher scheme will operate.
(AQO 1297/17-22)

Mrs Dodds: My Department's High Street Voucher scheme will provide individuals with a prepaid card to be spent at 'bricks and mortar' businesses including retail, restaurants and hotels before the end of March 2021. It will not be available for online sales. The delivery of the scheme will inject £95m into our local economy. The multiplier effect of this innovative financial support offering – from people spending more than the value of the card and the ripple effects from purchases – will deliver even greater economic benefits and make a significant step to kick-starting our recovery. In developing the specifics of the scheme, my Department will implement learnings from Jersey, Malta and other jurisdictions that have rolled out similar initiatives. This will include considerations such as the card value, and how the card will operate in practice. As the scheme is under development, further details will be released in due course. It is anticipated that the scheme will 'go live' in early 2021 and its implementation will take into account all public health guidance.

Mr O'Toole asked the Minister for the Economy whether she will introduce COVID-19-related rescue measures to assist Northern Ireland's newspapers.
(AQO 1299/17-22)

Mrs Dodds: Throughout this pandemic, the Executive and UK Government have provided unprecedented financial support to help those individuals and businesses who have been affected by the consequences of COVID-19. The Department for the Economy has led in paying out over £340 million in support grants to almost 32,000 businesses across Northern Ireland. Following the decision by the Executive to introduce restrictions from 16th October 2020, a number of new schemes were announced. On 23rd November 2020, the Executive committed a further £213 million of additional support packages, much of which is targeted at businesses and individuals who have missed out on previous financial help. The Chancellor of the Exchequer has recently announced further measures to protect jobs and support businesses over the coming months, at a time when the Covid-19 pandemic will unfortunately continue to have significant public health and economic implications for our society. There are many business sectors calling for additional support at this time. Therefore, in considering further interventions, including any new funding or packages of financial support, it will be for the Executive collectively to determine how this will be allocated to best support economic recovery.

Mr Clarke asked the Minister for the Economy for her assessment of the virtual learning offered currently by further and higher education providers.
(AQO 1300/17-22)

Mrs Dodds: Further Education colleges rose quickly to the challenges presented by the sudden transformation to on-line learning in March 2020 with over 75% of learners able to access their courses on-line within the first two months. A learner survey commissioned across FE colleges in June 2020, highlighted that while learners value the on-line provision, they miss the overall campus experience with 75% indicating they viewed studying on campus as being important or very important as opposed to 33% for fully on-line delivery. On its own therefore, I believe that on-line learning, does not provide the totality of the further education experience which is available through on-site or blended delivery. A further survey of learners has now been commissioned to seek feedback on their experience of both on-site and on-line learning provision. My Department will continue to work with FE colleges and the Education and Training Inspectorate to consider how we can provide additional support to enable learners to achieve their full potential. The Higher Education institutions in Northern Ireland have also adapted their teaching practices by developing a blended learning package in order to continue to deliver their commitments to students. Higher Education students should be able to leave with qualifications that are a fair reflection of their abilities, whilst maintaining quality and standards.

Ms Armstrong asked the Minister for the Economy whether she will commission a report to assess the potential contribution of offshore and marine technologies to the future of renewable electricity generation in Northern Ireland.
(AQO 1298/17-22)

Mrs Dodds: Work is already ongoing to assess the potential contribution of offshore and marine technologies. My Department is currently working with The Crown Estate, through its Key Resource Areas initiative, to identify the potential for fixed and floating offshore wind development in NI waters. The first report under this initiative, looking at technical aspects, was published at the end of November. The initial results are promising but this is only the first step in a process that will also have to take account of the economic and environmental characteristics of the identified areas. In relation to marine technologies, we are already aware of the potential through the two tidal projects at Fair Head and Torr Head which were granted rights to develop in 2012. How best to accelerate these projects and encourage more developments of this nature will be considered as we develop a new Energy Strategy.

Mr Lyttle asked the Minister for the Economy for her assessment of the impact of alternative grading arrangements, as a result of COVID-19, on further and higher education admissions.
(AQO 1301/17-22)

Mrs Dodds: As autonomous bodies, universities are responsible for their own policies and procedures on admissions. Data HE, a specialist higher education data analysis company, recently produced for the local universities an assessment of the impact of the current pandemic on admissions in Northern Ireland. This report indicates that both universities admitted 5%

more of the 18-year old population in 2020 than in 2019 - in line with the Department's specified Maximum Student Number (MaSN) for each of these years. The report also suggests that the universities helped potential first year students in Northern Ireland, by confirming offers early and confirming more offers than would normally be the case. It is my assessment that, despite the initial confusion and uncertainty following the announcement of the alternative grading arrangements, the universities responded well to ensure that no one would be disadvantaged as a result. The impact on admissions to Further Education colleges is still unclear, as there is always an element of volatility during the early months of the academic year, as learners review their learning pathways. However, while final enrolment figures are not yet available, early indications are that they are likely to reduce this year. It is not yet possible to say the extent to which this is due to the impact of the alternative grading arrangements, or whether there are other factors which have influenced learner choices. Alternative assessment arrangements for summer 2020 have led to grades being issued for both general qualifications (GQs) and vocational qualifications (VQs) that are in line with government policy in NI, using school/college calculated grades. Work to support learners receiving grades ensured that all GQs and around 83% of VQs were awarded in summer 2020. The remaining VQs not yet awarded/delayed are mostly technical competence-based qualifications that are not generally used for admission to higher education. These learners have been able to progress to HE using these grades in the same way as for previous years.

Revised Written Answers

This section contains the revised written answers to questions tabled by Members. The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.

Northern Ireland Assembly

Friday 27 November 2020

Revised Written Answers

Department of Justice

In this Bound Volume, page WA 78, replace the answer given for AQW 8374/17-22 with:

Miss Woods asked the Minister of Justice (i) how many prisoners have been committed to Care and Supervision Units (CSUs) within the Northern Ireland Prison Service (NIPS), each year for the last ten years; and (ii) how many prisoners have been committed to CSUs for more than 15 days within the NIPS, each year for the last ten years.
(AQW 8374/17-22)

Mrs Long (The Minister of Justice): The tables below outline (i) how many prisoners have been committed to Care and Supervision Units (CSUs) with the Northern Ireland Prison Service (NIPS), each year for the last ten years; and (ii) how many prisoners have been committed to CSU's for more than 15 days within NIPS, each year for the last ten years.

(i) Number of prisoners committed to Care and Supervision Units (CSUs) within the Northern Ireland Prison Service.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total	341	422	434	444	546	583	650	611	679	755

Some of these individuals may have been held in the CSU on more than one occasion.

(ii) Number of prisoners committed to CSU's for more than 15 days within NIPS.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total	18	115	75	93	87	96	78	140	195	172

Some of these individuals may have been held in the CSU for more than 15 days on more than one occasion.

Department of Agriculture, Environment and Rural Affairs

In this Bound Volume, page WA 199, replace the answer given for AQW 10354/17-22 with:

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs when the discussion document on the Environment Bill will be published.
(AQW 10354/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): It is intended that the discussion document on the plans, principles and governance aspects of the Environment Bill should be published imminently.

Journal of Proceedings

Minutes of Proceedings

Northern Ireland Assembly

Monday 16 November 2020

The Assembly met at noon, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Executive Committee Business

2.1 **Statement: North/South Ministerial Council - Environment Sectoral Meeting**

The Minister of Agriculture, Environment and Rural Affairs, Mr Edwin Poots, made a statement regarding the recent North/South Ministerial Council Environment Sectoral Meeting, following which he replied to questions.

The Deputy Speaker, Mr Beggs, took the Chair.

2.2 **Statement: North/South Ministerial Council – Aquaculture and Marine Sectoral Meeting**

The Minister of Agriculture, Environment and Rural Affairs, Mr Edwin Poots, made a statement regarding the recent North/South Ministerial Council Aquaculture and Marine Sectoral Meeting, following which he replied to questions.

2.3 **Second Stage: Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)**

The Minister of Justice, Mrs Naomi Long, moved the Second Stage of the Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22).

Debate ensued.

The debate stood suspended for Question Time.

The Speaker took the Chair.

3. Question Time

3.1 **The Executive Office**

Questions were put to, and answered by, the First Minister, the Rt Hon Arlene Foster. The junior Minister, Mr Gordon Lyons, also answered a number of questions.

The Deputy Speaker, Mr McGlone, took the Chair.

3.2 **Infrastructure**

Questions were put to, and answered by, the Minister for Infrastructure, Ms Nichola Mallon.

The Speaker took the Chair.

4. Executive Committee Business (cont'd)

4.1 **Statement: COVID-19: Executive Decisions on 12 November 2020**

The deputy First Minister, Mrs Michelle O'Neill, made a statement regarding the recent COVID-19 Executive Decisions on 12 November 2020, following which she replied to questions.

5. Questions for Urgent Oral Answer

5.1 Flu Vaccinations

The Minister of Health, Mr Swann, responded to a Question for Urgent Oral Answer tabled by Mr Colin McGrath.

5.2 COVID-19: Surge Planning

The Minister of Health, Mr Swann, responded to a Question for Urgent Oral Answer tabled by Mrs Pam Cameron.

5.3 COVID-19 Business Support Scheme

The Minister for the Economy, Mrs Diane Dodds, responded to a Question for Urgent Oral Answer tabled by Mr Stewart Dickson.

6. Assembly Business

6.1 Motion: Extension of Sitting on Monday 16 November 2020 under Standing Order 10(3A)

Proposed:

That, in accordance with Standing Order 10(3A), the sitting on Monday 16 November 2020 be extended to no later than 11.00pm.

Mr Keith Buchanan

Mr John O'Dowd

Mrs Dolores Kelly

Mr Robbie Butler

Ms Kellie Armstrong

Ms Clare Bailey

The Question being put, the motion was carried.

The Deputy Speaker, Mr McGlone, took the Chair.

7. Executive Committee Business (cont'd)

7.1 Second Stage: Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22) (cont'd)

Debate resumed.

The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22) passed Second Stage.

The Speaker took the Chair.

8. Private Members' Business

8.1 Motion: Ammonia Levels in Northern Ireland

Proposed:

That this Assembly notes with concern the scale and complexity of the ammonia problem in Northern Ireland; further notes that critical loads of nitrogen deposition at which ecological damage occurs have been exceeded at 98 per cent of Northern Ireland's Special Areas of Conservation, in some cases by 300 per cent or more; recognises the need to halt further overloading of critical thresholds; notes Northern Ireland's legal obligations under Article 6 of the EU Habitats Directive; and calls on the Minister for Infrastructure to conduct an urgent review of approved planning applications for ammonia emitting projects that are within 7.5km of a Natura 2000 site; and further calls on the Minister to implement a moratorium on planning approvals for any project which proposes to increase discharges of ammonia into the environment until such time as a report is produced by the Department for Infrastructure that determines whether Article 6 of the EU Habitats Directive is being complied with in Northern Ireland.

Ms Clare Bailey

Miss Rachel Woods

Amendment**Proposed:**

Leave out all after '300 per cent or more;' and insert:

'recognises the need to reduce further overloading of critical thresholds; acknowledges that emissions do not recognise borders; and calls on the Minister for Infrastructure to conduct a review of the planning application process to ensure planners have all the appropriate guidance on ammonia and are led by science and data to mitigate ammonia emissions; and further calls on the Minister for Infrastructure to consult fully with the farming and agri-food industry and the Minister of Agriculture, Environment and Rural Affairs on this review, to ensure that the impact on the farming and agri-food industry is fully understood.'

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Mr Cathal Boylan

Debate ensued.

The Question being put, the Amendment was made.

The Question being put, the motion as amended was carried.

9. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 9.09pm.

Mr Alex Maskey

The Speaker

16 November 2020

Northern Ireland Assembly

Papers Presented to the Assembly on 11 November 2020 to 16 November 2020

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly

Department of Justice – Northern Ireland Judicial Pension Scheme Annual Report and Accounts 2019-20 (Department of Finance)

Commissioner for Older People for Northern Ireland Annual Report and Accounts 2019-20 (Department for Communities)

Northern Ireland Commissioner for Children and Young People Annual Report and Accounts 2019-20 (Department for Communities)

Youth Justice Agency Annual Report and Accounts 2019-20 (Department of Justice)

Northern Ireland Fire and Rescue Service (NIFRS) Annual Report and Accounts 2019-20 (Department of Health)

Criminal Justice Inspection Annual Report and Accounts for 2019-20 (Criminal Justice Inspection Northern Ireland)

Department of Education Teachers' Pension Annual Scheme Statements 2019-20 (Department of Finance)

Legal Services Agency Northern Ireland Annual Report and Accounts 2019-20 (Department of Justice)

Department of Justice Annual Report and Accounts 2019-20 (Department of Finance)

5. Assembly Reports

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Tenth Report of Session 2020 - 2021 (NIA 54/17-22) (Examiner of Statutory Rules)

Report on the Functioning of Government (Miscellaneous Provisions) Bill (NIA 55/17-22) (Committee for Finance)

6. Statutory Rules

SR 2020/248 The Maximum Number of Judges Order (Northern Ireland) 2020 (Department of Justice)

SR 2020/249 The Taxi Driver (Coronavirus, Financial Assistance) Regulations (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/250 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/251 The Posted Workers (Agency Workers) Northern Ireland (Order) 2020 (Department for the Economy)

SR 2020/252 The Regulation (EC) No 1370/2007 (Public Service Obligations in Transport) (Amendment) (EU Exit) (Northern Ireland) Regulations 2020 (Department for Infrastructure)

SR 2020/253 The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/254 The Health Protection (Coronavirus, International Travel) (Amendment No. 21) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/255 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/256 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 (Department of Health)

Draft SR The Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

7. Written Ministerial Statements

COVID-19 Update (Minister of Health)

Decisions of the Executive on COVID-19, 12 November 2020 (The Executive Office)

8. Consultation Documents

Local Government Pension Scheme (Northern Ireland) Addressing Discrimination Amendments to the Statutory Underpin (Department for Communities)

9. Departmental Publications

10. Agency Publications

11. Westminster Publications

12. Miscellaneous Publications

Proxy Voting Notices – Monday 16 November 2020

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Monday 16 November 2020:

Andy Allen	Gerry Kelly
Martina Anderson	Liz Kimmins
Caoimhe Archibald	Naomi Long
Kellie Armstrong	Gordon Lyons
Rosemary Barton	Séan Lynch
Roy Beggs	Chris Lyttle
John Blair	Nichola Mallon
Cathal Boylan	Declan McAleer
Sinéad Bradley	Fra McCann
Paula Bradley	Daniel McCrossan
Paula Bradshaw	Patsy McGlone
Jonathan Buckley	Colin McGrath
Pam Cameron	Philip McGuigan
Pat Catney	Maolíosa McHugh
Alan Chambers	Sinead McLaughlin
Linda Dillon	Justin McNulty
Diane Dodds	Andrew Muir
Jemma Dolan	Karen Mullan
Gordon Dunne	Conor Murphy
Mark Durkan	Mike Nesbitt
Alex Easton	Robin Newton
Sinéad Ennis	Carál Ní Chuilín
Arlene Foster	Michelle O'Neill
Órlaithí Flynn	Edwin Poots
Colm Gildernew	George Robinson
Paul Givan	Emma Rogan
Deirdre Hargey	Pat Sheehan
Harry Harvey	Emma Sheerin
David Hilditch	Christopher Stalford
Cara Hunter	John Stewart
William Irwin	Mervyn Storey
Declan Kearney	Robin Swann
Dolores Kelly	Peter Weir

Northern Ireland Assembly

Tuesday 17 November 2020

The Assembly met at 10.30am, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Executive Committee Business

2.1 Statement: Self-Isolation Payment Update

The Minister for Communities, Ms Carál Ní Chuilín, made a statement regarding the Self-Isolation Payment Update, following which she replied to questions.

2.2 Statement: North/South Ministerial Council Special EU Programmes Sectoral Meeting

The Minister of Finance, Mr Conor Murphy, made a statement regarding the recent North/South Ministerial Council Special EU Programmes Sectoral Meeting, following which he replied to questions.

The Deputy Speaker, Mr Beggs, took the Chair.

2.3 Statement: British/Irish Council Environment Sectoral Meeting

The Minister of Agriculture, Environment and Rural Affairs, Mr Edwin Poots, made a statement regarding the recent British/Irish Environment Council Sectoral meeting, following which he replied to questions.

2.4 Statement: Basic Payment Scheme (BPS) Simplifications and the Direction of Travel for Future Agricultural Policy in NI Including Support Payments

The Minister of Agriculture, Environment and Rural Affairs, Mr Edwin Poots, made a statement regarding the Basic Payment Scheme Simplifications and the Direction of Travel for Future Agricultural Policy in Northern Ireland, including Support Payments, following which he replied to questions.

The sitting was suspended at 12.53pm.

The sitting resumed at 2.00pm, with Deputy Speaker McGlone in the Chair.

3. Question Time

3.1 Justice

Questions were put to, and answered by, the Minister of Justice, Mrs Naomi Long.

3.2 Agriculture, Environment and Rural Affairs

Questions were put to, and answered by, the Minister of Agriculture, Environment and Rural Affairs, Mr Edwin Poots.

4. Executive Committee Business (cont'd)

4.1 Consideration Stage: Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22)

Minister of Justice

The Minister of Justice, Mrs Naomi Long, moved the Consideration Stage of the Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22).

Thirty-four amendments were tabled to the Bill and selected for debate.

The Speaker took the Chair.

The Deputy Speaker, Mr Beggs, took the Chair.

Clauses

After debate, Amendment 1 to Clause 1 was **negatived** without division.

The question being put, it was **agreed** without division that Clause 1 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 2 stand part of the Bill.

After debate, the question being put, it was **agreed** without division that Clause 3 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 4 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 5 to 7 stand part of the Bill.

After debate, Amendment 2 to Clause 8 was **made** without division.

The question being put, it was **agreed** without division that Clause 8, as amended, stand part of the Bill.

After debate, Amendment 3 to Clause 9 was **made** without division.

After debate, Amendment 4 to Clause 9 was **made** without division.

After debate, Amendment 5 was not moved.

After debate, Amendment 6 was not moved.

After debate, Amendment 7 to Clause 9 was **made** without division.

The question being put, it was **agreed** without division that Clause 9, as amended, stand part of the Bill.

After debate, Amendment 8 to Clause 10 was **made** without division.

The question being put, it was **agreed** without division that Clause 10, as amended, stand part of the Bill.

The sitting was suspended at 7.03pm.

The sitting resumed at 7.15pm

The Deputy Speaker, Mr McGlone, took the Chair.

The Speaker took the Chair.

After debate, Amendment 9 to Clause 11 was **made** without division.

The question being put, it was **agreed** without division that Clause 11, as amended, stand part of the Bill.

After debate, the question being put, it was **agreed** without division that Clause 12 stand part of the Bill.

After debate, Amendment 10 to Clause 13 was **made** without division.

The question being put, it was **agreed** without division that Clause 13, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 14 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 15 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 16 stand part of the Bill.

After debate, Amendment 11 to Clause 17 was **made** without division.

The question being put, it was **agreed** without division that Clause 17, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 18 to 20 stand part of the Bill.

After debate, Amendment 12 inserting new clause 'Meaning of ill-treatment etc. in offence provision' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 21 to 24 stand part of the Bill.

After debate, Amendment 13 inserting new clause 'Interim protection for the victim' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 14 inserting new clause 'Amendment to the eligibility requirement for civil legal aid' was **made** on division and it was **agreed** that the new clause stand part of the Bill (Division).

The sitting was suspended at 10.15pm.

The sitting resumed at 10.26pm, with the Deputy Speaker, Mr Beggs, in the Chair.

Amendment 15 was not moved.

After debate, Amendment 16 to Clause 25 was **made** without division.

After debate, Amendment 17 to Clause 25 was **made** without division.

The Speaker took the Chair.

After debate, Amendment 18 to Clause 25 was **made** without division.

After debate, Amendment 19 to Clause 25 was **made** without division.

The question being put, it was **agreed** without division that Clause 25, as amended, stand part of the Bill.

After debate, Amendment 20 inserting new clause 'Guidance on data collection' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 22, as an amendment to Amendment 21, was **negatived** without division.

After debate, Amendment 21 inserting new clause 'Training' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 23 inserting new clause 'Independent oversight' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 25, as an amendment to Amendment 24, was **negatived** without division.

After debate, Amendment 26, as an amendment to Amendment 24, was **made** without division.

After debate, Amendment 24 inserting new 'Report on the operation of this Act', as amended, was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The sitting was suspended at 1.21am.

The sitting resumed at 1.31am

After debate, Amendment 27 inserting new clause 'Factors relevant to residence and contact orders' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 28 to Clause 26 was **made** without division.

After debate, Amendment 29 to Clause 26 was **made** without division.

After debate, Amendment 30 to Clause 26 was **made** without division.

After debate, Amendment 31 to Clause 26 was **made** without division.

The question being put, it was **agreed** without division that Clause 26, as amended, stand part of the Bill.

After debate, Amendment 32 inserting new clause 'Special measures directions in family proceedings' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 33 inserting 'Prohibition of cross-examination in person in civil proceedings generally' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 34 inserting 'Special measures directions in civil proceedings generally' was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clause 27 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 28 stand part of the Bill.

Long Title

The question being put, the Long Title was **agreed** without division.

Bill NIA Bill 03/17-22 stood referred to the Speaker.

5. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Speaker informed Members that due to the lateness of the hour Ms Paula Bradshaw, in consultation with the Party Whips and the Minister of Education, had agreed to postpone her adjournment debate topic regarding Post-Primary Education Provision in South Belfast.

The Assembly adjourned at 2.09am.

Mr Alex Maskey

The Speaker

17 November 2020

Northern Ireland Assembly

17 November 2020

Division

Consideration Stage: Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22) – Amendment 14

Proposed: New Clause

After clause 24 insert -

'Amendment to the eligibility requirement for civil legal aid

24A. In The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, Article 10 (1), at end insert —

“(ab) advice and assistance or representation in proceedings for, or in relation to, any order referred in Article 8(1) of the Children (Northern Ireland) Act 1995 where the client is a victim of domestic abuse in accordance with the Domestic Abuse and Family Proceedings Act (Northern Ireland) 2020.”.

Miss Rachel Woods

The Question was put and the Assembly divided.

Ayes: 44

Noes: 7

AYES

Mr Allen, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Ms S Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dunne, Mr Durkan, Mr Easton, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Mr Middleton, Mr Nesbitt, Mr Newton, Mr O’Toole, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Ayes: Mr Frew, Miss Woods.

NOES

Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lyttle, Mr Muir.

Tellers for the Noes: Ms Armstrong, Mr Lyttle.

The following Members voted in both Lobbies and are therefore not counted in the result:

Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

The Amendment was **made**.

The following Members’ votes were cast by their notified proxy in this division:

Mr Dickson voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mrs Long, Mr Lyttle and Mr Muir.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Cameron, Mr Dunne, Mr Easton, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Newton, Mr Robinson, Mr Stalford and Mr Storey.

Miss Woods voted for Ms Bailey.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O’Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O’Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Ms S Bradley voted for Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty and Mr O’Toole.

Northern Ireland Assembly

Papers Presented to the Assembly on 17 November 2020

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
5. Assembly Reports
6. Statutory Rules

For information only

Explanatory Memorandum for SR 2020/239 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/257 The Parking Places (Disabled Persons' Vehicles) (Amendment No. 2) Order (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/259 The Roads (Speed Limit) (No. 2) Order (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/260 The Roads (Speed Limit) (No. 3) Order (Northern Ireland) 2020 (Department for Infrastructure)

7. Written Ministerial Statements

Project Stratum (Minister for the Economy)

8. Consultation Documents

9. Departmental Publications

10. Agency Publications

Independent Reporting Commission Third Report (Independent Reporting Commission)

11. Westminster Publications

12. Miscellaneous Publications

Northern Ireland Assembly Legislation:

Stages in Consideration of Public Bills

First Stage: Introduction of Bill.

Second Stage: General debate of the Bill with an opportunity for Members to vote on its general principles.

Committee Stage (Comm. Stage): Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

Consideration Stage (CS): Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

Further Consideration Stage (FCS): Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

Final Stage: Passing or rejecting of Bill by the Assembly, without further amendment.

Royal Assent.

Proceedings as 17 November 2020

2017-2022 Mandate

Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill (NIA Bill 02/17-22)	24/02/20	25/02/20	/	/	02/03/20	03/03/20	09/03/20	26/03/20
Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22)	31/03/20	28/04/20	15/10/20		17/11/20			
Private Tenancies (Coronavirus Modifications) Bill (NIA Bill 04/17-22)	21/04/20	21/04/20	/	/	28/04/20	/	28/04/20	04/05/20
Budget (No. 2) Bill (NIA Bill 05/17-22)	26/05/20	26/05/20	/	/	01/06/20	02/06/20	02/06/20	17/06/20
Housing Amendment Bill (NIA Bill 06/17-22)	26/05/20	01/06/20	/	/	16/06/20	23/06/20	30/06/20	28/08/20
Pension Schemes Bill (NIA Bill 07/17-22)	23/06/20	07/07/20	29/01/21					

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Executive Committee (Functions) Bill (NIA Bill 08/17-22)	06/07/20	06/07/20	/	/	21/07/20	27/07/20	28/07/20	25/08/20
Budget (No. 3) Bill (NIA Bill 09/17-22)	19/10/20	20/10/20	/	/	02/11/20	09/11/20	10/11/20	
The Licensing and Registration of Clubs (Amendment) Bill (NIA Bill 10/17-22)	19/10/20	03/11/20						
The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)	03/11/20	16/11/20						

2017-2022 Mandate

Non-Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22)	03/02/20	16/03/20	02/12/20					

/ Bills progressing by accelerated passage

Proxy Voting Notices – Tuesday 17 November 2020

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Tuesday 17 November 2020:

Andy Allen	Liz Kimmins
Martina Anderson	Naomi Long
Caoimhe Archibald	Gordon Lyons
Kellie Armstrong	Séan Lynch
Rosemary Barton	Chris Lyttle
Roy Beggs	Nichola Mallon
John Blair	Declan McAleer
Cathal Boylan	Fra McCann
Paula Bradley	Daniel McCrossan
Paula Bradshaw	Patsy McGlone
Jonathan Buckley	Colin McGrath
Pam Cameron	Philip McGuigan
Pat Catney	Maolíosa McHugh
Alan Chambers	Sinead McLaughlin
Linda Dillon	Justin McNulty
Diane Dodds	Andrew Muir
Jemma Dolan	Karen Mullan
Gordon Dunne	Conor Murphy
Mark Durkan	Mike Nesbitt
Alex Easton	Robin Newton
Sinéad Ennis	Carál Ní Chuilín
Arlene Foster	Michelle O'Neill
Órlaithí Flynn	Matthew O'Toole
Colm Gildernew	Edwin Poots
Paul Givan	George Robinson
Deirdre Hargey	Emma Rogan
Harry Harvey	Pat Sheehan
David Hilditch	Emma Sheerin
Cara Hunter	Christopher Stalford
William Irwin	John Stewart
Declan Kearney	Mervyn Storey
Dolores Kelly	Robin Swann
Gerry Kelly	Peter Weir

Northern Ireland Assembly

Monday 23 November 2020

The Assembly met at noon, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Speaker's Business

2.1 New Member

The Speaker informed Members of notification from the Chief Electoral Officer that Ms Nicola Brogan had been returned as a Member for the West Tyrone constituency.

Ms Brogan gave the undertaking, signed the Roll of Membership and entered her designation in the presence of the Speaker and the Clerk/Chief Executive on 23 November 2020.

3. Executive Committee Business

3.1 Statement: COVID-19 Decisions

The Minister of Health, Mr Robin Swann, made a statement regarding the recent COVID-19 Decisions, following which he replied to questions.

3.2 Statement: 2020-21 November COVID-19 funding

The Minister of Finance, Mr Conor Murphy, made a statement regarding 2020-21 November COVID-19 funding, following which he replied to questions.

The sitting was suspended at 1.53pm.

The sitting resumed at 2.00pm, with the Principal Deputy Speaker in the Chair.

4. Question Time

4.1 Communities

Questions were put to, and answered by, the Minister for Communities, Ms Carál Ní Chuilín.

The Deputy Speaker, Mr Beggs, took the Chair.

4.2 Economy

Questions were put to, and answered by, the Minister for the Economy, Mrs Diane Dodds.

The Speaker took the Chair.

5. Executive Committee Business (cont'd)

5.1 First Stage: The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)

The Minister for Infrastructure, Ms Nichola Mallon, introduced a Bill to amend the Harbours Act (Northern Ireland) 1970 to increase the statutory limit on certain grants and loans for harbour works etc.

The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22) passed First Stage and was ordered to be printed.

6. Committee Business

6.1 Motion: Committee for the Economy Energy Strategy Micro Inquiry

Proposed:

That this Assembly welcomes the special report of the Committee for the Economy on considerations for the forthcoming energy strategy; supports the development of an ambitious, target-driven energy strategy that will decarbonise the energy sector by 2050, while minimising the cost to the consumer; and recognises the strategy's potential to boost our economic, health and social wellbeing into the future.

Chairperson, Committee for the Economy

Debate ensued.

The Question being put, the motion was carried.

The Principal Deputy Speaker took the Chair.

7. Assembly Business

7.1 Motion: Extension of Sitting on Monday 23 November 2020 under Standing Order 10(3A)

Proposed:

That, in accordance with Standing Order 10(3A), the sitting on Monday 23 November 2020 be extended to no later than 7.30pm.

Mr Keith Buchanan

Mr John O'Dowd

Mrs Dolores Kelly

Mr Robbie Butler

Ms Kellie Armstrong

Ms Clare Bailey

The Question being put, the motion was carried.

8. Committee Business (cont'd)

8.1 Motion: Negative Impact of the COVID-19 Pandemic

Proposed:

That this Assembly recognises the negative impact of the COVID-19 pandemic on Health and Social Care services, staff and patients; further recognises the impact on the physical and mental wellbeing of staff, patients and the public; acknowledges that restrictions are a consequence of the inability to suppress transmission rates; urges and encourages every member of the public to exercise individual responsibility by adhering to guidance, washing hands thoroughly and regularly, maintaining social distance and wearing face coverings; further acknowledges recent progress and commitments from the Minister of Health to increase testing and contact-tracing capacity; and calls on the Minister of Health to bring forward a robust, scaled-up Find, Test, Trace, Isolate and Support (FTTIS) strategy, based on international best practice, as part of a wider Executive strategy, to help avoid a cycle of lockdowns and the particular negative impacts on mental health and wellbeing.

Chairperson, Committee for Health

Debate ensued.

The Question being put, the motion was carried.

9. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 6.52pm.

Mr Alex Maskey

The Speaker

23 November 2020

Northern Ireland Assembly

Papers Presented to the Assembly on 18 November 2020 to 23 November 2020

1. Acts of the Northern Ireland Assembly

2. Bills of the Northern Ireland Assembly

The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)

3. Orders in Council

4. Publications Laid in the Northern Ireland Assembly

Capacity and Capability in the Northern Ireland Civil Service Report (Northern Ireland Audit Office)

Probation Board for Northern Ireland Annual Report and Accounts 2019-20 (Department of Justice)

5. Assembly Reports

Report on the Pension Schemes Bill (NIA 62/17-22) (Committee for Communities)

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Eleventh Report of Session 2020 - 2021 (NIA 57/17-22) (Examiner of Statutory Rules)

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Twelfth Report of Session 2020 - 2021 (NIA 61/17-22) (Examiner of Statutory Rules)

6. Statutory Rules

SR 2020/258 The Killyvally Road, Garvagh (Abandonment) Order (Northern Ireland) 2020 (Revised version) (Department for Infrastructure)

SR 2020/261 The Health Protection (Coronavirus, Travel from Denmark) (Amendment) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/262 The Financial Assistance (Coronavirus) (No. 2) (Amendment) Regulations (Northern Ireland) 2020 (Department of Finance)

SR 2020/265 The Seagoe Industrial Estate, Craigavon (Abandonment) Order (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/267 The Food Hygiene Rating Act (Amendment) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/268 The Pesticides and Invasive Alien Species (Enforcement and Permitting) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/269 The Genetically Modified Organisms (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department for Agriculture, Environment of Rural Affairs)

SR 2020/271 The Mount Pleasant, Townhill Road, Portglenone (Stopping-Up) Order (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/272 The Organic Products Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/273 The A26 Crankill Road Central Reservation, Ballymena (Stopping-Up) Order (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/274 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/275 The Health Protection (Coronavirus, International Travel) (Amendment No. 22) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/276 The Port Services (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/277 The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department for Infrastructure)

For information only

SR 2020/263 The Parking Places (Disabled Persons' Vehicles) (Amendment No. 3) Order (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/264 The Parking and Waiting Restrictions (Dromore) Order (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/266 The Roads (Speed Limit) (No. 4) Order (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/270 The Parking Places (Disabled Persons' Vehicles) (Amendment No. 4) Order (Northern Ireland) 2020 (Department for Infrastructure)

Explanatory Memorandum for SR 2020/250 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/253 The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/256 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 (Department of Health)

7. Written Ministerial Statements

COVID-19 Decisions (Minister of Health)

8. Consultation Documents

9. Departmental Publications

Republication and Extension of the Active Ageing Strategy 2016-2022 (Department for Communities)

10. Agency Publications

Correction Slip for the Capacity and Capability in the Northern Ireland Civil Service Report (Northern Ireland Audit Office)

11. Westminster Publications

12. Miscellaneous Publications

Proxy Voting Notices – Monday 23 November 2020

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Monday 23 November 2020:

Andy Allen	Gerry Kelly
Martina Anderson	Liz Kimmins
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Roy Beggs	Chris Lyttle
John Blair	Nichola Mallon
Cathal Boylan	Declan McAleer
Sinéad Bradley	Fra McCann
Paula Bradley	Daniel McCrossan
Jonathan Buckley	Patsy McGlone
Pam Cameron	Colin McGrath
Pat Catney	Philip McGuigan
Alan Chambers	Maolíosa McHugh
Stewart Dickson	Sinead McLaughlin
Linda Dillon	Justin McNulty
Diane Dodds	Andrew Muir
Jemma Dolan	Karen Mullan
Gordon Dunne	Conor Murphy
Mark Durkan	Mike Nesbitt
Alex Easton	Robin Newton
Sinéad Ennis	Carál Ní Chuilín
Arlene Foster	Michelle O'Neill
Órlaithí Flynn	Edwin Poots
Colm Gildernew	George Robinson
Paul Givan	Emma Rogan
Deirdre Hargey	Pat Sheehan
Harry Harvey	Emma Sheerin
David Hilditch	Christopher Stalford
Cara Hunter	John Stewart
William Irwin	Mervyn Storey
Declan Kearney	Robin Swann
Dolores Kelly	Peter Weir

Northern Ireland Assembly

Tuesday 24 November 2020

The Assembly met at 10.30am, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Executive Committee Business

2.1 Statement: Clinical Concerns within Urology at the Southern Health and Social Care Trust

The Minister of Health, Mr Robin Swann, made a statement regarding Clinical Concerns within Urology at the Southern Health and Social Care Trust, following which he replied to questions.

The Deputy Speaker, Mr Beggs took the Chair.

2.2 Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22)

Mr Jim Allister

Mr Jim Allister moved the Consideration Stage of the Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22).

Twenty-six amendments were tabled to the Bill and selected for debate.

Debate ensued.

The sitting was suspended at 12.59pm.

The sitting resumed at 2.00pm, with the Principal Deputy Speaker in the Chair.

3. Question Time

3.1 Education

Questions were put to, and answered by, the Minister of Education, Mr Peter Weir.

3.2 Finance

Questions were put to, and answered by, the Minister of Finance, Mr Conor Murphy.

The Deputy Speaker, Mr McGlone, took the Chair.

4. Executive Committee Business (cont'd)

4.1 Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) (cont'd)

Debate resumed.

The Speaker took the Chair.

Clauses

After debate, Amendment 1 to Clause 1 was **made** without division.

After debate, Amendment 2 to Clause 1 was **made** without division.

After debate, Amendment 3 to Clause 1 was **made** without division.

After debate, Amendment 4 to Clause 1 was **negatived** on division (Division 1).

After debate, Amendment 5 to Clause 1 was **made** without division.

After debate, Amendment 6 to Clause 1 was **made** without division.

The question being put, it was **agreed** without division that Clause 1, as amended, stand part of the Bill.

After debate, Amendment 7 inserting new clause A2 was **made** on division and it was **agreed** that the new clause stand part of the Bill (Division 2).

After debate, the question that Clause 2 stand part of the Bill was **negatived** without division.

The question being put, it was **agreed** without division that Clause 3 stand part of the Bill.

After debate, Amendment 8 to Clause 4 was **made** without division.

After debate, Amendment 9 to Clause 4 was **made** without division.

The question being put, it was **agreed** without division that Clause 4, as amended, stand part of the Bill.

The sitting was suspended at 7.43pm.

The sitting resumed at 8.00pm.

The Deputy Speaker, Mr McGlone, took the Chair.

The Deputy Speaker, Mr Beggs, took the Chair.

After debate, Amendment 10 to Clause 5 was **made** without division.

After debate, Amendment 11 to Clause 5 was **made** without division.

After debate, Amendment 12 to Clause 5 was **made** without division.

The question being put, it was **agreed** without division that Clause 5, as amended, stand part of the Bill.

The Speaker took the Chair.

After debate, Amendment 13 to Clause 6 was **negatived** on division (Division 3).

The question being put, it was **agreed** on division that Clause 6 stand part of the Bill (Division 4).

After debate, the question that Clause 7 stand part of the Bill was **negatived** without division.

After debate, Amendment 14 to Clause 8 was **made** on division (Division 5).

The question being put, it was **agreed** without division that Clause 8, as amended, stand part of the Bill.

After debate, Amendment 15 inserting new clause 8A was **made** on division and it was agreed that the new clause stand part of the Bill (Division 6).

After debate, Amendment 16 to Clause 9 was **negatived** on division (Division 7).

The question being put, it was **negatived** without division that Clause 9 stand part of the Bill.

After debate, Amendment 17 to Clause 10 was **made** without division.

After debate, Amendment 18 was not moved.

After debate, Amendment 19 to Clause 10 was **made** without division.

The question being put, it was **agreed** without division that Clause 10, as amended, stand part of the Bill.

After debate, Amendment 20 to Clause 11 was **made** on division (Division 8).

The question being put, it was **agreed** without division that Clause 11, as amended, stand part of the Bill.

After debate, Amendment 21 inserting new clause 11A was **made** without division and it was agreed that the new clause stand part of the Bill.

After debate, Amendment 22 to Clause 12 was **made** without division.

The question being put, it was **agreed** without division that Clause 12, as amended, stand part of the Bill.

After debate, Amendment 23 inserting new clause 12A was **made** without division and it was agreed that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clause 13 stand part of the Bill.

After debate, Amendment 24 was not moved.

After debate, Amendment 25 to Clause 14 was **made** without division.

After debate, Amendment 26 to Clause 14 was **made** without division.

The question being put, it was **agreed** without division that Clause 14, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 15 stand part of the Bill.

Schedule

The question being put, it was **agreed** without division that the Schedule stand part of the Bill.

Long Title

The question being put, the Long Title was **agreed** without division.

The Functioning of Government (Miscellaneous Provisions) Bill NIA Bill 01/17-22 stood referred to the Speaker.

5. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 2.29am.

Mr Alex Maskey

The Speaker

24 November 2020

Northern Ireland Assembly

24 November 2020

Division 1

Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 4

Proposed: Clause 1, Page 1, Line 14

At end insert -

‘(3A) In section 8 (Code for appointments), after subsection (1) insert the words:

“(2) Without prejudice to the generality of subsection (1), the code must provide that the appointing minister must -

- (a) create a job description and person specification for the post,
- (b) set out the requirements to be met by a successful applicant,
- (c) achieve a candidate pool from which the minister shall select on sustainable and lawful grounds, and
- (d) complete and the department retain documentation associated with the above processes, including recording the minister’s reasons for the selection made.”

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 27

Noes: 60

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Ms S Bradley, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr Lunn, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Nesbitt, Mr O’Toole, Mr Stewart, Ms Sugden, Mr Swann, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister, Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms Bradshaw, Ms Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mr Dickson, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Easton, Ms Ennis, Ms Flynn, Mrs Foster, Mr Frew, Mr Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyons, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Miss McIlveen, Mr Middleton, Mr Muir, Ms Mullan, Mr Murphy, Mr Newton, Ms Ni Chuilín, Mr O’Dowd, Mrs O’Neill, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stalford, Mr Storey, Mr Weir.

Tellers for the Noes: Ms Ennis, Mr Givan.

The Amendment was **negatived**.

The following Members’ votes were cast by their notified proxy in this division:

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ni Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

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Division 2

Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 7

Proposed: New Clause

Before clause 2 insert -

‘Repeal of the Civil Service Commissioners (Amendment) Order in Council 2007

A2. The Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007 is repealed.’

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 61

Noes: 26

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dickson, Mrs Dodds, Mr Dunne, Mr Durkan, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mrs Long, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Mr Nesbitt, Mr Newton, Mr O’Toole, Mr Poots, Mr Robinson, Mr Stafford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister, Mr Wells.

NOES

Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Ennis, Mr McGuigan.

The Amendment was **made**.

The following Members’ votes were cast by their notified proxy in this division:

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stafford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O’Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O’Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O’Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

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Division 3

Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 13

Proposed: New Clause

Leave out clause 6 and insert -

‘Records of meetings

6. A civil servant, other than a special adviser, must make and the department must retain an accurate written record of every internal departmental meeting attended by a minister recording, in particular, those present, date and time, topics discussed, and every decision and action point.’

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 42

Noes: 44

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Dr Aiken, Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mr D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Mr O’Toole, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan, Mr McGuigan.

The Amendment was **negatived**.

The following Members’ votes were cast by their notified proxy in this division:

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O’Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O’Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O’Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

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Division 4

Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Clause 6

Proposed:

That the clause stand part of the Bill

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 42

Noes: 33

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Dr Aiken, Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan, Mr McGuigan.

The following Members voted in both Lobbies and are therefore not counted in the result:

Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr O'Toole

The Amendment was carried.

The following Members' votes were cast by their notified proxy in this division:

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

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Division 5

Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 14

Proposed:

Leave out clause 8 and insert -

‘Presence of civil servants

8.(1) A civil servant, other than a special adviser, must be present and take an accurate written record of every meeting held by a minister or special adviser with non-departmental personnel about official business; except for liaison with the minister’s political party.

(2) The department must retain the record made pursuant to subsection (1).’

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 53

Noes: 33

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Ms S Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Durkan, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mr Lyons, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Nesbitt, Mr Newton, Mr O’Toole, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister, Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan, Mr McGuigan.

The Amendment was carried.

The following Members’ votes were cast by their notified proxy in this division:

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O’Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O’Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O’Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

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Division 6

Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 15

Proposed: New Clause

After clause 8 insert -

‘Record of being lobbied

8A.(1) In the event of a minister or special adviser, other than as provided for in section 8, being lobbied, then, the minister or (as the case may be) special adviser must provide at the earliest opportunity a written record to their department of all such lobbying and the department must retain such records.

(2) In this section “being lobbied” means to receive personally a communication, either oral or written, on behalf of the person making the communication or another person or persons, relating to:

- (a) the development, adoption or modification of any proposal of the department to make or amend primary or subordinate legislation;
- (b) the development, adoption or modification of any other policy of the department;
- (c) the making, giving or issuing by the department of, or the taking of any other steps by the department in relation to, —
 - (i) any contract or other agreement,
 - (ii) any grant or other financial assistance, or
 - (iii) any licence or other authorisation; or
- (d) the exercise of any other function of the department.

(3) For the purposes of subsection (2), it does not matter whether the communication occurs in or outwith the United Kingdom.

(4) Nothing in this section shall apply to a communication —

- (a) made in proceedings of the Northern Ireland Assembly or the Executive Committee, or
- (b) arising in the course of liaison with the minister’s political party.’

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 42

Noes: 33

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Dr Aiken, Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan, Mr McGuigan.

The following Members voted in both Lobbies and are therefore not counted in the result:

Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr O'Toole.

The Amendment was carried.

The following Members' votes were cast by their notified proxy in this division:

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

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Division 7

Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 16

Proposed:

Leave out clause 9 and insert -

‘Use of official systems

9. (1) A minister, special adviser or civil servant when communicating on official business by electronic means must not use personal accounts or anything other than devices issued by the department, systems used by the department and departmental email addresses.

(2) If out of necessity it is not possible to comply with the requirements of subsection (1) the minister or (as the case may be) special adviser or civil servant must within 48 hours, or as soon thereafter as reasonably practicable,

- (a) copy to the departmental system any written material generated during the use of non-departmental devices or systems; and
- (b) make an accurate record on the departmental system of any verbal communications relating to departmental matters.

(3) It shall be an offence for any minister, special adviser or civil servant to fail to comply with the requirements of subsection (2).

(4) In proceedings in respect of a charge against a person (“A”) of the offence under subsection (3), it is a defence for A to show that the course of behaviour was reasonable in the particular circumstances or was in the public interest.

(5) A person is taken to have shown the fact mentioned in subsection (4) if —

- (a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (4), and
- (b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (4).

(6) A person guilty of an offence under this section is liable on conviction

- (a) on indictment, to imprisonment for a term not exceeding 2 years;
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.’

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 42

Noes: 44

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Mr Allister, Mr Wells.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan, Mr McGuigan.

The Amendment was **negatived**.

The following Members' votes were cast by their notified proxy in this division:

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

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Division 8

Consideration Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 20

Proposed:

Leave out clause 11 and insert -

‘Offence of unauthorised disclosure

11. (1) Without prejudice to the operation of the Official Secrets Acts 1911-1989 and save in the discharge of a statutory obligation or in the lawful pursuit of official duties, it shall be an offence for any minister, civil servant or special adviser to communicate, directly or indirectly, official information to another for the financial or other improper benefit of any person or third party.

(2) In proceedings in respect of a charge against a person (“A”) of the offence under subsection (1), it is a defence for A to show that the course of behaviour was reasonable in the particular circumstances or was in the public interest.

(3) A person is taken to have shown the fact mentioned in subsection (2) if —

- (a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (2), and
- (b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (2).

(4) A person guilty of an offence under this section is liable on conviction

- (a) on indictment, to imprisonment for a term not exceeding 2 years;
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.’

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 42

Noes: 32

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Ayes: Dr Aiken, Mr Allister.

NOES

Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Mr O’Toole, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Noes: Ms Dolan, Mr McGuigan.

The following Members voted in both Lobbies and are therefore not counted in the result:

Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr McCrossan, Mr McGrath, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr O'Toole.

The Amendment was **negatived**.

The following Members' votes were cast by their notified proxy in this division:

Mr Muir voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

Papers Presented to the Assembly on 24 November 2020

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
Managing Attendance in Central and Local Government (Northern Ireland Audit Office)
5. Assembly Reports
Report on the Medicines and Medical Devices Bill: Further Legislative Consent Motion (NIA 60/17-22) (Committee for Health)
6. Statutory Rules
SR 2020/The Draft Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/278 The Health Protection (Coronavirus, International Travel) (Amendment No. 23) Regulations (Northern Ireland) 2020 (Department of Health)
7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Northern Ireland Assembly Legislation:

Stages in Consideration of Public Bills

First Stage: Introduction of Bill.

Second Stage: General debate of the Bill with an opportunity for Members to vote on its general principles.

Committee Stage (Comm. Stage): Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

Consideration Stage (CS): Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

Further Consideration Stage (FCS): Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

Final Stage: Passing or rejecting of Bill by the Assembly, without further amendment.

Royal Assent.

Proceedings as 24 November 2020

2017-2022 Mandate

Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill (NIA Bill 02/17-22)	24/02/20	25/02/20	/	/	02/03/20	03/03/20	09/03/20	26/03/20
Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22)	31/03/20	28/04/20	15/10/20		17/11/20			
Private Tenancies (Coronavirus Modifications) Bill (NIA Bill 04/17-22)	21/04/20	21/04/20	/	/	28/04/20	/	28/04/20	04/05/20
Budget (No. 2) Bill (NIA Bill 05/17-22)	26/05/20	26/05/20	/	/	01/06/20	02/06/20	02/06/20	17/06/20
Housing Amendment Bill (NIA Bill 06/17-22)	26/05/20	01/06/20	/	/	16/06/20	23/06/20	30/06/20	28/08/20
Pension Schemes Bill (NIA Bill 07/17-22)	23/06/20	07/07/20	29/01/21	19/11/20				

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Executive Committee (Functions) Bill (NIA Bill 08/17-22)	06/07/20	06/07/20	/	/	21/07/20	27/07/20	28/07/20	25/08/20
Budget (No. 3) Bill (NIA Bill 09/17-22)	19/10/20	20/10/20	/	/	02/11/20	09/11/20	10/11/20	
The Licensing and Registration of Clubs (Amendment) Bill (NIA Bill 10/17-22)	19/10/20	03/11/20						
The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)	03/11/20	16/11/20						
The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)	23/11/20							

2017-2022 Mandate**Non-Executive Bills**

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22)	03/02/20	16/03/20	02/12/20	11/11/20	24/11/20			

/ Bills progressing by accelerated passage

Proxy Voting Notices – Tuesday 24 November 2020

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Tuesday 24 November 2020:

Andy Allen	Dolores Kelly
Martina Anderson	Gerry Kelly
Caoimhe Archibald	Liz Kimmins
Kellie Armstrong	Naomi Long
Rosemary Barton	Gordon Lyons
Doug Beattie	Séan Lynch
Roy Beggs	Chris Lyttle
John Blair	Nichola Mallon
Cathal Boylan	Declan McAleer
Paula Bradley	Fra McCann
Sinead Bradley	Daniel McCrossan
Paula Bradshaw	Patsy McGlone
Nicola Brogan	Colin McGrath
Jonathan Buckley	Philip McGuigan
Pat Catney	Maolíosa McHugh
Alan Chambers	Sinead McLaughlin
Stewart Dickson	Justin McNulty
Linda Dillon	Gary Middleton
Diane Dodds	Karen Mullan
Jemma Dolan	Conor Murphy
Gordon Dunne	Mike Nesbitt
Mark Durkan	Robin Newton
Alex Easton	Carál Ní Chuilín
Sinéad Ennis	Michelle O'Neill
Arlene Foster	Edwin Poots
Órlaithí Flynn	George Robinson
Colm Gildernew	Emma Rogan
Paul Givan	Pat Sheehan
Deirdre Hargey	Emma Sheerin
Harry Harvey	Christopher Stalford
David Hilditch	John Stewart
Cara Hunter	Mervyn Storey
William Irwin	Robin Swann
Declan Kearney	Peter Weir

Northern Ireland Assembly

Monday 30 November 2020

The Assembly met at noon, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Speaker's Business

2.1 Royal Assent

The Speaker advised Members that Royal Assent had been signified on 25 November 2020 to The Budget (No. 3) Act.

3. Assembly Business

3.1 Motion: Committee Membership

Proposed:

That Ms Nicola Brogan be appointed as a member of the Committee for Education and as a member of the Committee on Procedures.

Mr John O'Dowd

Ms Sinéad Ennis

The Question being put, the motion was carried.

4. Executive Committee Business

4.1 Statement: North/South Ministerial Council Languages Sector Meeting

The Minister for Communities, Ms Carál Ní Chuilín, made a statement regarding the recent North/South Ministerial Council Languages Sector Meeting, following which she replied to questions.

4.2 Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020

Proposed:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020 be approved.

Minister of Health

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020

Proposed:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020 be approved.

Minister of Health

Motion: The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2020

Proposed:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved.

Minister of Health

A single debate ensued on all three motions.

The Principal Deputy Speaker took the Chair.

The debate stood suspended for Question Time.

The Speaker took the Chair.

5. Question Time

5.1 The Executive Office

Questions were put to, and answered by, the deputy First Minister, Mrs Michelle O'Neill.

5.2 Health

Questions were put to, and answered by, the Minister of Health, Mr Robin Swann.

6. Executive Committee Business (cont'd)

6.1 Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020 (cont'd)

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020 (cont'd)

Motion: The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2020 (cont'd)

The Deputy Speaker, Mr Beggs, took the Chair.

Debate resumed on all three motions.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 11) Regulations (Northern Ireland) 2020 was carried.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 12) Regulations (Northern Ireland) 2020 was carried.

The Question being put, the motion on the Health Protection ((Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2020 was carried.

6.2 Legislative Consent Motion: Medicines and Medical Devices Bill

Proposed:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Medicines and Medical Devices Bill dealing with human medicines, veterinary medicines and information systems as amended at Committee Stage in the House of Lords.

Minister of Health

The Deputy Speaker, Mr McGlone, took the Chair.

The Question being put, the motion was carried.

7. Committee Business

7.1 **Motion: Extension of Committee Stage: Licensing and Registration of Clubs (Amendment) Bill (NIA Bill 10/17-22)**

Proposed:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 15 May 2021, in relation to the Committee Stage of the Licensing and Registration of Clubs (Amendment) Bill (NIA Bill 10/17-22).

Chairperson, Committee for Communities

Debate ensued.

The Question being put, the motion was carried.

8. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 5.02pm.

Mr Alex Maskey

The Speaker

30 November 2020

Northern Ireland Assembly

Papers Presented to the Assembly on 25 November 2020 to 30 November 2020

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
5. Assembly Reports

Report on the Evidence Received from Local Councils on the Impact of the United Kingdom's Exit from the European Union (NIA 58/17-22) (The Committee for the Executive Office)

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Thirteenth Report of Session 2020 - 2021 (NIA 63/17-22) (Examiner of Statutory Rules)

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Fourteenth Report of Session 2020 - 2021 (NIA 64/17-22) (Examiner of Statutory Rules)

6. Statutory Rules

SR 2020/The Draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department for Agriculture, Environment of Rural Affairs)

SR 2020/279 The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (Department for the Economy)

SR 2020/280 The Administration of Estates (Small Payments) (Increase of Limit) Order 2020 (Department of Finance)

SR 2020/281 The Employment Rights (Northern Ireland) Order 1996 (Coronavirus, Calculation of a Week's Pay) (Amendment) Regulations (Northern Ireland) 2020 (Department for the Economy)

SR 2020/282 The Bus Operator (Coronavirus, Financial Assistance) Regulations (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/283 The Occupational Pensions (Revaluation) Order (Northern Ireland) 2020 (Department for Communities)

SR 2020/284 The Waste (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/285 The Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/286 The Food (Miscellaneous Amendments etc.) (EU Exit) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/287 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 17) Regulations (Northern Ireland) 2020 (Department of Health)

Correction slip for SR 2020/272 The Organic Products Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/288 The Health Protection (Coronavirus, Travel from Denmark) (Revocation) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/289 The Health Protection (Coronavirus, International Travel) (Amendment No. 24) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/The Draft Carriage of Explosives (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department of Justice)

SR 2020/290 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 18) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/291 The Food and Feed Hygiene and Safety (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2020/292 The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2020 (Department for Infrastructure)

For information only

Explanatory Memorandum for SR 2020/241 The Health Protection (Coronavirus, International Travel) (Amendment No. 18) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/243 The Health Protection (Coronavirus, International Travel) (Amendment No. 19) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/244 The Health Protection (Coronavirus, International Travel) (Amendment No. 20) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/247 The Health Protection (Coronavirus, Travel from Denmark) Regulations (Northern Ireland) 2020 (Department of Health)

7. Written Ministerial Statements

COVID-19 Update (Minister of Health)

Interim Head of the Civil Service (The Executive Office)

8. Consultation Documents

Clean Air Strategy for Northern Ireland – A Public Discussion Document November 2020 (Department of Agriculture, Environment and Rural Affairs)

9. Departmental Publications

Organised Crime Task Force Annual Report and Threat Assessment 2019/20 (Department of Justice)

10. Agency Publications

Criminal Justice Inspection Northern Ireland Business Crime Follow-up Review (Criminal Justice Inspection Northern Ireland)

The Northern Ireland Community Relations Council Annual Report and Accounts for the year ended 31 March 2020 (Northern Ireland Community Relations Council)

11. Westminster Publications

12. Miscellaneous Publications

Proxy Voting Notices – Monday 30 November 2020

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Monday 30 November 2020:

Andy Allen	Gerry Kelly
Martina Anderson	Liz Kimmins
Caoimhe Archibald	Naomi Long
Rosemary Barton	Gordon Lyons
Roy Beggs	Séan Lynch
John Blair	Chris Lyttle
Cathal Boylan	Nichola Mallon
Sinéad Bradley	Declan McAleer
Paula Bradley	Fra McCann
Paula Bradshaw	Daniel McCrossan
Nicola Brogan	Patsy McGlone
Jonathan Buckley	Colin McGrath
Pat Catney	Philip McGuigan
Alan Chambers	Maolíosa McHugh
Stewart Dickson	Sinead McLaughlin
Linda Dillon	Justin McNulty
Diane Dodds	Andrew Muir
Jemma Dolan	Karen Mullan
Gordon Dunne	Conor Murphy
Mark Durkan	Mike Nesbitt
Alex Easton	Robin Newton
Sinéad Ennis	Carál Ní Chuilín
Arlene Foster	Michelle O'Neill
Órlaithí Flynn	Edwin Poots
Colm Gildernew	George Robinson
Paul Givan	Emma Rogan
Deirdre Hargey	Pat Sheehan
Harry Harvey	Emma Sheerin
David Hilditch	Christopher Stalford
Cara Hunter	John Stewart
William Irwin	Mervyn Storey
Declan Kearney	Robin Swann
Dolores Kelly	Peter Weir

Northern Ireland Assembly

Tuesday 1 December 2020

The Assembly met at 10.30am, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Matter of the Day

Public Inquiry into the Murder of Human Rights Solicitor, Pat Finucane

Mr John O'Dowd, under Standing Order 24, made a statement on the Public Inquiry into the Murder of Human Rights Solicitor, Pat Finucane.

3. Executive Committee Business

3.1 Statement: The Procurement Board

The Minister of Finance, Mr Conor Murphy, made a statement regarding the Procurement Board, following which he replied to questions.

The Principal Deputy Speaker took the Chair.

3.2 Motion: Accelerated Passage – The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)

Proposed:

That the Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22) proceed under the accelerated passage procedure.

Minister for Infrastructure

Debate ensued.

The Question being put, the motion was carried with cross-community support.

3.3 Second Stage: The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)

Minister for Infrastructure, Mrs Nichola Mallon, moved the Second Stage of the Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22).

The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22) passed Second Stage.

The sitting was suspended at 12.44pm.

The sitting resumed at 2.00pm, with the Speaker in the Chair.

4. Question Time

4.1 Infrastructure

Questions were put to, and answered by, the Minister for Infrastructure, Ms Nichola Mallon.

The Deputy Speaker, Mr Beggs, took the Chair.

4.2 Justice

Questions were put to, and answered by, the Minister of Justice, Mrs Naomi Long.

5. Question for Urgent Oral Answer

5.1 Collapse of the Retailers Debenhams and Arcadia

The Minister for the Economy, Mrs Diane Dodds, responded to a Question for Urgent Oral Answer tabled by Mr Gary Middleton.

The Deputy Speaker, Mr McGlone, took the Chair.

6. Private Members' Business

Proposed: Preparations for a COVID-19 Vaccine

That this Assembly welcomes the recent breakthrough in efforts to establish a safe and effective COVID-19 vaccine; highlights the importance of Northern Ireland retaining full access to the UK Government's supply network, including national distribution plans; stresses that this approach provides the best means of protecting the wider public as soon as possible; believes a professional expert should be appointed to lead on the vaccination programme in order to ensure it is available to frontline staff and those most vulnerable in Northern Ireland at the same time as the rest of the UK; and calls on the Minister of Health to outline a clear action plan for the roll-out, starting before the end of December 2020, of a COVID-19 vaccine in Northern Ireland.

*Mrs Pam Cameron
Mr Jonathan Buckley
Ms Paula Bradley*

Debate ensued.

The Question being put, the motion was carried.

7. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 5.26pm.

Mr Alex Maskey

The Speaker

1 December 2020

Northern Ireland Assembly

Papers Presented to the Assembly on 1 December 2020

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
Managing Children who Offend Report (Northern Ireland Audit Office)
5. Assembly Reports
Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Fifteenth Report of Session 2020 - 2021 (NIA 65/17-22) (Examiner of Statutory Rules)
6. Statutory Rules
SR 2020/293 The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/294 The Marketing of Fruit Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/295 The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (Department for the Economy)
7. Written Ministerial Statements
Budget 2021-22: Funding Available (Minister of Finance)
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Northern Ireland Assembly Legislation:

Stages in Consideration of Public Bills

First Stage: Introduction of Bill.

Second Stage: General debate of the Bill with an opportunity for Members to vote on its general principles.

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Final Stage: Passing or rejecting of Bill by the Assembly, without further amendment.

Royal Assent.

Proceedings as 1 December 2020

2017-2022 Mandate

Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill (NIA Bill 02/17-22)	24/02/20	25/02/20	/	/	02/03/20	03/03/20	09/03/20	26/03/20
Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22)	31/03/20	28/04/20	15/10/20		17/11/20			
Private Tenancies (Coronavirus Modifications) Bill (NIA Bill 04/17-22)	21/04/20	21/04/20	/	/	28/04/20	/	28/04/20	04/05/20
Budget (No. 2) Bill (NIA Bill 05/17-22)	26/05/20	26/05/20	/	/	01/06/20	02/06/20	02/06/20	17/06/20
Housing Amendment Bill (NIA Bill 06/17-22)	26/05/20	01/06/20	/	/	16/06/20	23/06/20	30/06/20	28/08/20
Pension Schemes Bill (NIA Bill 07/17-22)	23/06/20	07/07/20	29/01/21	19/11/20				

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Executive Committee (Functions) Bill (NIA Bill 08/17-22)	06/07/20	06/07/20	/	/	21/07/20	27/07/20	28/07/20	25/08/20
Budget (No. 3) Bill (NIA Bill 09/17-22)	19/10/20	20/10/20	/	/	02/11/20	09/11/20	10/11/20	25/11/20
The Licensing and Registration of Clubs (Amendment) Bill (NIA Bill 10/17-22)	19/10/20	03/11/20						
The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)	03/11/20	16/11/20						
The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)	23/11/20	01/12/20						

2017-2022 Mandate

Non-Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22)	03/02/20	16/03/20	02/12/20	11/11/20	24/11/20			

/ Bills progressing by accelerated passage

Proxy Voting Notices – Tuesday 1 December 2020

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Roy Beggs	Séan Lynch
John Blair	Nichola Mallon
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Paula Bradshaw	Patsy McGlone
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Alan Chambers	Sinead McLaughlin
Stewart Dickson	Justin McNulty
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Jemma Dolan	Conor Murphy
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Órlaithí Flynn	George Robinson
Colm Gildernew	Emma Rogan
Paul Givan	Pat Sheehan
Deirdre Hargey	Emma Sheerin
Harry Harvey	Christopher Stalford
David Hilditch	John Stewart
Cara Hunter	Mervyn Storey
William Irwin	Robin Swann
Declan Kearney	Peter Weir

Northern Ireland Assembly

Monday 7 December 2020

The Assembly met at noon, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Executive Committee Business

2.1 **Statement: Inter-Governmental Agreement (IGA) on Criminal Justice Co-operation**

The Minister of Justice, Mrs Naomi Long, made a statement regarding the Inter-Governmental Agreement (IGA) on Criminal Justice Co-operation, following which she replied to questions.

The Deputy Speaker, Mr McGlone, took the Chair

2.2 **Statement: North/South Ministerial Council Inland Waterways Sectoral Meeting**

The Minister for Infrastructure, Ms Nichola Mallon, made a statement regarding the recent North/South Ministerial Council Inland Waterways Sectoral Meeting, following which she replied to questions.

2.3 **Motion: The Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2020** **Proposed:**

That the Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2020 be affirmed.

Minister of Finance

The Question being put, the motion on the Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2020 was carried.

The Speaker took the Chair

2.4 **Further Consideration Stage: The Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22)**

The Minister of Justice, Mrs Naomi Long, did not move the Further Consideration Stage of the Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22).

The sitting was suspended at 1.41pm.

The sitting resumed at 2.00pm, with the Principal Deputy Speaker in the Chair.

3. Question Time

3.1 **Agriculture, Environment and Rural Affairs**

Questions were put to, and answered by, the Minister for the Economy, Mrs Diane Dodds, on behalf of the Minister of Agriculture, Environment and Rural Affairs, Mr Edwin Poots.

3.2 **Communities**

Questions were put to, and answered by, the Minister for Communities, Ms Carál Ní Chuilín.

4. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 3.36pm.

Mr Alex Maskey

The Speaker

7 December 2020

Northern Ireland Assembly

Papers Presented to the Assembly on 2 December 2020 to 7 December 2020

1. Acts of the Northern Ireland Assembly

2. Bills of the Northern Ireland Assembly

3. Orders in Council

4. Publications Laid in the Northern Ireland Assembly

Financial Reporting Advisory Board Annual Report 2019-20 (Department of Finance)

Middletown Centre for Autism 2019-20 Annual Report and Accounts (Department of Education)

5. Assembly Reports

6. Statutory Rules

SR 2020/296 The Further Education (Student Support) (Amendment etc) (EU Exit) Regulations (Northern Ireland) 2020 (Department for the Economy)

SR 2020/297 The State Pension Debits and Credits (Revaluation) (No.2) Order (Northern Ireland) 2020 (Department for Communities)

SR 2020/298 The State Pension Revaluation for Transitional Pensions (No. 2) Order (Northern Ireland) 2020 (Department for Communities)

SR 2020/299 The Motor Vehicles (Driving Licences) (Amendment No. 2) (Coronavirus) Regulations (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/300 The Planning (Environmental Assessments and Technical Miscellaneous Amendments) (EU Exit) Regulations (Northern Ireland) 2020 (Department for Infrastructure)

SR 2020/301 The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/302 The Seeds (Variety Lists) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/303 The EU Fertilising Products Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/304 The Fluorinated Greenhouse Gases and Ozone-Depleting Substances (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

SR 2020/306 The Electricity (Priority Dispatch) Regulations (Northern Ireland) 2020 (Department for the Economy)

SR 2020/307 The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (Department for the Economy)

For information only

Explanatory Memorandum for SR 2020/255 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 220/288 The Health Protection (Coronavirus, Travel from Denmark) (Revocation) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/289 The Health Protection (Coronavirus, International Travel) (Amendment No. 24) Regulations (Northern Ireland) 2020 (Department of Health)

Revised Explanatory Memorandum for SR 2020/293 The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (Department of Agriculture, Environment and Rural Affairs)

Explanatory Memorandum for SR 2020/274 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/287 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 17) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/290 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 18) Regulations (Northern Ireland) 2020 (Department of Health)

7. Written Ministerial Statements

COVID-19 Vaccine (Minister of Health)

Decisions of the Executive on COVID-19 (First Minister and deputy First Minister)

8. Consultation Documents

9. Departmental Publications

Coronavirus Act 2020 Temporary Modification of Education Duties (No.16) Notice (Northern Ireland) 2020 (Department of Education)

10. Agency Publications

11. Westminster Publications

12. Miscellaneous Publications

Proxy Voting Notices – Monday 7 December 2020

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Monday 7 December 2020:

Andy Allen	Gerry Kelly
Martina Anderson	Liz Kimmins
Caoimhe Archibald	Naomi Long
Kellie Armstrong	Gordon Lyons
Rosemary Barton	Séan Lynch
Roy Beggs	Nichola Mallon
John Blair	Declan McAleer
Cathal Boylan	Fra McCann
Paula Bradley	Daniel McCrossan
Paula Bradshaw	Patsy McGlone
Nicola Brogan	Colin McGrath
Jonathan Buckley	Philip McGuigan
Pat Catney	Maolíosa McHugh
Alan Chambers	Sinead McLaughlin
Stewart Dickson	Justin McNulty
Linda Dillon	Andrew Muir
Diane Dodds	Karen Mullan
Jemma Dolan	Conor Murphy
Gordon Dunne	Mike Nesbitt
Mark Durkan	Robin Newton
Alex Easton	Carál Ní Chuilín
Sinéad Ennis	Michelle O'Neill
Arlene Foster	Matthew O'Toole
Órlaithí Flynn	Edwin Poots
Colm Gildernew	George Robinson
Paul Givan	Emma Rogan
Deirdre Hargey	Pat Sheehan
Harry Harvey	Emma Sheerin
David Hilditch	Christopher Stalford
Cara Hunter	John Stewart
William Irwin	Mervyn Storey
Declan Kearney	Robin Swann
Dolores Kelly	Peter Weir

Northern Ireland Assembly

Tuesday 8 December 2020

The Assembly met at 10.30am, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Assembly Business

The Speaker advised the Assembly that junior Minister Gordon Lyons would be moving the motions to approve two draft Statutory Rules on behalf of the Minister of Agriculture, Environment and Rural Affairs, that the motions were re-laid by the Executive Office to facilitate this arrangement, and that a revised Order Paper was issued that morning to reflect this.

3. Executive Committee Business

3.1 **Motion: The draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020**

Proposed:

That the draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

Debate ensued.

The Question being put, the motion was carried.

3.2 **Motion: The draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020**

Proposed:

That the draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

Debate ensued.

The Principal Deputy Speaker took the Chair.

The Question being put, the motion was carried (Division).

3.3 Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020**Proposed:**

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 be approved.

Minister of Justice

Motion: The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020**Proposed:**

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved.

Minister of Justice

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020**Proposed:**

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 be approved.

Minister of Justice

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020**Proposed:**

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 be approved.

Minister of Justice

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020**Proposed:**

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 be approved.

Minister of Justice

A single debate ensued on all five motions.

The sitting was suspended at 12.51pm.

The sitting resumed at 2.00pm, with the Deputy Speaker, Mr Beggs, in the Chair.

4. Question Time

4.1 Economy

Questions were put to, and answered by, the Minister for the Economy, Mrs Diane Dodds.

The Speaker took the Chair.

4.2 Education

Questions were put to, and answered by, the Minister of Education, Mr Peter Weir.

The Deputy Speaker, Mr McGlone, took the Chair.

4.3 Assembly Commission

Questions were put to, and answered by, Members of the Assembly Commission.

The Principal Deputy Speaker took the Chair.

5. Executive Committee Business (cont'd)

5.1 Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 (cont'd)

Motion: Motion: The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 (cont'd)

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 (cont'd)

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 (cont'd)

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020

Debate resumed on all five motions.

The Question being put, the motion on the Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 was carried.

The Question being put, the motion on the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 was carried.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 was carried.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 was carried.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 was carried.

The Speaker took the Chair.

6. Committee Business

6.1 Proposed: Committee for the Economy Macro Economic Outlook Micro Inquiry Special Report

That this Assembly welcomes the Committee for the Economy's Special Report [NIA 56/17-22] providing evidence on how the economy has been impacted as a result of the COVID-19 pandemic, and ideas on how to rebuild it better; supports the development of cross-departmental plans to boost our economic, health and social wellbeing, by investing in infrastructure, skills, manufacturing and industry; recognises that collaboration across Government is vital and will translate into social progress where people, communities and high streets thrive and prosper, and where good jobs are created along with the skills and networks needed to raise productivity and earnings; and calls on the Minister for the Economy, and her Executive colleagues, to use this evidence in planning our economic recovery and future.

Chairperson, Committee for the Economy

Debate ensued

The Question being put, the motion was carried.

7. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 7.45pm.

Mr Alex Maskey

The Speaker

8 December 2020

Northern Ireland Assembly

8 December 2020

Division

Motion: The draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Proposed:

That the draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

The Question was put and the Assembly divided.

Ayes: 81

Noes: 2

AYES

Dr Aiken, Mr Allen, Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dickson, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Durkan, Mr Easton, Ms Ennis, Ms Flynn, Mrs Foster, Mr Frew, Mr Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyons, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Ms Mullan, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ni Chuilin, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Mr Storey, Mr Weir, Miss Woods.

Tellers for the Ayes: Ms Brogan, Mr McGuigan.

NOES

Mr Allister, Mr Wells.

Tellers for the Noes: Mr Allister, Mr Wells.

The motion was carried.

The following Members' votes were cast by their notified proxy in this division:

Mr Lyttle voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long and Mr Muir.

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Chambers, Mr Nesbitt, and Mr Stewart.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

Papers Presented to the Assembly on 8 December 2020

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
5. Assembly Reports
Macro-Economic Outlook Micro Inquiry Special Report (NIA 56/17-22) (Committee for the Economy)
6. Statutory Rules
SR 2020/308 The Rate Relief (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 (Department of Finance)
SR 2020/305 The Gas (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (Department for the Economy)
7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
Probation Board Practice in Northern Ireland (Criminal Justice Inspection Northern Ireland)
11. Westminster Publications
12. Miscellaneous Publications

Northern Ireland Assembly Legislation:

Stages in Consideration of Public Bills

First Stage: Introduction of Bill.

Second Stage: General debate of the Bill with an opportunity for Members to vote on its general principles.

Committee Stage (Comm. Stage): Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

Consideration Stage (CS): Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

Further Consideration Stage (FCS): Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

Final Stage: Passing or rejecting of Bill by the Assembly, without further amendment.

Royal Assent.

Proceedings as 8 December 2020

2017-2022 Mandate

Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill (NIA Bill 02/17-22)	24/02/20	25/02/20	/	/	02/03/20	03/03/20	09/03/20	26/03/20
Domestic Abuse and Family Proceedings Bill (NIA Bill 03/17-22)	31/03/20	28/04/20	15/10/20		17/11/20			
Private Tenancies (Coronavirus Modifications) Bill (NIA Bill 04/17-22)	21/04/20	21/04/20	/	/	28/04/20	/	28/04/20	04/05/20
Budget (No. 2) Bill (NIA Bill 05/17-22)	26/05/20	26/05/20	/	/	01/06/20	02/06/20	02/06/20	17/06/20
Housing Amendment Bill (NIA Bill 06/17-22)	26/05/20	01/06/20	/	/	16/06/20	23/06/20	30/06/20	28/08/20
Pension Schemes Bill (NIA Bill 07/17-22)	23/06/20	07/07/20	29/01/21	19/11/20				

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Executive Committee (Functions) Bill (NIA Bill 08/17-22)	06/07/20	06/07/20	/	/	21/07/20	27/07/20	28/07/20	25/08/20
Budget (No. 3) Bill (NIA Bill 09/17-22)	19/10/20	20/10/20	/	/	02/11/20	09/11/20	10/11/20	25/11/20
The Licensing and Registration of Clubs (Amendment) Bill (NIA Bill 10/17-22)	19/10/20	03/11/20						
The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)	03/11/20	16/11/20						
The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)	23/11/20	01/12/20						

2017-2022 Mandate**Non-Executive Bills**

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22)	03/02/20	16/03/20	02/12/20	11/11/20	24/11/20			

/ Bills progressing by accelerated passage

Proxy Voting Notices – Tuesday 8 December November 2020

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Tuesday 8 December 2020:

Andy Allen	Dolores Kelly
Martina Anderson	Gerry Kelly
Caoimhe Archibald	Liz Kimmins
Kellie Armstrong	Naomi Long
Rosemary Barton	Gordon Lyons
Roy Beggs	Séan Lynch
John Blair	Nichola Mallon
Cathal Boylan	Declan McAleer
Paula Bradley	Fra McCann
Sinead Bradley	Daniel McCrossan
Paula Bradshaw	Patsy McGlone
Nicola Brogan	Colin McGrath
Jonathan Buckley	Philip McGuigan
Pat Catney	Maolíosa McHugh
Alan Chambers	Sinead McLaughlin
Stewart Dickson	Justin McNulty
Linda Dillon	Andrew Muir
Diane Dodds	Karen Mullan
Jemma Dolan	Conor Murphy
Gordon Dunne	Mike Nesbitt
Mark Durkan	Robin Newton
Alex Easton	Carál Ní Chuilín
Sinéad Ennis	Michelle O'Neill
Arlene Foster	Edwin Poots
Órlaithí Flynn	George Robinson
Colm Gildernew	Emma Rogan
Paul Givan	Pat Sheehan
Deirdre Hargey	Emma Sheerin
Harry Harvey	Christopher Stalford
David Hilditch	John Stewart
Cara Hunter	Mervyn Storey
William Irwin	Robin Swann
Declan Kearney	Peter Weir

